

City of Ramsey
Agenda (Revision 2 of 2)
Regular Planning Commission
Thursday, November 2, 2017
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

1. **Call to Order**
2. **Citizen Input**
3. **Approve Agenda**
4. **Approve Minutes**
5. Public Hearing
 1. PUBLIC HEARING: Consider Request for a Variance to Rear Yard Setbacks to Accommodate an Addition to the Rear of the Home at 15395 Armstrong Blvd NW; Case of Peter and Lynn Medved
6. Commission Business
 1. Consider Sketch Plan Review for Rum River Prairie (Project #17-149); Case of Eric Thomsen
 2. Consider Recommendations related to proposed Villas at North Fork subdivision; Case of Paxmar, LLC (Project No. 17-145)
 1. Comprehensive Plan Amendment from Rural Developing to Medium Density Residential
 2. Zoning Amendment from Planned Unit Development to R-2 Residential
 3. Preliminary Approvals related to proposed North Fork Meadows subdivision; Case of Paxmar, LLC (Project No. 17-126)
 1. Introduce Ordinance #17-16 Approving a Conditional Zoning Amendment to Planned Unit Development
 2. Adopt Resolution #17-10-276 Authorizing Conditional Rezoning Agreement
 4. Review Concept Plan for Affinity at Ramsey; Case of Inland Group
7. Comprehensive Plan Update Items
8. **Commission/Staff Input**
 1. Zoning Bulletins
9. **Adjournment**

Regular Planning Commission

5. 1.

Meeting Date: 11/02/2017

By: Chris Anderson, Community
Development

Information

Title:

PUBLIC HEARING: Consider Request for a Variance to Rear Yard Setbacks to Accommodate an Addition to the Rear of the Home at 15395 Armstrong Blvd NW; Case of Peter and Lynn Medved

Purpose/Background:

The City has received an application from Peter and Lynn Medved (the "Applicant") to construct an addition to the rear of their home at 15395 Armstrong Blvd NW (the "Subject Property") that would encroach into the required rear yard setback.

Notification:

In accordance with State statute, Staff attempted to notify property owners within 350 feet of the subject property of the public hearing via Standard US Mail. The Public Hearing was also noticed in the Anoka County Union Herald, the City's official newsletter for public notices.

Observations/Alternatives:

The Subject Property is located within the R-1 Residential (Rural Developing) District, which requires a forty (40) foot rear yard setback. The home on the Subject Property is currently about forty-six (46) feet from the rear lot line. The Applicant has proposed construction of a fourteen foot by twenty-four foot (14' x 24') addition off the rear wall of the home that would be approximately thirty-two (32) feet from the rear lot line.

In 2000, the former owner of the property had applied for a Minor Subdivision to split an approximate twenty (20) acre parcel into two (2), ten (10) acre lots, one of which would become the Subject Property. The Sketch Plan had been reviewed by the Planning Commission with direction to proceed to Final Plat. However, shortly after the review of the Sketch Plan, the City initiated takings proceedings to acquire the necessary right of way for the extension of 153rd/155th Ave (now known as Alpine Drive) east from Armstrong Blvd. Subsequent to that action, the Final Plat was approved.

There was (and still is) a large wetland complex that forced the location for the road extension further west than it otherwise would have been, creating a fairly narrow lot, especially for the R-1 Residential (Rural Developing) District (approximate depth of 160 feet). At that time, about eight (8) acres that had been a part of the Subject Property was separated from the home site by Alpine Drive. That portion consisted almost entirely of wetland and had been completely encumbered with drainage and utility easement. Thus, in 2009, the City ended up acquiring the remainder of the land that was east of Alpine Drive.

The existing home on the Subject Property, which does meet all required setbacks, was constructed after the construction of Alpine Drive. However, due to the acquisition of right-of-way, the siting of the home was somewhat limited based on required setbacks. The proposed home addition is a three/quarter season porch that is elevated off the ground. It will be finished with lap siding, windows and architectural shingles consistent with the home.

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

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

The proposed home addition is a reasonable in a residential district. The narrow depth of the lot is the result of the acquisition of right-of-way for the extension of Alpine Drive. It is because of this right-of-way acquisition that the proposed addition now is unable to meet the minimum required rear yard setback. Based on the undevelopable land east of Alpine, the tree cover and existing accessory structures between the home on the Subject Property and the two adjacent parcels, the proposed addition would not alter the essential character of the locality.

Alternatives

Alternative 1: Adopt Resolution #17-11-280 granting a variance to rear yard setbacks for a proposed home addition on the Subject Property. The proposed addition is a reasonable use on a residential property. The narrow depth of the lot is due to the City's acquisition of right-of-way for the extension of Alpine Drive, which is resulting in the need for the variance. The proposed home addition will be consistent with the exterior finish of the home and will be somewhat screened from Alpine Drive. Staff supports this alternative.

Alternative 2: Do not grant the variance to the rear yard setback requirement. While the proposed addition would encroach into the required rear yard setback for the R-1 Residential (Rural Developing) District, it is not a significant encroachment (it would still comply with the required setback in the MUSA area). Furthermore, the lot does not back up to another lot, so there is not nearby living space from an adjacent property, which is one of the reasons for the setback standard. Staff does not support this alternative.

Funding Source:

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

Recommendation:

Staff recommends approving the request for a variance to the rear yard setback requirement.

Action:

Motion to adopt Resolution #17-11-280 granting a variance for the proposed addition to encroach into the rear yard setback at 15395 Armstrong Blvd NW.

Attachments

[Site Location Map](#)

[Site Plan](#)

[Home Addition Plans](#)

[Resolution #17-11-280: Draft Findings and Variance](#)

Form Review

Inbox

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 10/30/2017

Reviewed By

Tim Gladhill

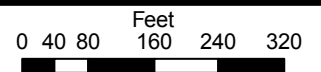
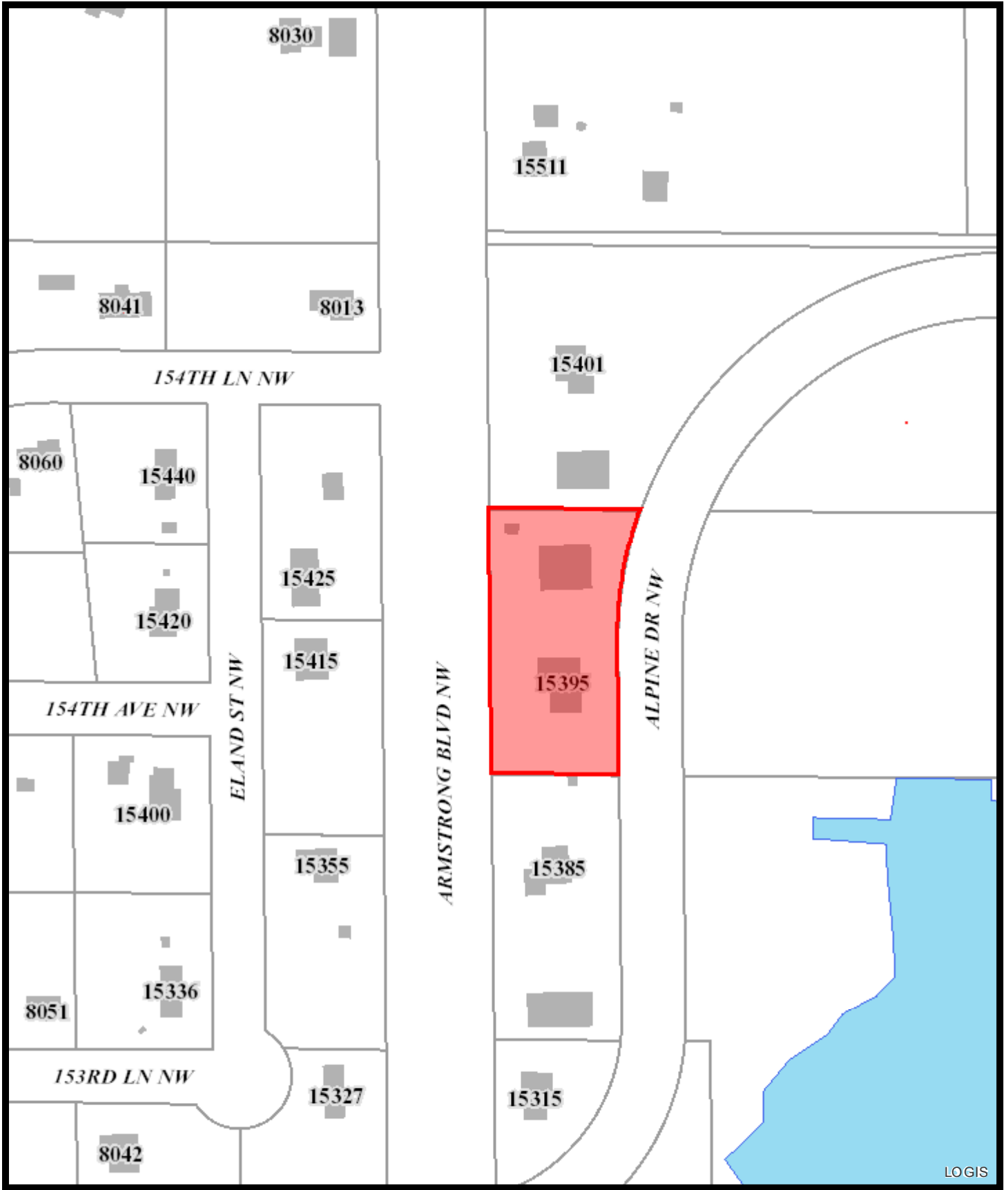
Date

10/30/2017 12:59 PM

Started On: 10/26/2017 10:38 AM

Site Location Map

15395 Armstrong Blvd. NW



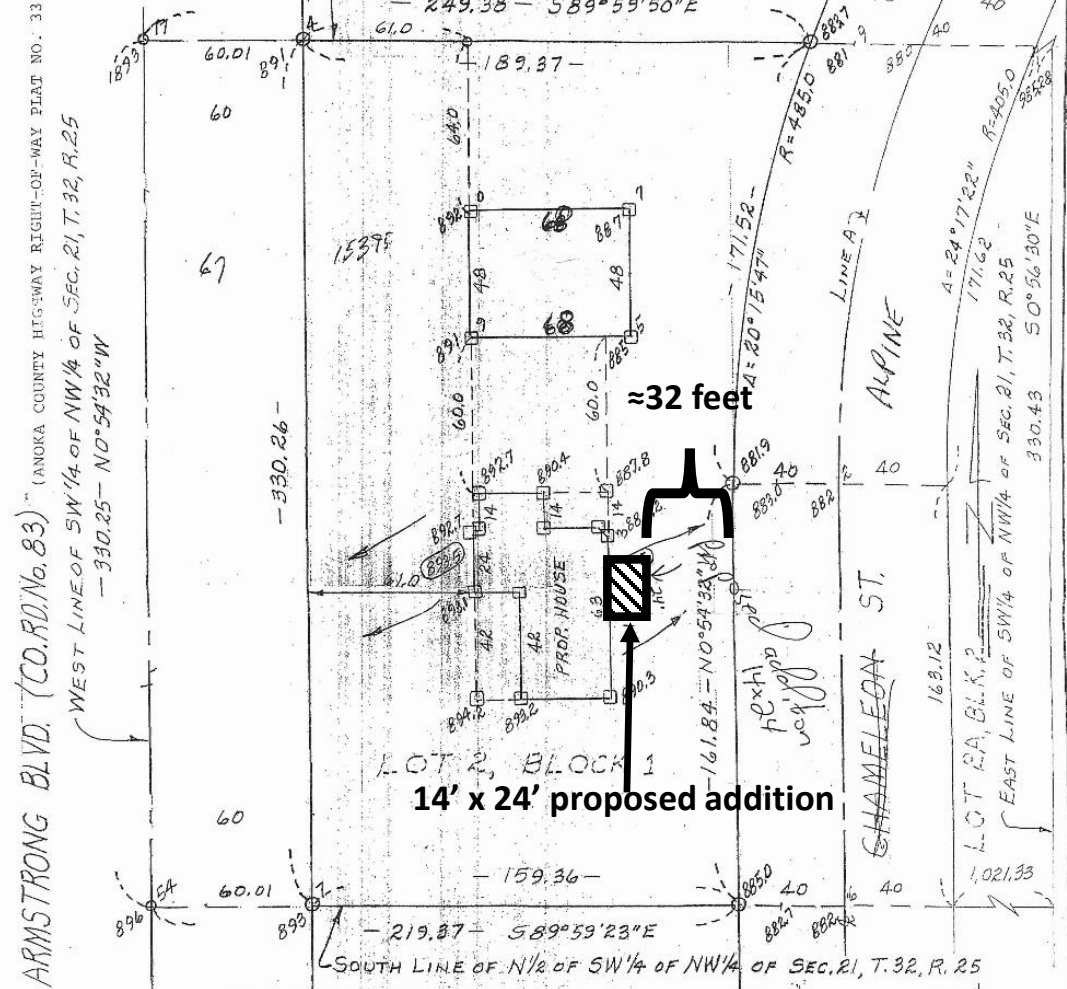
N.C. HOIUM AND ASSOCIATES, INC.

10731 Mississippi Blvd. N.W.
Coon Rapids, MN 55433 Phone (612) 421-7822

Land Surveyors

JEFF WERNER
DAVID A SMITH

CERTIFICATE OF SURVEY:



ARMSTRONG BLVD. (CO. RD. No. 83)
(ANOKA COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 33)
WEST LINE OF SW 1/4 OF NW 1/4 OF SEC. 21, T. 32, R. 25
-330.25- N0°54'32"W

Proposed garage level = _____
Proposed top of block = _____
Proposed lowest level = _____

LEGAL DESCRIPTION:

The South Half of the North Half of the Southwest Quarter of the Northwest Quarter of Section 21, Township 32, Range 25, Anoka County, Minnesota lying Easterly of ANOKA COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 33 and lying Westerly of a line parallel to and 40 feet Westerly of the following described line A:

Commencing at the southwest corner of said Northwest Quarter; thence North 0 degrees 54 minutes 32 seconds West, assumed bearing along the west line of said Northwest Quarter, a distance of 79.79 feet to the point of beginning of said "Line A"; thence North 74 degrees 59 minutes 09 seconds East a distance of 60.75 feet; thence northerly a distance of 351.02 feet along a tangential curve concave to the northwest having a radius of 265.00 feet and a central angle of 75 degrees 53 minutes 41 seconds; thence North 0 degrees 54 minutes 32 seconds West, tangent to said curve a distance of 467.21 feet; thence northeasterly a distance of 706.03 feet along a tangential curve concave to the southeast having a radius of 445.00 feet and a central angle of 90 degrees 54 minutes 15 seconds; and there terminating.
(Also known as Lot 2, Block 1 and Lot 2A, Block 2, SMITH ADDITION, Anoka County, Minnesota) Unrecorded

SCALE: 1 inch = 40 feet

- Denotes Iron set
- Denotes spike
- Denotes water
- Denotes existing elevation
- Denotes Proposed elevation
- Denotes drainage

RECEIVED
SEP 15 2007

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

N.C. Hoiu

Date Aug. 1, 2001 Reg. No. 4427

IN 0824-281/12-13

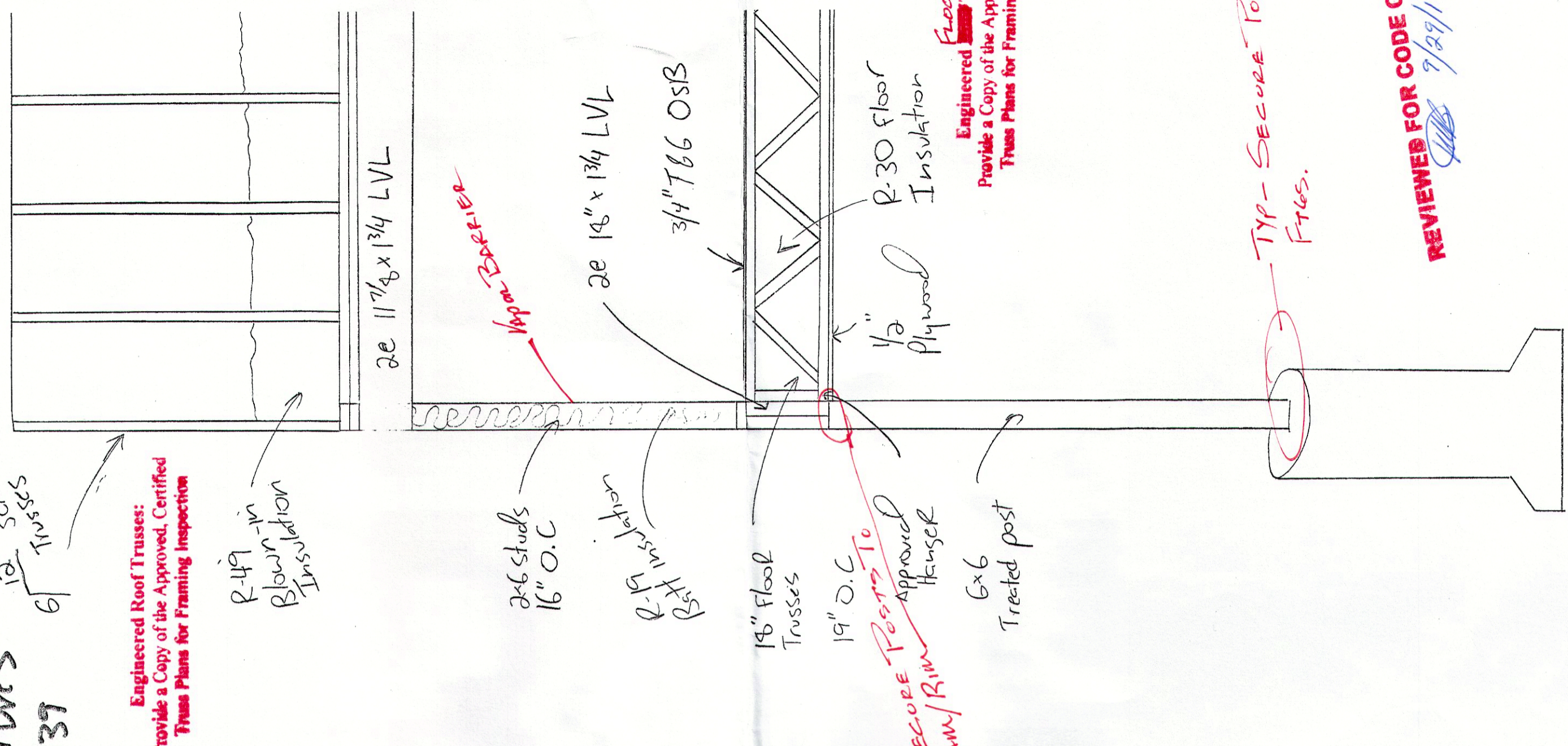
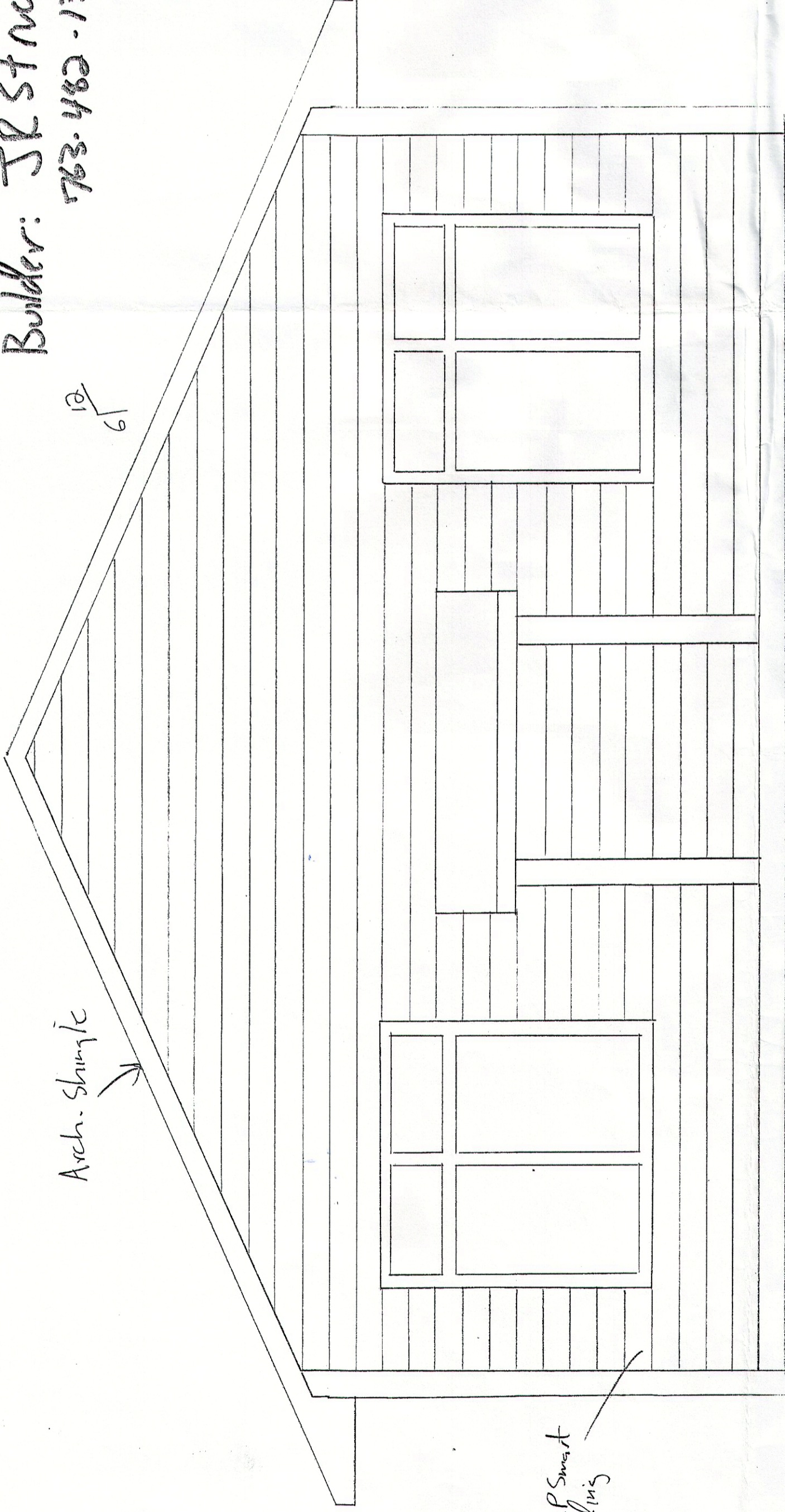
RECEIVED
SEP 15 2017
BY

Pete Lynn Medved 14x24 Addition

1537S Armstrong Blvd

Builder: JR Structures
763-482-1337

12/6/17
SASSER TRUSSES
@ 24" O.C



Engineered Roof Trusses:
Provide a Copy of the Approved, Certified
Truss Plans for Framing Inspection

R-49
Blow-in
Insulation

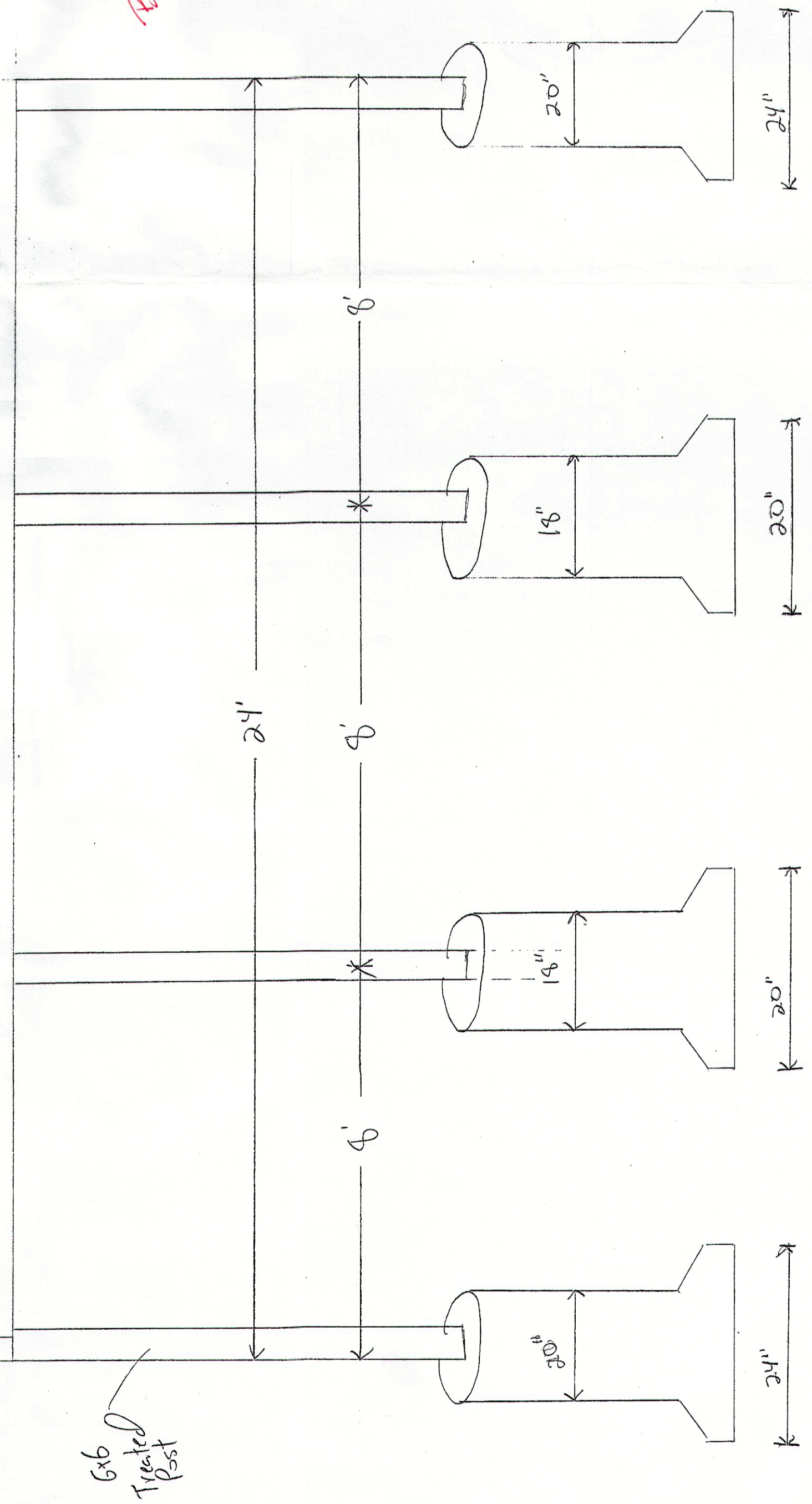
2x6 studs
16" O.C
R-19
Insulation

18" Floor
Trusses
19" O.C
SECURE POSTS TO
APPROVED
TRUSSES
6x6
Treated post

Engineered Floor Trusses:
Provide a Copy of the Approved, Certified
Truss Plans for Framing Inspection

TYP - SECURE POST TO
FRAMES.

REVIEWED FOR CODE COMPLIANCE
9/29/17



35782

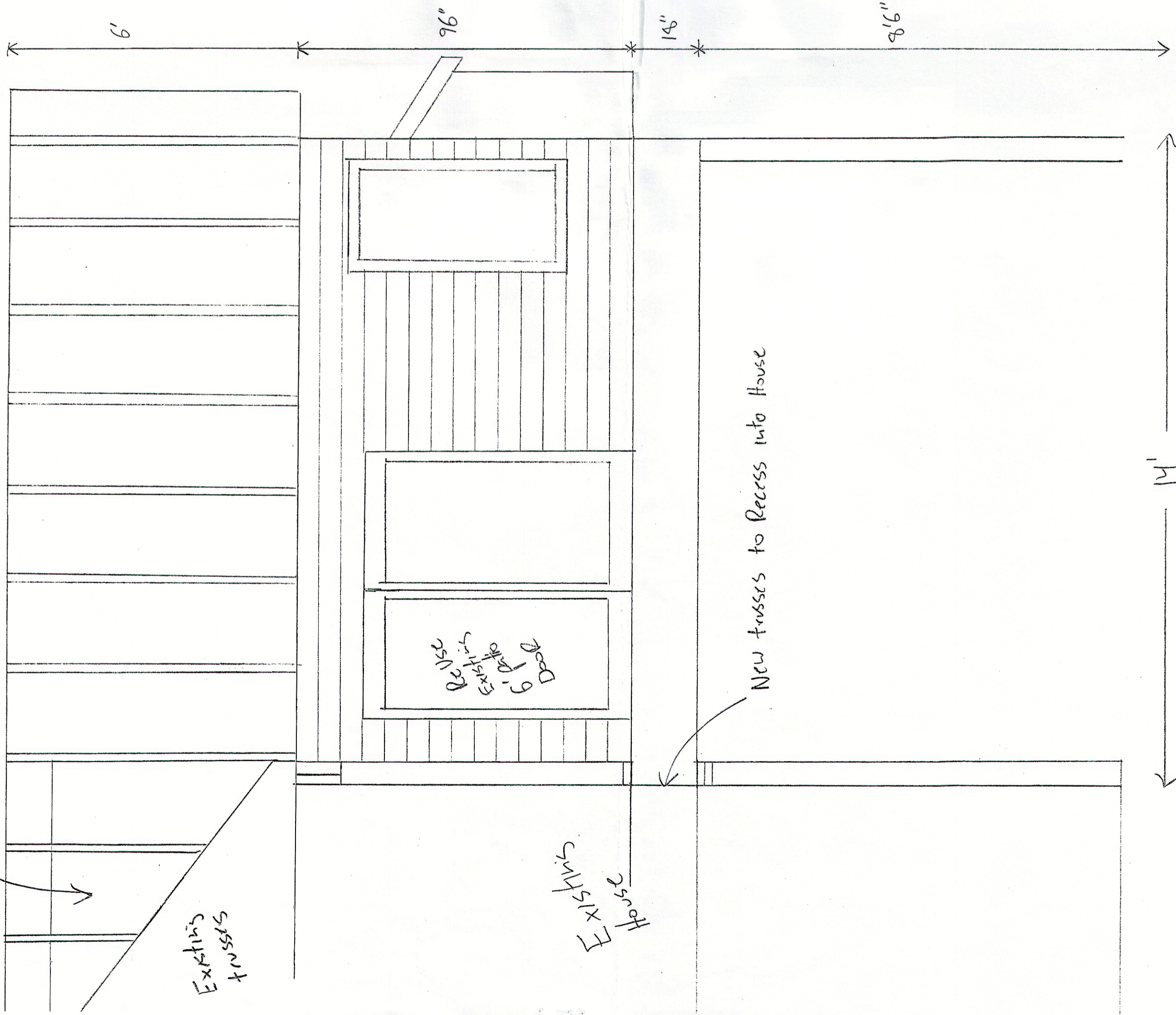
Pete Glynn Meched 17x24 Addition

15395 Armstrong Blvd

Builder: JR Structures
763-482-1339

Ice + WATER REED.

Hand Frame



Existing Trusses

Existing Trusses

2x11 7/8 x 13/4 LVL for 12' opening into Existing

Also 2x12's 2x10's 2x8's 6\"

Existing House

New trusses to Recess into House

Existing House

Pete & Lynn Medved 14x24 Addition 15395 Armstrong Blvd

Builder: JK Structures

Existing
House

open Existing wall @ 12'
2x 117/8 x 13/4 LVL

Five #3
2x 12
Floor
Support
Openings Down To
For Wall Below

• Joints To Take
Pileup @ 4" Max
Opening Without Deck
on Exterior

18" Floor Truss
19" o.c.

R-15 Batt insulation

R-30 Floor

• Upgrade
F.P. Heat
#

Gas
F.P.

14'

24'

• Will Need To Verify Smoke +
Carbon Monoxide Detectors
Compliance @ Sops Final Insp

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

RESOLUTION #17-10-280

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO THE REAR YARD SETBACK ON THE PROPERTY GENERALLY KNOWN AS 15395 ARMSTRONG BOULEVARD NW AND DECLARING TERMS OF SAME.

RECITALS

1. Peter Medved and Lynn Medved, husband and wife, hereinafter referred to as the “Permittee”, have properly applied for a Variance to the rear yard setback to construct an addition on the rear of the home on the property located at 15395 Armstrong Blvd NW and legally described as follows:

Lot 2 Block 1 Smith Addition, Anoka County Minnesota

(“Subject Property”)

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 of the Ramsey City Code on November 2, 2017, and that the 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 R-1 Residential (Rural Developing) District; the surrounding parcels are also zoned R-1 Residential (Rural Developing).
4. That in 2000, the then property owner applied for a Sketch Plan (Smith Addition) review to subdivide an approximately twenty (20) acre parcel into two (2) ten (10) acre parcels.
5. That prior to Final Plat review of Smith Addition, the City acquired a portion of the Subject Property for right-of-way for the eastward extension of 153rd Ave NW (now known as Alpine Drive).
6. That the Subject Property was originally approximately ten (10) acres in size.
7. That the right-of-way boundary was sited such that it avoided impacts to the large wetland complex to the east, leaving the Subject Property with a rather narrow depth (approximately 160 feet).
8. That a home was constructed on the Subject Property to meet the minimum required setbacks and is approximately forty-six (46) feet from the rear lot line.
9. That in 2009, the City acquired the approximately 7.7 acres of land east of Alpine Drive that had been separated from the remainder of the Subject Property.

10. That the Subject Property is now approximately 1.24 acres in size.
11. That the Permittee also owns the home on the parcel to the south.
12. That there is tree cover between the Subject Property and the home to the south providing some screening of the rear yard.
13. That there are two large accessory buildings between the Permittee's home and the home on the parcel to the north, completely screening the Permittee's rear yard from the neighboring property to the north's home.
14. That surrounding properties to the north, south, and west are approximately the equivalent size as the Subject Property and the parcels to the east, which are undeveloped and consist almost entirely of wetland, are five (5) plus acres in size.
15. That the parcels on the east side of Alpine Drive are entirely encumbered with drainage and utility easements and are therefore not buildable.
16. That the Permittee has applied for a Building Permit to construct a fourteen foot by twenty-four foot (14' x 24') addition to rear wall of the home that would be approximately thirty-two (32) feet from the rear lot line.
17. That the proposed addition would have an exterior finish consisting of lap siding, windows, and architectural shingles that are consistent with the home.

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 117-53 (Variances) of the City Code.

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

That the Ramsey Planning Commission hereby grants approval of a variance (the "Variance") to construct a fourteen foot by twenty-four foot (14' x 24') addition (the "Addition") to rear of the home within the required rear yard setback on the Subject Property contingent upon the following conditions:

CONDITIONS

1. That there shall be no additional structures or additions constructed on the **Subject Property**, unless in accordance with City Code.
2. That the **Permittee** shall construct the **Addition** in accordance with all other provisions of City Code Section 117-111 (R-1 Residential District).
3. That the **Permittee** agrees to construct the **Addition** as shown in **Exhibit 1**.
4. That this **Variance** shall be perpetual in duration as long as the terms are herein complied with.
5. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
6. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the **Addition**, including a Building Permit.
7. 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.
8. That this **Variance** shall automatically expire if the use is not initiated by November 2, 2018 and issuance of the Building Permit shall constitute 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:

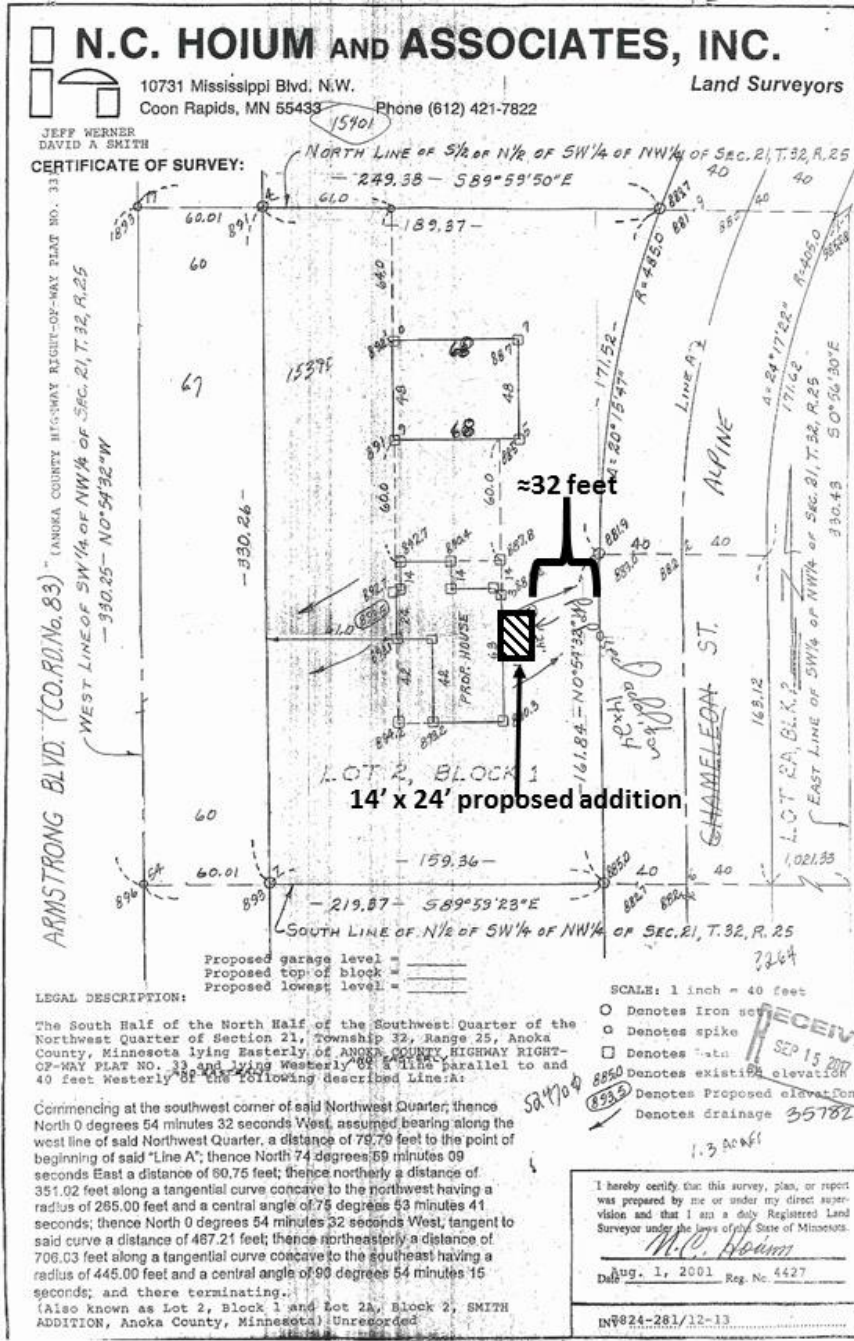
and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey Planning Commission this the 2nd day of November, 2017.

**Exhibit 1
Site Plan**



Regular Planning Commission

6. 1.

Meeting Date: 11/02/2017**Submitted For:** Tim Gladhill, Community Development**By:** Eric Maass, Community Development

Information**Title:**

Consider Sketch Plan Review for Rum River Prairie (Project #17-149); Case of Eric Thomsen

Purpose/Background:

The purpose of this case is to review a Sketch Plan for a proposed 24 lot detached single family subdivision located at the intersection of Armstrong Blvd and Tiger Street (PIDs 07-32-25-14-0001 and 07-32-25-13-0001, together, the "Subject Property"). The Subject Property is zoned R-1 Residential (Rural Developing) and the subject lots would be serviced by private well and septic services.

Notification:

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

Observations/Alternatives:

Sketch Plan Review is the first of several steps in reviewing a Major Plat, which includes Sketch Plan Review, Preliminary Plat, and Final Plat. This case is being reviewed per City Code Section 117-111 entitled R-1 Residential District and Chapter 117, Article III entitled Subdivisions.

The Subject Property is currently guided as Rural Developing in the Comprehensive Plan and is zoned as R-1 Residential (Rural Developing). This allows for the development of single family, detached dwellings with a density of one unit per 2.5 acres. The Sketch Plan is showing a total of twenty-four (24) lots over the eighty (80) acre site. Each of the lots would be serviced by private well and septic systems.

When preparing the Preliminary Plat, the Developer must demonstrate compliance with the bulk standards of the R-1 Residential (Rural Developing) District. It appears that all but two of the proposed lots shown on the Sketch Plan comply with the standards specified for this zoning district. Two lots appear deficient of the lot width requirement of 200 feet. In addition, the Applicant is showing an area identified as "Outlot A" on the southeast corner of the project site. If the area is not needed for stormwater, the Applicant would like to pursue this area as an additional lot. Staff is requesting feedback from the Planning Commission regarding a possible variance from lot area for this lot as it appears to be approximately 1.7 acres, where 2.5 acres are required. Adjacent lots outside of the proposed plat and next to the possible substandard lot appear to also not meet the 2.5 acre requirement. Specifics are outlined in the Staff Review File.

Eighteen of the lots will gain access from a newly proposed road, 169th Avenue that would run between Tiger Street NW and Baugh Street NW. Two lots would gain access off of Baugh Street and the final four lots would gain access off of a proposed cul-de-sac off of Tiger Street, north of Armstrong Boulevard.

The project will be subject to review by the Lower Rum River Watershed Management Organization (LRRWMO) regarding both wetlands and stormwater. A LRRWMO permit will be required.

Funding Source:

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

Recommendation:

No action requested at this time.

Action:

No action required. Provide feedback on the overall project prior to Preliminary Plat review.

Attachments

Site Location Map

Sketch Plan

Staff Review Letter

Form Review

Inbox

Tim Gladhill

Chris Anderson

Tim Gladhill

Form Started By: Eric Maass

Final Approval Date: 10/30/2017

Reviewed By

Tim Gladhill

Chris Anderson

Tim Gladhill

Date

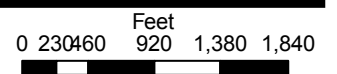
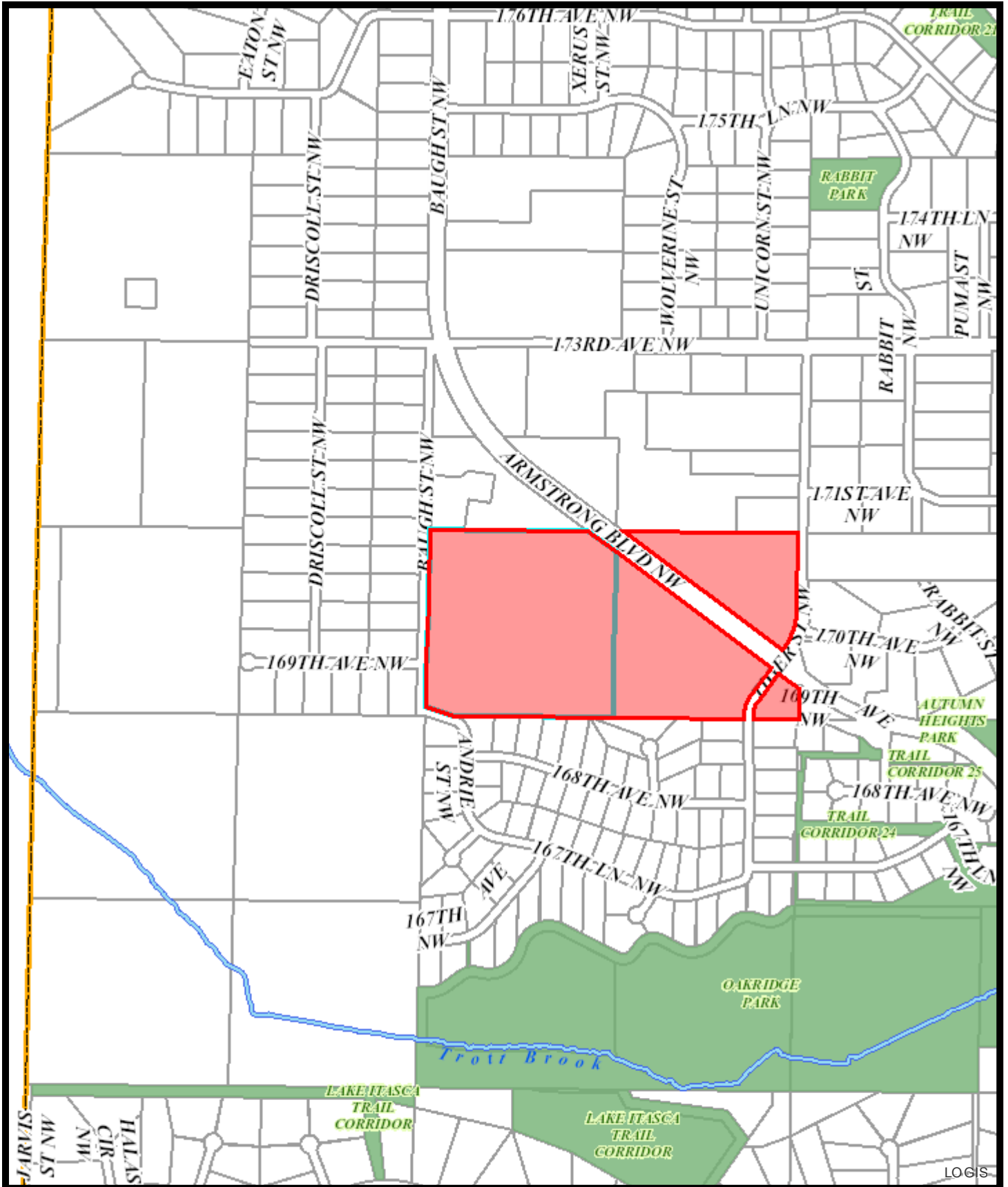
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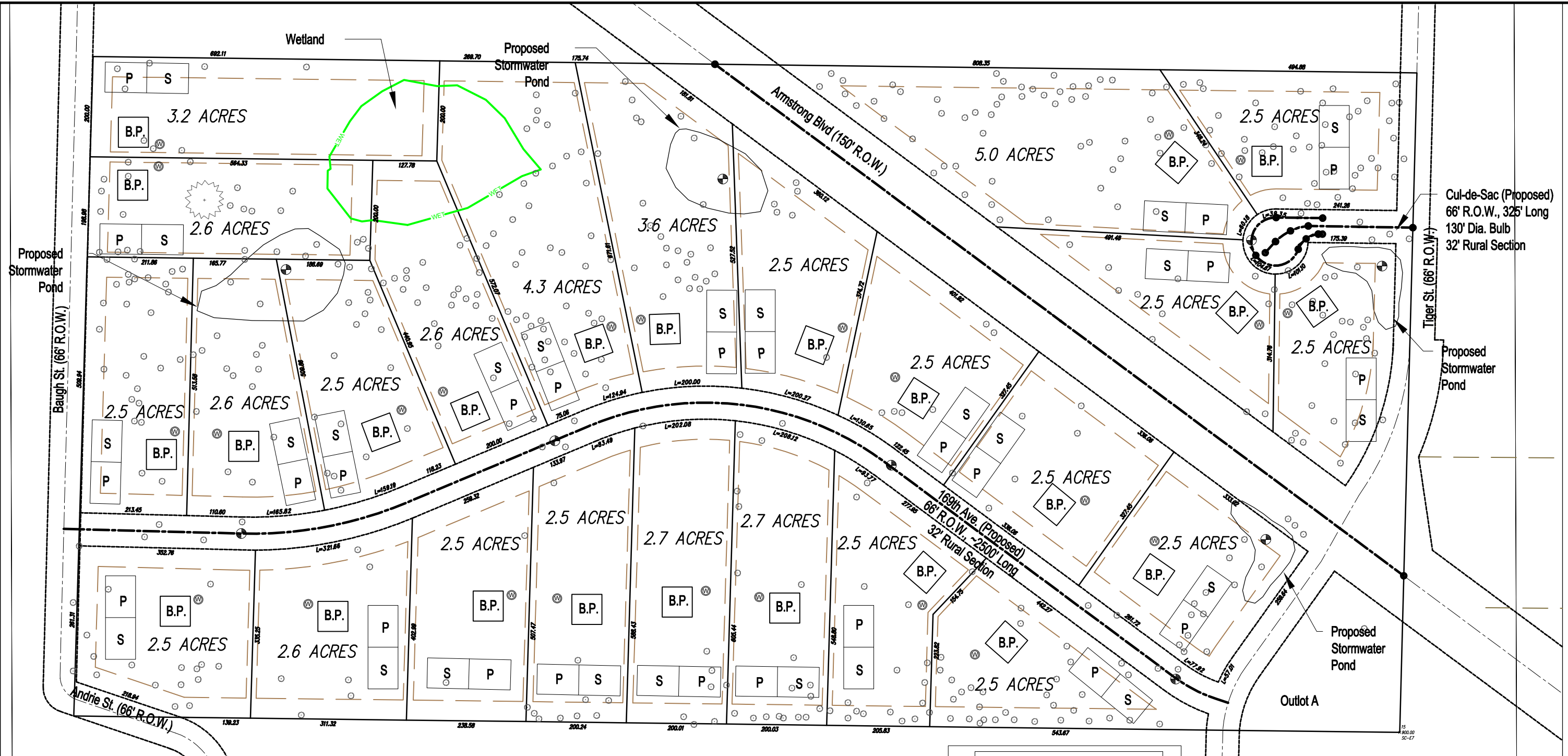
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Site Location Map

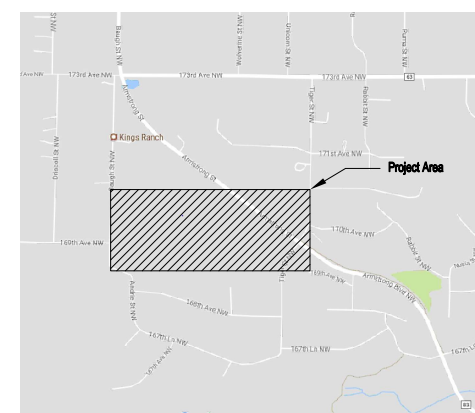


F:\\$HB FILES\2017\170163 ERIC THOMPSEN ARMSTRONG BLVD\600 DRAWINGS\SURVEY\170163 SKETCH 2017-09-26

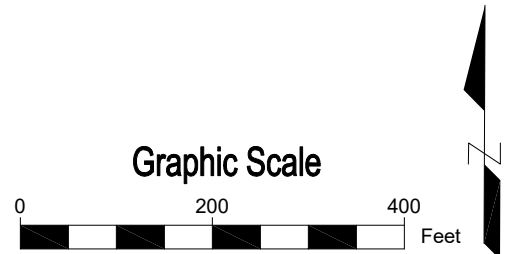


24 Single-Family Dwellings
 Approx. Net Density: 1 Dwelling per 2.81 Lot Acres
 Total Project SF: 3,480,800
 Total Project Acres: 80.0
 Total Lot SF: 3,026,413
 Total Lot Acres: 69.48

OWNER/DEVELOPER
 Brookview Estates, LLC.
 6210 Green Valley Rd.
 Ramsey, MN 55303



LINE TYPE & SYMBOL LEGEND	
[B.P.]	Proposed Building Pad Location (Subject to Change)
[P S]	Drain Field: (P)Primary & (S)Secondary (Subject to Change)
[W]	Proposed Well Location
[Tree]	Existing Tree
[Dashed]	Lot Lines
[Dotted]	Right-of-Ways
[Solid]	Structure Setback Line
[Green Line]	Wetland Edge
[Dashed]	Proposed Contour



Proposed Development for Eric Thomsen

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 ENGINEER OR ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
 NAME _____ LIC. NO. _____ DATE _____

DESIGNED BY:
 DRAWN BY:

LHB, Inc.
 DULUTH - MINNEAPOLIS
 21 W. Superior Street, Suite 500, Duluth, MN 55802
 tel (218) 727-8446 / fax (218) 727-8456
 www.LHBcorp.com

SE 1/4 of the NE 1/4 of Section 7, Township 32, Range 25 &
 SW 1/4 of the NE 1/4 of Section 7, Township 32, Range 25

SHEET
 1
 OF
 1

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

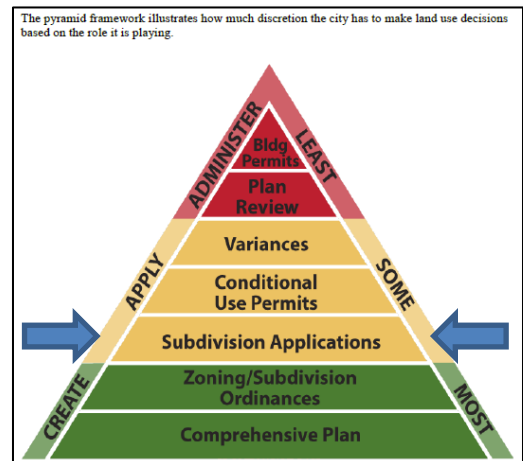
DATE	OCTOBER 27, 2017	PROJECT ADDRESS	NORTH AND SOUTH OF ARMSTRONG STREET AND WEST OF TIGER STREET NW
PROJECT TITLE	RUM RIVER PRAIRIE SKETCH PLAN		
ESCROW #			
DEPARTMENT:	Community Development: Planning Division (Zoning Code)		
TECHNICAL REVIEWER:	Name: Eric Maass, Consultant City Planner Phone: (763) 576-4306 Email: EMaass@wsbeng.com		

We offer the following comments regarding the Sketch Plan submittal for Rum River Prairie as it relates to the City’s Zoning Code. Sketch Plan submittal consists of one (1) sheet, prepared by LHB, Inc. and dated September 25, 2017, and was received by the City on October 2, 2017.

1. Primary and secondary septic system locations must be shown outside of all proposed drainage and utility easements as well as public right-of-way.
2. A standard drainage and utility easement shall be shown on all lots as well as provided over all stormwater ponds, wetlands, and the 16.5’ wetland setback area now required by City Code.
3. Preliminary Plat submittal will need to clearly label the sixteen and a half (16.5) foot wetland setback.
4. Lot width must be shown at the building setback (40 feet) for each lot. Staff suspects that the 5.0 acre and eastern most 2.5 acre lots off of the proposed cul-de-sac do not meet the 200 foot property width requirement and would require a variance.
5. Southern most lot accessing Baugh Street shown as 2.6 acres is shown as having a lot width of 198 feet where 200 feet is required. The lots will need to be adjusted to meet the 200 foot lot width requirement.
6. Add lot and block numbers to proposed lots.
7. Parks and Recreation Commission to discuss possible trail obligations or deferral (cash in lieu of construction).
8. The Applicant will need to have a noise study prepared and submitted as part of the Preliminary Plat application.

General. The Sketch Plan proposes re-platting two parcels, PID No. 07-32-25-14-0001 and 07-32-25-13-0001 (together, the “Subject Property”), one of which is bisected by Armstrong Boulevard, into twenty-four (24) single family residential lots. Four (4) of the lots would be accessed by a new public road off of Tiger Street NW, an additional eighteen (18) lots would gain access off of a proposed roadway identified as 169th Avenue, and the final two (2) lots would gain access off of Baugh Street, which is an existing public street.

Land Use and Zoning. The Subject Property is guided Rural Developing in the Comprehensive Plan and is zoned R-1 Rural Developing. The intent of the Rural Developing land use designation is to allow for the construction of single family



dwellings without access to municipal sewer and water and that would be serviced with private utilities (septic system and well).

Lot Sizes. The minimum lot size for the R-1 Residential District (Rural Developing) is two and a half (2.5) acres with a minimum lot width of 200 feet (at the building setback line). Note that lot width is measured at the property line abutting a street at the minimum setback line of the applicable zoning district.

Setbacks and Dimensional Standards.

Rural Developing	
Required	Proposed:
Front yard: 40 feet	40
Side yard uninhabitable: 10 feet	10
Side yard habitable: 10 feet	10
Side yard corner lot: 40 feet	40
Rear yard: 40 feet	40
Minimum lot width*: 200 feet	Several lots appear substandard of the 200 lot width.
Lot depth**: 100 feet with a minimum width of 60 feet	All lots appear to adhere to the requirement.
Wetland: 16.5 feet	16.5 feet

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

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

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

Density. The R-1 Residential regulations for the Rural Developing area allow for a gross density of one (1) unit per two and a half (2.5) acres. The proposed densities appear to comply with these standards.

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

Landscaping. Each lot is required to have two (2) front yard trees installed. These trees may be positioned in the boulevard area to serve as street trees (as spacing permits). Deciduous trees shall be at least one (1) inch in diameter and coniferous trees shall be at least five (5) feet in height. Each lot will also be subject to the City's topsoil requirement and this note should be included on the Landscape Plan at the time of Preliminary Plat application submittal.

Trails. The Planning Commission and Parks and Recreation Commission will review the sketch plan and provide feedback as it relates to possible trail obligations associated with the proposed development.

Tree Inventory. A tree inventory, prepared by an ISA Certified Arborist, shall be submitted at the time of Preliminary Plat application. The inventory shall include all oak trees and evergreens that are four (4) inches or

greater in size and all other deciduous trees that are eight (8) inches or greater in size (together, considered to be the significant trees on site). At least forty percent (40%) of the diameter inches of significant trees on site shall be retained. The inventory shall clearly indicate the species, diameter, condition, and whether a tree will be preserved or removed.

Streets and Access. The Sketch Plan indicates that 169th Avenue would be constructed to provide an east/west connection between Tiger Street and Baugh St and provide access to eighteen (18) of the proposed lots. Two (2) of the proposed lots would gain access from Baugh Street (existing). The remaining four (4) lots would be accessed by a new cul-de-sac extending off of Tiger Street on the north side of Armstrong Boulevard. Cul-de-sac length is limited to a maximum of 600 feet; the proposed length of the cul-de-sac is 325 feet.

Andrie Street cuts into the southwestern most portion of the sketch plan. The layout should reflect necessary right of way and actual lot size.

The sketch plan has been submitted to Anoka County for their review and comment as it relates to the intersection of Tiger Street and Armstrong Boulevard.

Staff is concerned about the amount of noise already created by Armstrong Boulevard and the effect it may have on the proposed lots along that roadway. The Applicant will need to have a noise study prepared and submitted as part of the Preliminary Plat application.

Grading and Drainage Plans. Grading and drainage plans will need to be prepared as part of the Preliminary and Final Plat submittals. A permit from the LRRWMO will be required. The Applicant will need to coordinate with the City's Engineering Department regarding the application materials prior to submittal to the LRRWMO.

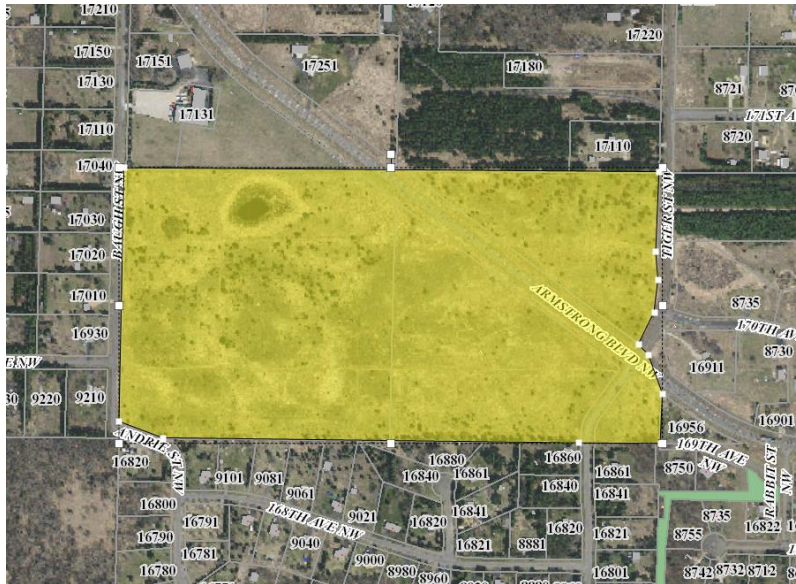
Development Fees. Development Fees will be due with the Plat including, but not limited to, Park Dedication, Trail Development, and Stormwater Management. These fees are collected at the time the Final Plat is recorded and at the rate in effect when the plat is recorded.

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

CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE

DATE	OCTOBER 26, 2017	PROJECT ADDRESS	NORTH AND SOUTH OF ARMSTRONG STREET AND WEST OF TIGER STREET NW
PROJECT. TITLE	RUM RIVER PRAIRIE SKETCH PLAN		
ESCROW #			
DEPARTMENT:	Community Development: Planning Division (Zoning Code)		
TECHNICAL REVIEWER:	Name: Chris Anderson, City Planner Phone: 763-433-9817 Email: canderson@cityoframsey.com		

General. The Sketch Plan proposes re-platting a parcel which is bisected by Armstrong Boulevard (PID No. 07-32-25-14-0001) into twenty-four (24) single family residential lots. Four of the lots would be accessed by a new public road off of Tiger Street NW, an additional eighteen (18) lots would gain access off of a proposed roadway identified as 169th Avenue, and the final two (2) lots would gain access off of Baugh St which is an existing public street.



Wetlands. At the time of preliminary plat, the plat sheet will need to show the wetland setback requirement which is 16.5 feet from the edge of the delineated wetland. The wetland setback area in addition to the wetland itself will be required to be encumbered with a drainage & utility easement.

Landscaping. More detailed plans, including Landscape and Tree Preservation plans, will need to be developed and submitted in the coming months as part of a Preliminary Plat package. Landscaping requirements are subject to the requirements of City Code [Section 117-111](#). Land disturbed as a result of this project that is not otherwise improved with buildings and other impervious surfaces (e.g. driveway) will be subject to the City’s topsoil requirement. Copies of load tickets will be required as part of the topsoil inspection process.

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

Meeting Date: 11/02/2017

By: Tim Gladhill, Community Development

Information

Title:

Consider Recommendations related to proposed Villas at North Fork subdivision; Case of Paxmar, LLC (Project No. 17-145)

1. Comprehensive Plan Amendment from Rural Developing to Medium Density Residential
2. Zoning Amendment from Planned Unit Development to R-2 Residential

Purpose/Background:

The purpose of this case is to consider a recommendation for a proposed Sketch Plan Review (100 lot subdivision), Comprehensive Plan Amendment (Rural Developing to Medium Density Residential + Urban Service Area Extension), Zoning Amendment (Northfork Planned Unit Development to R-2 Residential). Conditional Zoning Amendments are allowed by City Code Section 117-50 that allow a Zoning Amendment, but require that it follows a specific site plan to avoid the potential for a completely different project to be proposed after said Zoning Amendment.

This is the first time the Planning Commission has reviewed this project. Please note that Paxmar, LLC has previously proposed a separate project in close proximity to this proposal, known as North Fork Meadows. The current proposal, Villas at North Fork, is a new proposal on a different site proposed by the same developer.

The City has significant discretion in review of this project. Since the project requires a Comprehensive Plan Amendment and Zoning Amendment, the City is not obligated to approve said project. It has been the City's policy that the Developer must demonstrate a compelling reason to approve the change. This results in a higher standard of review compared to projects that meet all minimum standards of their respective zoning district.

Notification:

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

Observations/Alternatives:

Sketch Plan Review

Sketch Plan review affords the Planning Commission the opportunity to weigh in on the general layout of the project before the Developer incurs expenses related to the preparation of the Preliminary Plat (next step). The Preliminary Plat is the most important approval granted to a project, as it gives entitlement to the project. The Final Plat is the legal instrument recorded to subdivide the property into multiple parcels and includes construction-ready plans.

Similar to North Fork Meadows, the Developer is requesting that the Zoning Amendment be approved prior to preparation of Preliminary Plat. The attached Staff Review Letter outlines the process for this request. It is noted to be acceptable with a Conditional Rezoning Agreement, but it outside the City's normal sequence. Unlike North Fork Meadows, this project does also include a request for a Comprehensive Plan Amendment as well.

Future steps in review include the following.

1. Preliminary Plat
2. Final Plat

Conditional Zoning Amendment

City Code Section 117-50 permits the City to make a Zoning Amendment conditional upon a specific proposal. A concern was raised by the public at a previous public meeting that there was the potential to approve the Zoning Amendment, then have a different project come in based on the new zoning district. These two tools allow the City to protect itself from that scenario. The City Attorney has expressed some hesitation with this approach, but feels the concern can be adequately mitigated with the correct language in an agreement. The City Attorney wants to avoid perceptions of Contract Zoning (approval of a Zoning Amendment in exchange for some material consideration, namely cash), which is not permissible. The Developer (Paxmar) desires to have the Zoning Amendment approved, conditioned on substantial compliance with the current concept, before preparing preliminary plat materials (due to cost to prepare a Preliminary Plat). Ordinarily, the Zoning Amendment would run parallel with the Preliminary Plat, not before.

Funding Source:

All costs associated with processing the Application are the responsibility of the Developer. The Developer will be responsible for the costs of construction of all infrastructure internal to the site.

The Developer has requested that a cost share agreement be approved for the final segment of Puma Street. The Developer proposes to share the cost between itself, the City, and Capstone Homes (Owner/Developer of parcel to the west). This will be discussed in detail with the Preliminary Plat. Action at this stage does not obligate or commit the City to any investment in the project.

Recommendation:

The proposed subdivision is a significant departure from what was originally planned. Staff needs some broad policy direction from the Planning Commission and City Council. The City has the ability to approve said project, but is not obligated to do so. Staff could point out a number of positives of this project, but also acknowledges those benefits come at a cost.

Action:

Motion to recommend that the City Council approve/deny the request for the Comprehensive Plan Amendment and Conditional Zoning Amendment.

Attachments

[Site Location Map](#)

[Sketch Plan](#)

[Comprehensive Plan - Land Use Plan](#)

[City Code Section 117-112](#)

[Staff Review Letter](#)

Form Review

Inbox

Tim Gladhill (Originator)
Form Started By: Tim Gladhill
Final Approval Date: 10/31/2017

Reviewed By

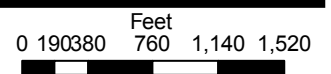
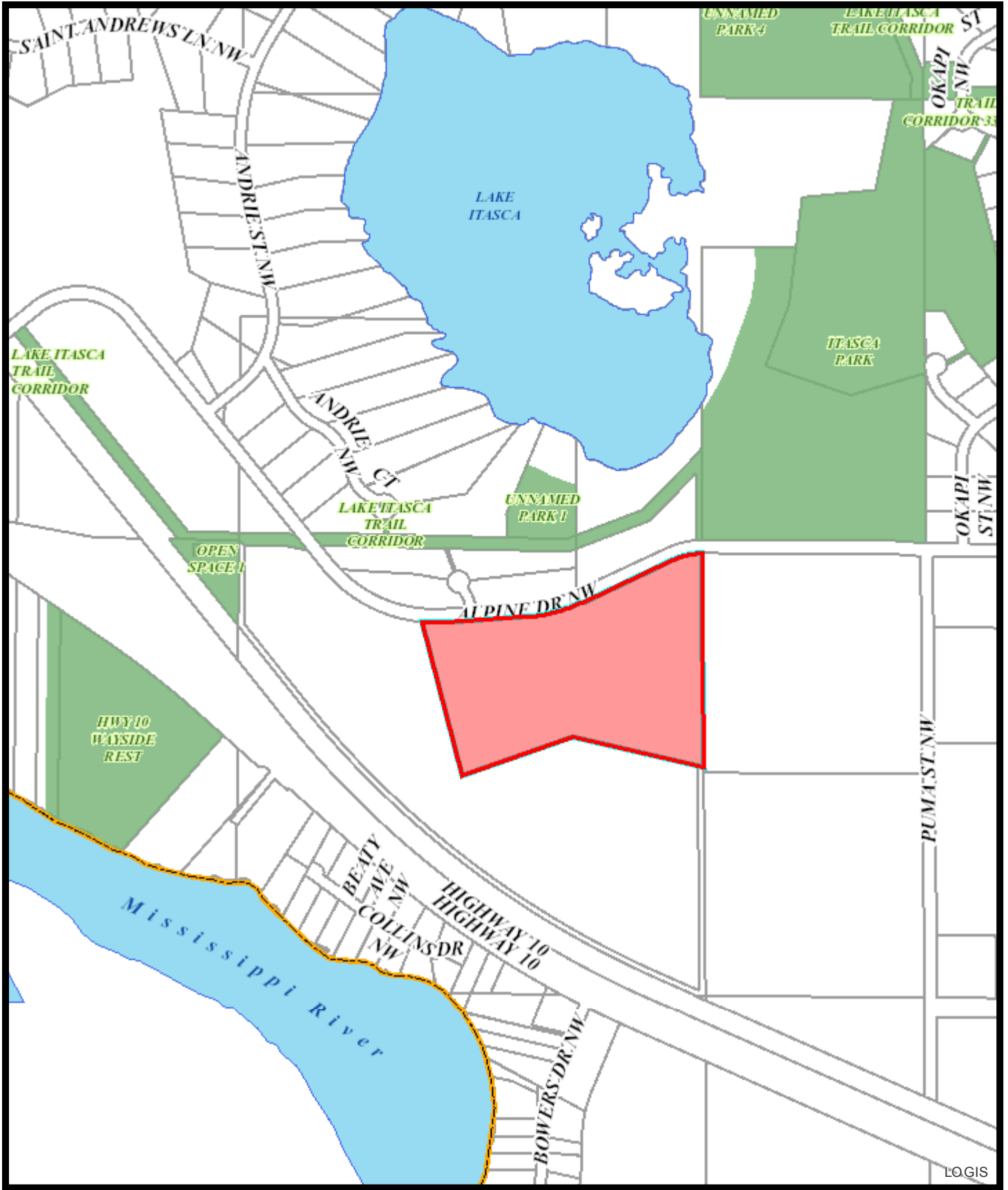
Tim Gladhill

Date

10/31/2017 09:19 AM
Started On: 10/31/2017 08:11 AM

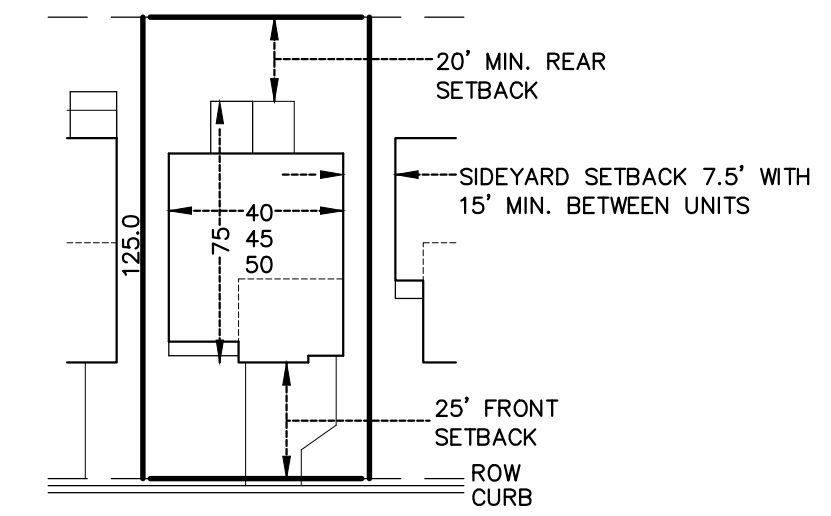
Site Location Map

Villas at Northfork





LOT DETAIL



NOTES

- 1) No field work has been completed at this time.
- 2) Subject property address – South of Alpine Drive NW and 1300 west of Puma Street, Ramsey, MN 55303.
- 3) Topography shown is LIDAR which was provided by the Minnesota Department of Natural Resources.
- 4) No Title Work has been furnished for this survey, property is subject to all easements of record, if any.

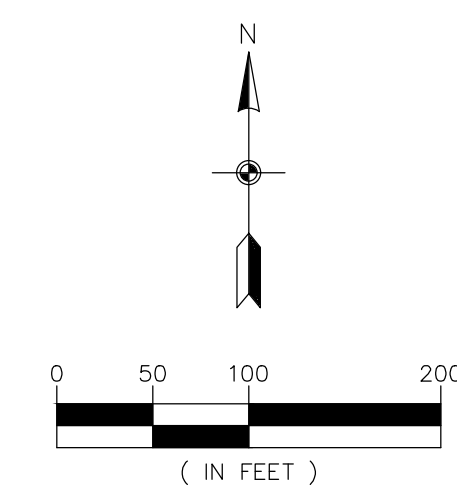
SITE DATA

TOTAL BOUNDARY AREA	±33.5 AC.
TOTAL NUMBER OF VILLA LOTS	100
65' VILLA LOTS	36
60' VILLA LOTS	35
55' VILLA LOTS	29

NET DENSITY: 3.88 LOTS/AC
(EXCLUDES ROW 5.13 AC.)

LOT SETBACK DATA

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



CONCEPT PLAN W/AERIAL
VILLAS AT NORTH FORK
 Ramsey, Minnesota

PAXMAR
 3495 Northdale, Suite 210
 Coon Rapids, Minnesota 55448

REVISIONS	
1.	
2.	
3.	
4.	
5.	
6.	
DRAWN BY:	C#
ISSUE DATE:	09/12/17
FILE NO:	XXX

5. LAND USE

A. Existing Land Use

1. General Land Use

The City of Ramsey is surrounded on three sides by other municipalities including the Cities of Elk River, Anoka and Oak Grove and Nowthen. All of these communities are growing communities except for Anoka, which is near fully developed. Ramsey is rapidly growing and has developed for the most part as a bedroom community with most developed land as low-density single family residential. The City has roughly 29 square miles of land, including roadways and open water. The following table represents the existing land use inventory for the City as a whole.

Table 5-1 Existing Land Use—2008

Land Use Category	Gross Acreage	Net Acreage	% of City*
Agricultural	1,956.82	1,693.65	10.2%
Commercial	360.35	326.35	1.9%
Industrial	425.40	421.76	2.2%
Landfill	157.62	151.58	0.8%
Multi-Family Residential	258.08	239.89	1.3%
Park	1,820.51	1,120.39	9.5%
Public/Quasi-public	347.60	284.02	1.8%
Rural Residential	6,888.71	5,576.42	36.0%
Single Family Residential	1,998.05	1,746.75	10.4%
Vacant	2,303.03	1,517.61	12.0%
Right-of-Way	2,043.76	2,043.76	10.7%
Water	568.24	568.24	3.0%
Wetland	0.00	3,437.74	-
Total City	19,128.16	19,128.16	100.0%

a) Residential

The City of Ramsey is predominantly a residential community. Over 7,500 acres have been developed as residential housing, the majority of which is in single family housing units. Other housing types include townhomes, a mobile home park and an apartment building.

The typical lot size within the Metropolitan Urban Services Area (MUSA) is around 10,000 to 12,000 square feet, however larger lots up to 5 acres in some areas can be found along the Mississippi and Rum Rivers. *Densities within smaller lot subdivisions range anywhere from 2 to 3 units per gross acre or roughly 2.5 to 3.5 units per net acre.* Net acre refers to total land area less major road right-of-way and wetlands.

Outside of the MUSA, development patterns generally consist of residential subdivisions with lot sizes of 1 to 5 acres. A portion of the area lying generally north of Trott Brook in central Ramsey remains in large tracts of land (10 or more acres in size). Residential platting has

not occurred in this area due to the numerous wetlands and poor soil conditions, which largely prohibit development. In 1989 the City adopted an ordinance intended to preserve large tracts of land for future orderly expansion of urban services. This policy was consistent with regional growth management policy. The City also adopted an ordinance that established a maximum density of 1 unit per 10 acres and limited lot sizes to 10-acre minimums in the Urban Reserve and Central Rural Reserve areas and 2.5-acres in the Rural Developing area. Densities of existing rural subdivisions generally range between 0.2 units per gross acre to 1 unit per gross acre.

b) Commercial

The commercial development has been primarily focused along the Highway 10 corridor and the Highway 47 corridor south of 155th Avenue. These two corridors generate a high volume of traffic, which is attractive for retail businesses. The commercial activity that dominates Highway 10 is primarily retail and wholesale trade oriented with several used car and recreational vehicle sales businesses. Several sites along Highway 10 are unimproved and in some instances operating out of single-family homes. Commercial activity located around the Bunker Lave Boulevard and Highway 47 intersection is a more service-oriented shopping area consisting of fast food restaurants, a hair salon, a video store, a real estate office, a gas-convenience store, two day care centers and two banks.

A commercial node in the rural area at the intersection of Highway 47 and 167th Avenue consists of a grocery store, hardware store, video store, a bank, hair salon and other small businesses situated in a strip mall development. Because low-density development surrounds this strip mall, retail stores tend to struggle; however, the site does have good visibility and accessibility making it somewhat conducive to commercial activity. The site is not served by municipal utilities and has had problems with on site septic system operations.

Other commercial development exists on Highway 10 adjacent to Elk River. There are also some home occupations scattered throughout the community.

A unique development mixes business and residential land uses along the south side of 149th Avenue. These long narrow lots were developed outside the MUSA adjacent to industrially zoned property. They were intended to act as a buffer between industrial and residential land uses.

Within the Town Center Master Plan area, some commercial development has occurred near the corner of Armstrong Boulevard and Sunwood Drive. Additional commercial development is planned throughout the Town Center area.

c) Industrial

Recent industrial development has consumed a large portion of the undeveloped land within the MUSA. Development of the AEC Energy

Park and the City of Ramsey Business Park 95 has created over 500,000 square feet of new construction since 1996. This new development has occurred all within the MUSA and has intermingled with older, existing industrial developments. Redevelopment of underutilized industrial sites needs to be studied for future industrial development opportunities and in order to preserve the quality of the existing development that is in place. There has been continued demand for industrial land in Ramsey, and vacancy rates have been low in 2008.

d) Park and Recreation

The City of Ramsey has two regional parks within its boundaries, Mississippi West Regional Park and the Rum River Central Regional Park. These two regional parks encompass an area of over 500 acres. There is a State Wayside Rest along Highway 10 and the Mississippi River that has camping facilities, restroom facilities, and picnic tables. Several community and neighborhood parks ranging in size from less than one acre to over 50 acres are scattered throughout the City. On the private side, Ramsey has two 18-hole golf courses open to the public, the Links at Northfork located in west Ramsey just north of Highway 10 and Rum River Hills Golf Course located near 167th Avenue and Highway 47. The Boy Scouts of America own approximately 160 acres of land, which is used for recreational camping and outdoor activities along the Rum River. The total acreage devoted to park and recreation uses is roughly 1,814 acres or 10% (inclusive of wetlands within parks) of the Ramsey land area.

e) Agriculture

As shown on the Existing Conditions Land Use Map, agricultural uses are primarily located in the northeastern and southwestern portions of the City. A total of 1,956 acres appear to have some kind of agricultural use occurring on them as of 2008. The dominant soil type in Ramsey is the Hubbard-Nymore association, which is classified as “moderately well suited” to farming; however, fertility and available water capacity are low.¹

f) Public/Qausi-Public

Public/Semi-public land uses are comprised of churches, schools, city offices, public works facilities, fire stations and other government or non-profit entities. Several churches provide Ramsey with a variety of worship opportunities. Ramsey Elementary School is the only school located in Ramsey and is located within MUSA. Middle and high school students are bused to Anoka and Elk River. City Hall and the police station are located north of Highway 10 in Town Center. A public works garage is located in the Gateway Industrial Park. The City has a fire station located at the old City Hall.

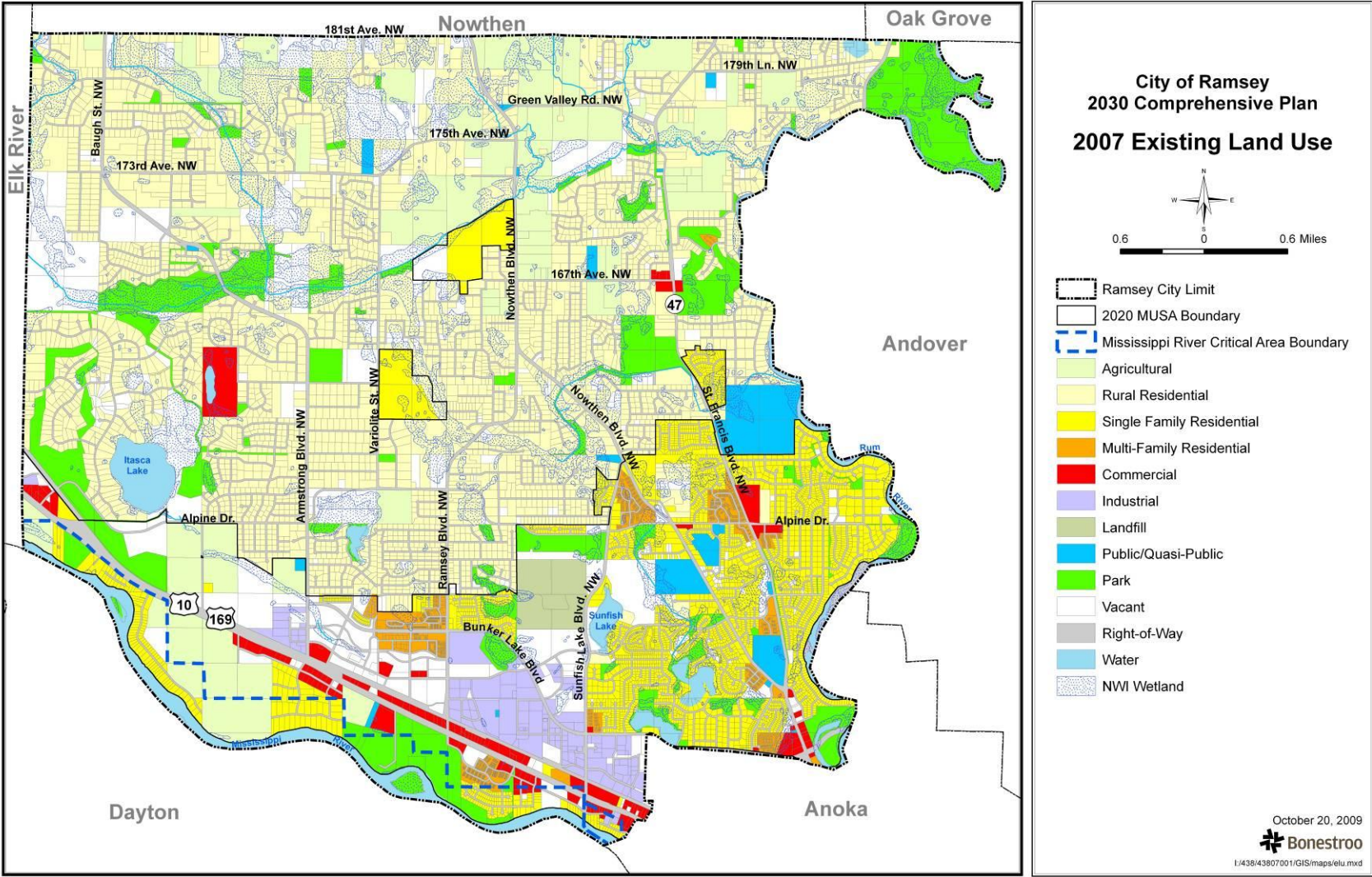
g) Transportation

Currently the City contains over 2,043 acres of City, County and State road right-of-way. Much of the right-of-way is comprised of U.S.

¹*Soil Survey of Anoka County*, 1977 United States Department of Agriculture, Soil Conservation Service

Highway 10, a 4 lane divided highway. The Burlington Northern Santa Fe Railroad line stretches the length of the community and is wide enough to contain utility easements as well. The Mississippi and Rum Rivers contain no barge traffic and serve only recreational boating.

Figure 5-1 Existing Land Use Map



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B. Future Land Use

1. Land Use Goals

The following are Land Use goals and policies developed as part of the Comprehensive Plan Update process:

a) The needs and rights of existing residents are balanced with the needs and rights of those who wish to develop

STRATEGIES:

1. Encourage a developer-led public involvement process for new development that solicits feedback from the public at the beginning of the process
2. Develop a meaningful density transition ordinance that incorporates lot size, transitioning, screening, space, berms, landscaping, or buffers
3. Protect Ramsey's rural character while providing opportunities for urban growth

b) A variety of housing densities and types

STRATEGIES:

1. Develop dense, mixed-use environments in Town Center and other key locations served by sewer and water
2. Assess the market for various housing types and densities and have the Land Use Plan reflect appropriate opportunities to match market demand

c) Fair and consistent land use regulations

STRATEGIES:

1. Develop a policy for processing comprehensive plan amendments
2. Establish a rational, logical staging plan for extension of MUSA consistent with the Comprehensive Sewer Plan and tied to Comprehensive Plan Amendment Policy
3. Re-assess the value of 4 in 40 (rural preserve and rural reserve)

d) Walkable neighborhoods

STRATEGIES:

1. Include a review of infrastructure, including parking for walking and other non-motorized transportation modes when reviewing any transportation improvement projects
2. Explore options for revising the City's sidewalk policy, including requiring sidewalks or trails on both sides of some new public streets, different standards for public versus private roads, high-volume versus low-volume roads, and issues related to long-term maintenance
3. Locate residential development at appropriate densities near services to encourage walking

e) Efficient growth

STRATEGIES:

1. New development should use existing infrastructure where possible
2. New development should be built close to existing or proposed services such as commercial, employment, and government, where possible.

f) Ramsey Town Center is constructed in accordance with its vision

STRATEGIES:

1. Concentrate the highest density residential development in or near Town Center and at other key locations as shown on the future land use map
2. Encourage residential and commercial development in the Town Center before other parts of the City
3. Continue to work to secure a stop on the Northstar Commuter Rail Line for Ramsey
4. Develop incentives for the Town Center to enhance its marketability
5. Maintain high quality design standards for the Town Center

g) Adequate retail and commercial services

STRATEGIES:

1. Locate other neighborhood commercial nodes with basic services available close to existing and future residential neighborhood concentrations
2. Assess the supply of commercial and industrial land available for development

h) New development is well-integrated with existing development

STRATEGIES:

1. New development should protect natural resources, make trail connections, and blend in with surrounding development
2. Use clustering and/or conservation development practices to protect existing neighborhoods and natural resources
3. Develop form-based codes
4. Develop a meaningful density transition ordinance that incorporates lot size, transitioning, screening, space, berms, landscaping, or buffers

i) The rights of property owners are respected and protected within the planning and development process.

STRATEGIES:

1. Private property owners will be allowed the maximum use and enjoyment of their property, as free as practical from excess taxation, assessment, or intrusion consistent with good planning and the well-being of the larger community.
2. The rights of private property owners will be balanced with the need to protect and enhance natural resources in the community.
3. The rights of private property owners will be balanced with the need to provide a safe and efficient transportation system in the community.
4. The rights of private property owners will be balanced with the needs of future development.

j) Property rights are protected along with natural resources

STRATEGIES:

1. Explore options to compensate property owners for development rights to protect natural resources
2. Regularly assess outcomes of ordinances related to natural resources and make changes as necessary
3. Provide incentives to homeowners for the permanent protection of high-value natural resource areas

2. The General Plan

The land use plan is intended to guide the future development of the community. It is designed to protect, preserve, enhance and build upon the physical features of both the built and natural environment. Developed through a combined effort of Ramsey residents, landowners, city officials and business owners, the plan guides land uses through the year 2030. Many people will use the plan to learn about the community, its direction and vision. More importantly it will be used to

assist and guide local decision-makers and city staff in the everyday business demanded of a growing suburban community.

The future land use element contains goals and polices for the following land use categories:

a) Rural Developing

Areas of Ramsey guided Rural Developing will not have urban services and include single family, detached housing types. Minimum lot size is 2.5 acres per unit. Much of Ramsey has been developed in this pattern, and only some areas guided Rural Developing contain large lots that could be subdivided into 2.5 acre lots.

b) Low Density Residential

Areas guided Low Density Residential must have urban services before development can take place. These areas will average 3 units per acre and contain single family, detached dwellings.

Where Low Density Residential is directly adjacent to areas guided Rural Developing that contain 2.5 acre lots, strategies for density transitioning will be employed. This means that while an area of Low Density Residential may average 3 units per acre, those lots directly adjacent to 2.5 acre lots will be closer in size to 2.5 acres in order to provide an effective transition that maintains the existing character of the neighborhood. Screening methods, such as landscaping must also be employed to transition between very low density areas and urban lots.

c) Medium Density Residential

These areas are within the MUSA and intended to receive medium density housing including lower density multi-family housing and higher density single-family housing. Average density will be 6 units per acre.

d) High Density Residential

These areas are within MUSA and intended to accommodate multi-family housing such as townhomes and apartment buildings. Average density will be 12 units per acre.

e) Business Park

Areas guided Business Park are reserved for office and industrial development.

f) Office Park

Areas guided Office Park are reserved primarily for office and office-showroom development. Corporate campuses are also appropriate in these areas. Light and heavy industrial uses are not appropriate for areas guided Office Park.

g) Commercial

Areas guided Commercial may include a range of neighborhood and community commercial/retail development.

h) Mixed Use

Mixed Use areas may include a combination of residential, commercial, light industrial, open space and a transit hub.

i) Parks, Trails and Open Space

Parks, trails and open space include the City Park and trail system, golf courses, regional parks, wetlands and the greenway. Lands in this category are intended to preserve the natural resource base and provide an adequate supply of active and passive recreational lands in Ramsey.

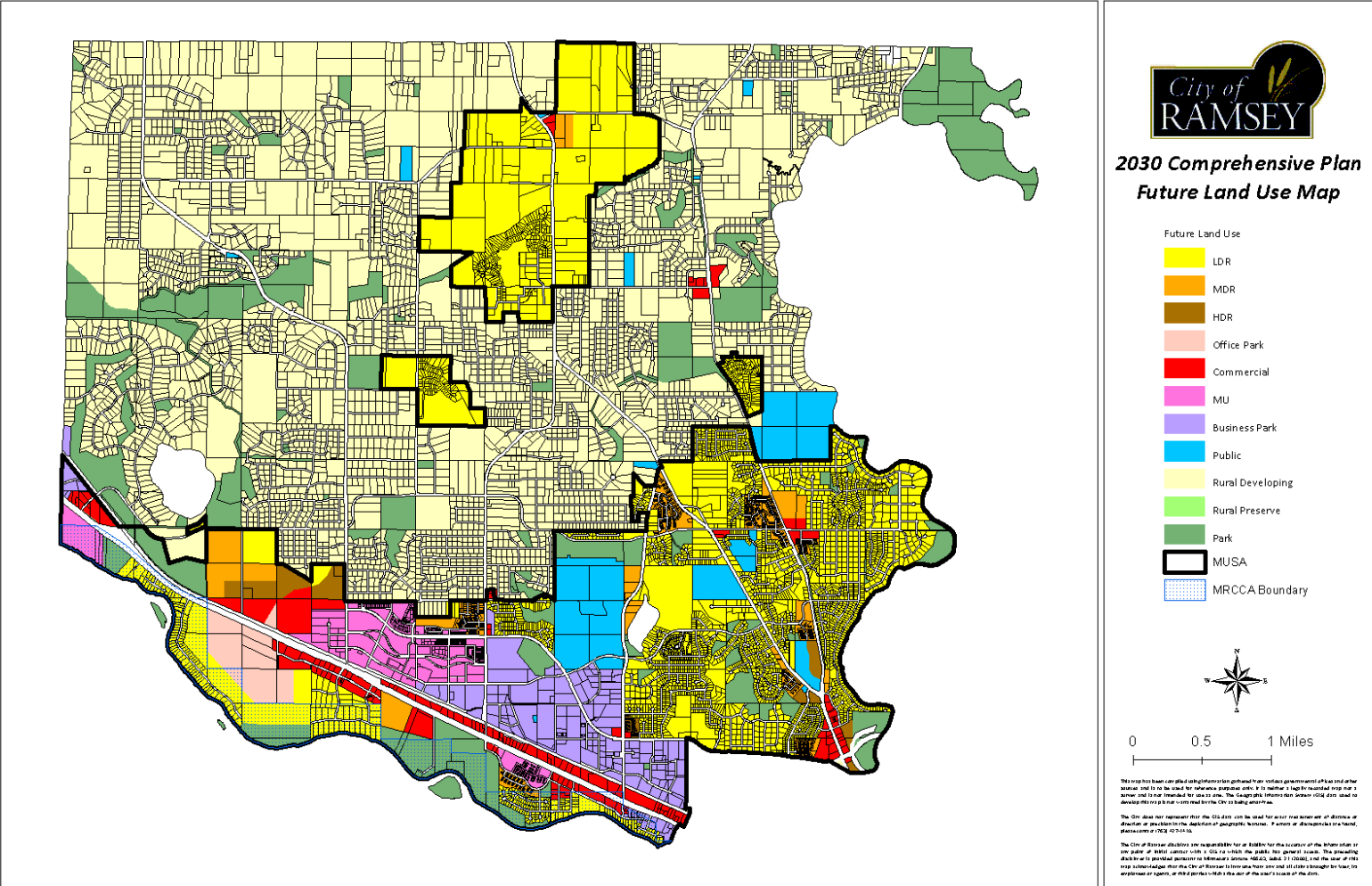
j) Public/Quasi-Public

This category generally includes city offices, public works facilities, churches, schools other non-profit or government facilities, and bridges/major rights-of-way.

Figure 5-3 shows the changes in land use designation on the new 2030 Land Use Plan compared to the previous 2020 Plan.

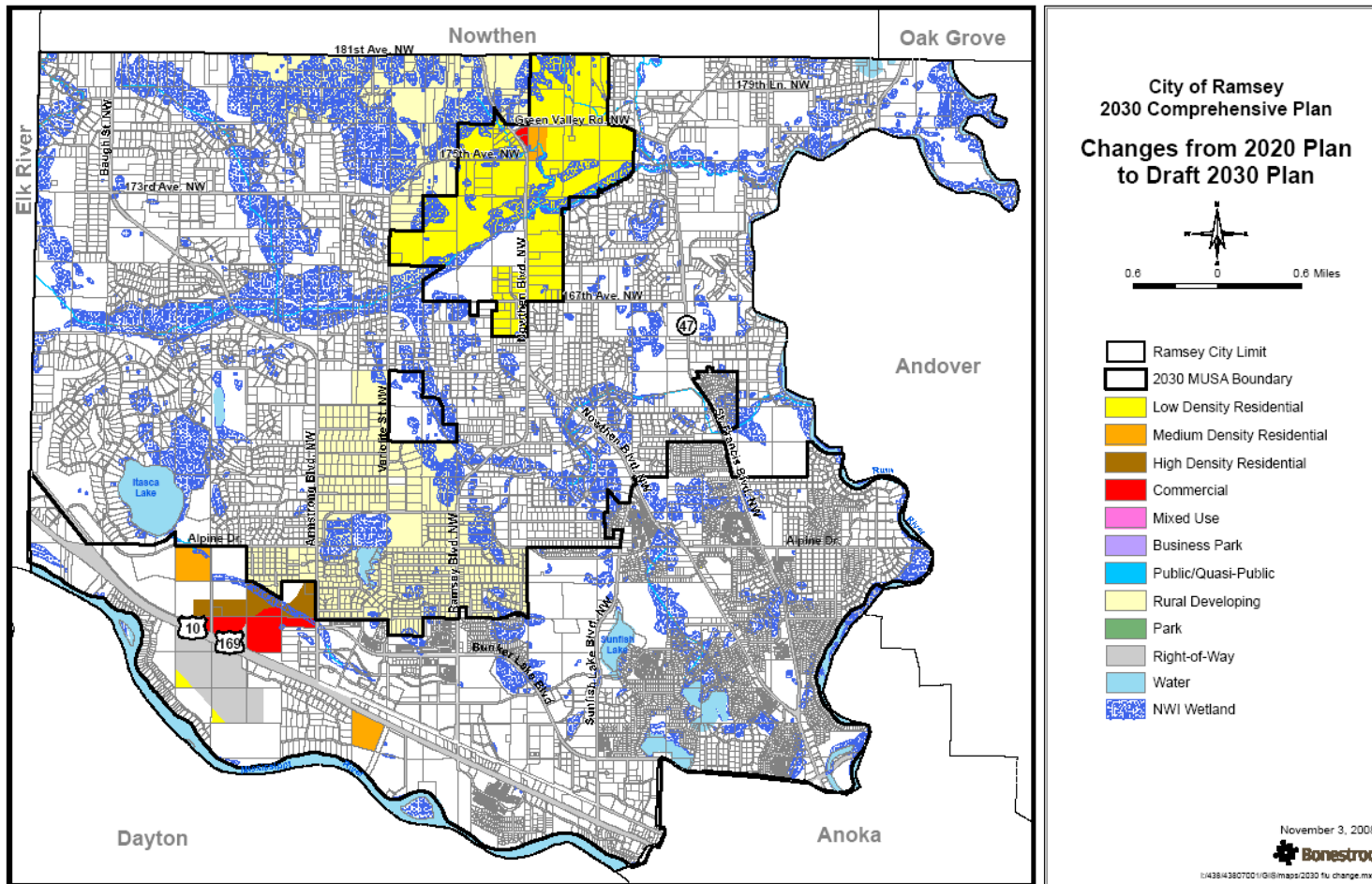
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Figure 5-2 Future Land Use Map



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Figure 5-3 Changes in Land Use from 2020 Plan to 2030 Plan



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3. Future Land Use Calculations

The following table represents a tabulation of land uses based on the future land use plan. The tabulations assume a complete build out of the community, which may or may not happen within the lifetime of this plan. Park and Open Space includes the landfill, privately owned golf courses and the Boy Scouts of America camp grounds in addition to public park lands. Although this plan shows the eventual depletion of agriculture lands in Ramsey in terms of a land use category, it is anticipated that agriculture activities that occur today may still occur in the Rural Developing areas. The agriculture land located in areas designated as urban residential, places to work or other urban uses will continue to be farmed until such time that the property owners decide to develop in accordance with the development staging plan or sell to development interests.

Table 5-2 Future Land Use Calculations

2030 Land Use	Gross Acreage	Net Acreage	% of City
Low Density Residential	3,389.52	2,854.72	14.9%
Medium Density Residential	373.49	339.05	1.8%
High Density Residential	122.09	103.07	0.5%
Commercial	401.76	389.92	2.0%
Mixed Use	358.76	333.74	1.7%
Business Park	566.18	552.54	2.9%
Office Park	166.80	166.80	0.9%
Public/Quasi-Public	388.58	342.62	1.8%
Rural Developing	8,660.06	6,644.40	34.7%
Park	2,088.92	1,351.56	7.1%
Right-of-Way	2,043.76	2,043.76	10.7%
Water	568.24	568.24	3.0%
Wetland	-	3,437.74	18.0%
Total City	19,128.16	19,128.16	100.0%

4. Future Land Use Categories

The following is a description of the various land use categories that will guide future development of the community.

a) Residential (Rural Developing, Low Density, Medium Density, High Density and Mixed Use)

Through the year 2030 Ramsey will continue to be primarily a commuter suburb dominated by single-family detached housing. As transportation access to the rest of the metro area and neighboring suburbs improves, more persons will be interested in obtaining part of the rural life-style present in Ramsey. As the population in Ramsey ages, new housing opportunities will be demanded to fulfill the life-cycle housing needs of Ramsey residents. It is critical that growth in Ramsey be guided and managed so that today's residents can continue to enjoy a high quality of life and that future generations will be awarded the same benefits as today's residents.

Residential areas are intended to reflect the continuous greenway corridor (see Environmental Protection Chapter XIII.). While lands restricted for development (wetlands, steep slopes, ponds and lakes) are not intended to be eligible for density credit, useable lands, which are voluntarily protected for greenways are intended to receive density credit. Landowners are encouraged to preserve and restore areas of significant natural resources such as open prairie or tree canopy as permanent open space by increasing density in areas more conducive to development.

Residential areas in Ramsey are very diverse in terms of lot sizes, but very similar when it comes to types of housing. Residential lots range from the farmstead of 10 to 20 acres to the rural estate lots averaging 2.5 acres, down to the urban lot of 10,800 square feet served by municipal utilities. In each of these lot size classifications, single-family homes are the dominant housing type.

The future land use plan creates opportunities for the development of a diversity of housing types and styles while preserving the strong single-family character of existing residential neighborhoods.

b) Rural Developing

The Rural Developing area is the largest land use within the City of Ramsey. The existing primary use of this area is very low-density residential development with average densities of *roughly 1 unit per 2.5 acres*, a development pattern that was established in the early 1970s. Because of this very low-density pattern of development and the numerous wetlands, the extension of urban services to the rural developing area is not practical or financially feasible. Regional growth policy would suggest imposing a gross density consistent with the Rural

Preserve area of 1 unit per 10 acres. However, because of the historical development pattern that has already been well established, an overall density of one unit per 10 acres will never be established.

The maximum density for the Rural Developing area shall be *1 unit per 2.5 acres* gross. This density was determined by examining the natural features and the predominant existing density within the Rural Developing area.

Rural Policy

It is the policy of the City of Ramsey to:

1. Enforce a maximum overall density of 1 unit per 2.5 acres in the *Rural Developing* area.
2. Encourage preservation of open space and natural resources beyond what is required by ordinance or other legal means through the PUD process.
3. Develop, implement and enforce a septic system inspection program and wellhead protection program for existing and future private septic systems and wells consistent with Minnesota Rules Chapter 7080.
4. Encourage environmentally sensitive and open space design and construction techniques that preserve natural resources within private control (i.e. other than public land dedication).²
5. Provide for the extension of urban services only when groundwater contamination (due to failing septic systems or other reasons) has the potential to pose a threat to human health and the provisions and process outlined in the City Charter have been followed.
6. Encourage private well users to periodically test the drinking water supply from private wells in order to prevent serious health hazards from occurring due to groundwater contamination.

Rural Performance Criteria

Residential development projects in the Rural Developing area shall be evaluated based on the following criteria:

1. Rural design principles are evident in the plan.

² Good examples of rural design principles can be found in the book Rural by Design by Randall Arendt, an APA publication.

2. The site or sites can support two septic drain fields in accordance with Minnesota Rules Chapter 7080.
3. Owner/developer agree to on-site septic system inspections in accordance with City requirements.
4. The plan reflects a strong sensitivity to protecting and enhancing natural resources (wetlands, tree canopy, ponds, drainage ditches, rivers, etc.) particularly in relation to the greenway corridor system.
5. The site uses landscaping and natural vegetation (such as planting of windrows or shade trees) to improve the energy efficiency of housing.

c) Urban Residential

All future (new) urban residential development will be served by public sewer and water according to the development staging plan as further described later in the future land use plan. Exceptions to this rule may occur in areas where pre-existing large lot development surrounds vacant urban lands and soils are well suited for on-site septic systems. Densities within the urban residential area may vary by district; however, an average *gross* density of all future urban residential development is targeted at 3 or more units per gross acre (a goal consistent with regional growth policy). Overall, the plan encourages a higher density of development in the urban area to provide a wider variety of housing opportunities including single family and multi-family housing affordable to a range of household incomes. Furthermore, higher density development increases land use efficiency.

A concern expressed by many residents living in the rural areas of Ramsey and on large lot developments within the existing Metropolitan Urban Services Area involved the transition between future urban development and existing rural development. It is the intention of this plan to assure compatibility between future urban housing and existing residential developments by establishing some form of transition between existing single family homes and future (new) urban development. Areas where transitions are necessary are primarily (but not exclusively) located along the edges of the urban services boundary and are to be served by municipal sewer and water.

Land uses within the urban residential area include:

- Low and high density housing including predominantly single-family housing but also multi-family housing and accessory apartments
- Limited, small-scale home occupations
- Education and institutional services limited to schools and churches
- Park & open space

The principles of affordable housing and preservation of open space are addressed in the urban residential areas through the provision of density bonuses and density credits. These are voluntary provisions that provide incentives to developers who provide affordable housing or preserve significant natural resources and open space.

Density bonuses for affordable housing should be based on a definition of affordable housing that reflects average wages and incomes of the region. In 2007, the Metropolitan Council defined affordable housing as housing which costs up to \$201,800. It is intended that a density bonus formula may be established as part of the City of Ramsey zoning ordinance update.

Subject to City Council approval as part of the PUD process, density credit may be given to areas of the greenway (see Chapter 13. Environmental Protection and Natural Resource Management for a further description of the Greenway) that are significant environmental areas, which are not protected by ordinance or other legal means. For example, if a 40-acre parcel contained no major road right-of-way and no wetlands but contained 10 acres of land within the greenway³, the developer may receive density credit for the entire 40 acres as net developable acreage. A maximum density of 5 units per net acre (for example) would then yield 200 units. The developer may be allowed to reduce lot sizes or mix housing styles in order to preserve some or all of the remaining 10 acres in the Greenway as permanent open space. This open space would not be left as unmanaged open space (or an outlot) but would be required to be preserved as permanent open space through park dedication or some land preservation tool such as a land trust or permanent conservation easement acceptable to the City Council.

The following further defines urban residential uses: low density residential, medium density residential and high density residential.

Low Density Residential

³ Lands within the Greenway may include significant natural resources, vegetative cover or habitat worth preserving or simply may be vacant land which should be preserved as open space to connect other pockets of open space, parkland, wetlands etc.

Low density residential places an emphasis on single-family detached housing but is designed to allow a variety of housing types and styles (life-cycle housing) including attached single-family housing (townhouses) and two-family homes (twin-homes, duplexes). This area represents over 3,000 acres of total land use in the community.

In order to ensure that low-density mixed-housing projects can be made viable and acceptable to the community, all low-density mixed-housing projects are intended to be the subject of a Planned Unit Development (PUD)⁴. Any residential development proposal containing unit types other than exclusively single-family detached housing will be required to be processed as a PUD. Individual elements (or housing types) within a PUD may range in density as long as the overall density of the PUD does not exceed a maximum of 3 units per net acre.

Low Density Residential Performance Criteria: Projects within the Low Density Residential areas as shown on the Future Land Use Plan shall adhere to the following performance criteria:

1. The project shall be planned as an integral element of the larger neighborhood with interconnecting streets, pedestrian trails and greenways.
2. Higher intensity housing shall be planned as an integrated part of the project and may be used for buffering or transition to major roads or more intense uses.
3. Higher intensity housing shall have direct access to major roadways (local collectors) so excessive traffic is not routed through local streets and lower density neighborhoods.
4. Higher intensity housing shall be located within close proximity to existing or planned park and recreation facilities and connected by an off or on-road trail.
5. Where possible, natural features shall be protected and incorporated into the PUD or site plan as permanent open space for the benefit of the project and the community.
6. Where possible and practical, traffic generated by new development shall be routed to collector streets rather than through adjacent local neighborhood streets.

⁴ The Planned Unit Development is a process by which land use can be more closely tied to design decisions during a subdivision approval process. It allows for more opportunities to preserve open space and natural features and provide a variety of housing types through greater flexibility with zoning regulations.

7. Where possible and practical, parkland and open space shall be situated to act as a buffer between future and existing development.
8. New development that is adjacent to existing single-family detached development shall be compatible in density and type with existing and planned development.

Medium Density Residential

Medium density residential shall not *exceed 6 units per net acre*. Medium density areas include housing units such as attached and detached townhouses, condominiums, duplexes and triplexes or small apartment buildings. These areas are smaller, typically “infill” sites, that would not be conducive to high density housing, yet would be underutilized as single family housing. These areas take advantage of close proximity to park and open spaces, commercial and public services and accessibility to the road network.

If low-density residential land is rezoned to accommodate higher density residential uses, the new high density residential development shall include a transition area between existing single-family detached housing and the new high-density housing. This transition area may consist of single-family detached home, open space or some other transition acceptable to the City Council.

High Density Residential

This category sets aside parcels strictly for high-density housing development with a maximum density of *12 units per net acre* and includes housing units such as townhouses, condominiums and apartments. These areas will provide housing for a variety of residents including seniors. Areas of high-density residential land use should have direct access to the major roadway network in order to promote transit usage and convenient access to city services such as park and recreation uses and the greenway. Locating high density housing with these factors in mind, minimizes traffic through local streets and neighborhoods, creates a larger labor pool for businesses, and allows residents convenient access to shopping, parks and recreation facilities encouraging a more walkable pedestrian oriented community life-style.

If low-density residential land is rezoned to accommodate higher density residential uses, the new high density residential development shall include a transition area between existing single-family detached housing and the new high density housing. This transition area may consist of single-family

detached home, open space or some other transition acceptable to the City Council.

Urban Residential Policy

It is the policy of the City to:

1. Require Low Density Residential developments except those that are exclusively single-family detached units to be completed through a planned unit development.
2. Require a transitioning of new higher density housing to existing single-family detached housing. The transitioning should consist of a more compatible density, open space, or other means acceptable to the City Council.
3. Periodically review the planned unit development section of the zoning ordinance to ensure appropriate guidelines and rules for development of land within the residential areas.
4. Encourage scattered site affordable housing developments as part of each residential housing project rather than segregating affordable housing in one project.
5. Consider allowing density bonuses for providing affordable housing, preservation of natural areas, creating open space connections, or buffering consistent with the plan.
6. Require compatible land use transitions at the edges of neighborhoods through land use, site design and landscaping.
7. Encourage environmentally conscious site design and construction methods to assure that development respects the natural environment.
8. Provide dispersed locations for a diversity of housing styles, types, and price ranges and encourage development of housing and services that meet the needs of nontraditional households.
9. Plan and provide for the housing and service needs of the elderly and disabled.
10. Regularly review and revise, as necessary, zoning and subdivision regulations, building codes, design standards and approval processes to assure that regulations and standards are flexible enough to allow quality and variety of housing options.

11. Require and enforce high design and maintenance standards for all residential development.
12. Require the maintenance of existing and future housing through enforcement of the housing maintenance code.
13. Facilitate and promote housing rehab and renovation programs through partnerships with HUD, Fannie Mae, local banks, MHFA, Metro Council, ACCAP, Anoka County HRA and other non-profit or private organizations.
14. Promote and market first time homebuyer programs such as the Minnesota Cities Participation Program through MHFA.
15. Ensure projects are consistent with the goals and policies of the Mississippi River Critical Area Plan (MNRRA) and are sensitive to the Rivers natural environment.
16. Ensure open space that is part of a residential development is preserved as permanent open space through such means as permanent conservation easements, land trusts, deed restrictions or other legal means to permanently preserve open space.

The following table summarizes maximum density allowances for the various residential districts.

Table 5-3 Density Table

Land Use Category	Average Density
Rural Developing	1 unit per 2.5 acres gross
Low Density Residential	4 units per net acre
Medium Density Residential	7 units per net acre
High Density	15 units per net acre

d) Commercial

Commercially guided land uses are generally located along Highways 10 and 47. Highway 10 is of critical importance in developing a strong community image. Future commercial development and redevelopment should focus on key nodes along the corridor (rather than span an entire corridor) and serve the travelers along the corridor as well as adjacent neighborhood residents. (See chapter VI for a further discussion on a Highway 10 corridor study). The commercial development along Highway 47 is more of a commercial node pattern. This land use plan supports existing commercial nodes that serve neighborhoods and commuters particularly at the intersections of County Road 116 and Alpine Drive.

The locations of existing commercial within the community (at major intersections such as County Road 116 and Highway 47 or along major roadways such as Highway 10) play an important role in what types of uses go there. The predominant use is gas/convenient stores that serve commuters. Other uses include fast food or sit down restaurant, grocery, small-scale retail trade and services such as drive through banking, real estate, legal services, dry-cleaning, or day care. The Mixed-Use land use (defined later) is also intended to provide shopping and services.

While commercial development along the Highway 10 corridor should be guided by the results of a corridor study and river crossings study, other commercial nodes can be better defined as follows.

167th Avenue and Highway 47: The commercial node at 167th Avenue and Highway 47 functions as a neighborhood service center; however, the viability of this commercial node is somewhat unstable due to the low density development within its primary market area and the lack of adequate public facilities. The surrounding area is guided for future development of a rural character.

Alpine Drive and Highway 47: This area is intended to function as a neighborhood commercial service center with uses that serve the basic convenience needs of Ramsey residents such as grocery, hair salon, gas/convenience, coffee shop, bakery, dry-cleaners, and other convenience uses. The basic intent of this commercial area is to service the immediate residential neighborhood and the travelers on Highway 47. Uses that draw regional traffic such as the typical big box retailers, large department stores, automotive sales, or large screen theaters are not intended for this area. These uses are more destination oriented uses and would likely create traffic volumes that are not supported by the local roadways serving this node.

Bunker Lake Boulevard and Highway 47: This commercial node is largely developed and operates in a similar fashion as Alpine Drive and Highway 47. However, because this node has more accessibility due to Bunker Lake Boulevard (County Road 116) more destination-oriented uses such as banks, postal services, real estate or insurance offices and other services are appropriate uses.

General Goals for Commercial

The following are the goals of the City relative to places to shop:

1. To provide commercial/retail services to satisfy basic needs of Ramsey residents and commuters.
2. To reduce traffic congestion and create an environment that conveniently and efficiently serves the automobile while maintaining a pedestrian friendly atmosphere.

3. To create an image that is attractive, inviting to both pedestrians and automobiles and displays an identity consistent with the overall community identity.
4. To redevelop, improve and clean up underutilized commercial sites along Highway 10.

Commercial Policy

It is the policy of the City to:

1. Allow for the development of community convenience uses at the intersection of Alpine Drive and Highway 47 and County Road 116 and Highway 47.
2. Control access to Highway 47 and Highway 10 in order to reduce traffic congestion and improve accessibility to businesses.
3. Facilitate private sector redevelopment and rehabilitation of underutilized sites along the Highway 10 corridor.
4. Provide safe and convenient access to places to shop from adjacent neighborhoods through pedestrian trails and paths.
5. Discourage strip commercial development along the Highway 10 Corridor and seek solutions to traffic problems associated with multiple access points.
6. Encourage clustering of commercial development at major intersections that can take advantage of good access to and visibility from the major roadway system.
7. Require development within the Mississippi River Corridor to be compatible with the goals and policies of the Mississippi National River and Recreation Area (MNRRA) and the Critical Area Plan.

e) Business Park and Office Park

The City of Ramsey has an existing industrial park area that consists of a variety of heavy and light industrial uses. This area generally lies east of Ramsey Boulevard and south of Bunker Lake Boulevard and the sanitary landfill. During the early 1990's the AEC Energy Park and Ramsey Business Park 95 opened up new land for industrial development with urban services. These parks have rapidly been filling up and have brought over 1,000 new jobs to the community, many of which were new jobs created in the metropolitan area.

Ramsey has a significant supply of available land that is strategically located just north of U.S. Highway 10 and along the BNSF railroad line. The current zoning ordinance designates the majority of this land as Business Warehouse and Industrial property. Since the last plan update,

much of this land has been developed, and vacancy rates for industrial property in Ramsey are generally low.

To increase the supply of land for business and office park development, the plan for 2030 guides land south of Highway 10 near the proposed Mississippi River Bridge crossing for Office Park use.

General Goals for Business Park and Office Park

The following are the goals of the City:

1. To ensure a diversity of good paying jobs to residents of the City of Ramsey.
2. To provide a sound economic base for the City, local school districts and Anoka County.
3. To improve the ratio of jobs to housing in order to lessen Ramsey's dependency on job centers elsewhere in the region.
4. To provide opportunities for growth of existing businesses (business retention).
5. To create opportunities for high quality development that contributes to a good image for the City of Ramsey.
6. To ensure adequate means of transportation and transit for employees to be able to get to and from places to work.

It is the intent of the plan to create industrial/office park settings where buildings and uses relate to each other to become places rather than function as freestanding elements. Future business park and office park uses will be served by urban utilities in order to insure the highest quality of public infrastructure and public and private investment. Development of these areas is intended to maximize the efficiency of land use by optimizing street widths and utility lengths and creating centralized storm ponds that function not only to filter sediments from surface runoff but also provide amenities for the employees and businesses there.

The Business Park designation accommodates uses such as business and professional offices, showrooms, warehousing, light industrial/manufacturing, heavy industrial/manufacturing, and public works facilities.

This Office Park designation is intended to accommodate corporate campus, office, office-showroom and other low-impact, job-producing uses that are less intense than those found in the Business Park areas.

Business Park and Office Park Policy

It is the policy of the City to:

1. Require developments to adhere to environmentally sensitive design and construction standards. (See “Protecting Water Quality in Urban Areas” a publication on Best Management Practices by the MPCA).
2. Encourage high quality and unique design and site planning.
3. Allow for techniques to minimize infrastructure costs such as centralized storm ponds, shared driveways and loading docks and optimum street widths.
4. Facilitate the clean up and redevelopment of brownfields and underutilized sites within the places to work area.
5. Promote economic development in the City of Ramsey.
6. Continue to market, develop and expand the Ramsey Business Park.
7. Develop and implement a business retention and expansion program.
8. Work with the educational entities such as the Anoka High School and Anoka Hennepin Technical College to enhance employee-training programs and connect welfare recipients to work opportunities as part of the welfare to work program.
9. Require individual sites to be connected to a trail system that links employees with the Town Center, parks and neighborhoods.
10. Work with the Anoka County Traveler and the Metropolitan Council Transit Organization to address transit and employee transportation issues.

Business Park, Office Park and Commercial Performance Criteria

In order to ensure proper siting and development of commercial, office and industrial uses within the designated areas all projects should be evaluated based on the following criteria:

1. The project is planned as an integral element of the larger community with interconnecting streets, paths and greenways.
2. The project is planned to minimize conflicts between non-business/industrial uses (for example parking lots and loading docks should be located away from or adequately buffered from residential neighborhoods).
3. Opportunities to minimize infrastructure and other elements of the built environment are incorporated into the design (for example shared parking and driveways or decked parking).
4. The project displays elements that enhance or build upon the identity and image of the Ramsey Community and the project.

f) Mixed-Use

Mixed Use includes retail, commercial, entertainment, office, institutional, high density residential, transit hubs and park and recreation uses. The Comprehensive Plan anticipates two areas of Ramsey to be designated as Mixed Use; the first area stretching from the west side of Armstrong Blvd. to the west side of Ramsey Blvd. and a second area south of State Highway 10 west of Feldspar St.

Town Center Mixed Use Area: The Town Center Mixed Use area is proposed to be located in portions of Section 28 and 29 stretching from the west side of Armstrong Blvd. to the west side of Ramsey Blvd., north of the railroad. Mixed Use was chosen for this site because of the proximity to major employment areas, major transportation corridors and a future commuter rail station serving the Northstar Commuter Rail Corridor⁵. The area east of Armstrong Boulevard is governed by the Town Center Master Plan, which provides specific land use and design guidance for this area. The purpose of the Town Center Mixed Use Area is to establish a community hub that integrates places to work, play and live and embraces transit oriented design in anticipation of the potential future commuter rail station.

Mixed-Use enhances the functionality of a transit hub at this location because it creates efficiencies by being able to send and receive people who might work or live in the area. Because a large portion of the area is undeveloped, it has the opportunity to be organized in a pedestrian friendly environment that supports mass transit. A commuter rail station in this location would be spaced approximately 3-5 miles from stations to the north near downtown Elk River and south in Anoka near 7th Avenue. It will take advantage of good accessibility from the north via Armstrong Boulevard and from the east and west via Industry Avenue and Highway 10, all arterial roadways. Mixed use development would be transit oriented to support the station. Development should be intense with multi-story buildings rather than one level building. Commercial and residential buildings should be linked by a pedestrian-way so people can park at the station and stroll through commercial shops. It should be directly connected to areas of major employment (Ramsey Business Park, AEC Energy Park, Anoka Enterprise Park and future places to work) and Anoka Hennepin Technical College. This could be done through a shuttle bus service, which would serve not only places to work but also residential neighborhoods. It also should make connections to the new hotel project south of Highway 10 near Sunfish Lake Boulevard and the Mississippi West Regional Park.

Ramsey does not have much choice for local shopping, eating out or doing business within its own community. Ramsey has no identifiable

⁵ The Northstar Corridor is a 70-mile long transportation corridor that runs along TH 10/47 from downtown Minneapolis to the St. Cloud and Rice areas. The Northstar Corridor Development Authority has been organized to study the feasibility of improved transit services along this corridor including the option of Commuter Rail.

downtown for its citizens. The downtowns of neighboring communities such as Elk River and Anoka and the many features of the Twin Cities Metropolitan Area are the primary sources of entertainment for Ramsey residents. There are two grocery stores in Ramsey, one is located in northern Ramsey along Highway 47 and the other is Coborn's at the western edge of the Town Center area near Armstrong Boulevard. The other commercial areas focus on special services like used car lots or recreational vehicle sales.

The Town Center is meant to identify a place in the community where a variety of social activities may occur more convenient to Ramsey residents. Its location should take advantage of being central to the Ramsey population base, connected through a strong pedestrian trail or sidewalk system, easily accessible by the automobile and visible to the shopper's eye. The Town Center is intended to receive a mix of land uses including:

- Civic places where people can gather or events can be held (a park, community center, library or history museum).
- Commercial/retail where people can take care of casual everyday shopping or sit down at a local restaurant (grocery, hardware, restaurant, or hair salon).
- Professional Offices/places to work or take care of everyday business (real estate, banking, accounting, legal services and local post office).
- High-density residential/places to live including senior housing (owner and renter occupied).

By mixing high density residential with civic, commercial and office uses, a vibrant Town Center can be created where life goes on all day and into the evening. Housing is located within walking distance to jobs and shopping. Sidewalks and trails link neighborhoods to the Town Center and link civic facilities with commercial and housing facilities creating a pedestrian oriented environment within the Town Center. Civic places are well lit and aesthetically pleasing, inviting the public into a defined public space. Buildings are well designed and areas of landscaping reflect the identity of strong natural features in the Ramsey Community. These characteristics create the Town Center of Ramsey's future.

An important decision will need to be made in the future about whether to construct a new bridge over the Mississippi River and what alignment it should follow. This potential connection will have a significant impact on the future of the Mixed-Use site because a future bridge corridor will likely alter traffic patterns in this general area. If a bridge is constructed near the Mixed-Use site, Ramsey must be able to influence the design of the roadways so that the Mixed-Use area can survive and benefit. However, should a bridge crossing not be constructed, the Mixed Use area must be designed to function on existing surrounding land use patterns. Furthermore, if development of this area should come to

fruition prior to the establishment of a definitive alignment for a future bridge that crosses the Mississippi River, the City of Ramsey should work with Anoka County and MnDOT to ensure a future alignment to satisfy local and regional needs.

Careful design and planning for the Mixed-Use site can offer a wonderful image to Ramsey that will serve residents, workers and travelers using Highway 10. The location along the BNSF Railroad Tracks is highly visible from Highway 10 and demands high quality design. Specific standards and design elements for the Town Center area have been developed through amendments to the Zoning Code, the creation of a zoning overlay district and adoption of Town Center design guidelines.

Mixed Use Area – South of Highway 10: Another area of mixed use is located south of Highway 10 just east of Mississippi West Regional Park. The intended mixed-use pattern on this location is to provide opportunity for higher density housing integrated with commercial uses which are supported by both the higher density housing and the traffic from Highway 10.

General Goals for Mixed Use

The following are the goals of the City relative to Mixed Use:

1. To provide an area where people can live, work and play, which supports alternative modes of transit while still accommodating the automobile.
2. To ensure adequate service and retail opportunities to meet the needs of major employment areas and businesses.
3. To enhance the local labor supply through provision of high density housing in close proximity to major places to work.
4. To create an attractive high quality, community oriented development that positively reflects on the image and identity of the Ramsey Community.

Mixed-Use Policy

Within the areas designated for Mixed-Use, it is the policy of the City to:

1. Work with the landowners to develop a master plan consistent with the intent of the Mixed-Use designation.
2. Encourage consistent design standards based on transit orientated development practices that serve as a framework for both public and private improvements addressing streets, lighting, landscaping, and building materials and placements.
3. Allow higher density residential development within the Mixed-Use area.

4. Provide safe walkway and trail linkages from the Town Center Mixed-Use area to other public facilities, major employment centers (such as Ramsey Business Park 95) and residential neighborhoods.
5. Encourage the Northstar Corridor Development Authority to consider the Town Center Mixed-Use area site for a commuter rail station site and work with the corridor to plan for such a facility.
6. Communicate with Anoka County and MnDot regarding development impacts associated with a potential bridge crossing.
8. Encourage all high-density residential developments to include a commercial/retail component within the same building at street level.

5. Staging of Development--MUSA Expansion

Future expansion of Urban Services must be done in a manner consistent with the provisions and process outlined in the City Charter.

Between 2008 and 2030, sewered development will continue in a contiguous fashion from the existing sewered areas. However, since large portions of the city have already been developed at in a very low density pattern, it is unlikely that many of these areas will be served by municipal services before 2030.

Based on extensive public input, it was determined that it was logical to extend services north of Trott Brook with the understanding that private development would likely bear the cost of any future extension. This area is the last area of the city that has significant undeveloped larger lots, which provide the opportunity for development concepts which incorporate key elements such as density transition and natural resources protection and still allow for economic feasibility.

Table 5-4 demonstrates the staging of sewered development in 5-year increments to 2030 consistent with the 2030 Land Use Plan map.

Table 5-4 Land Use Staging in 5-Year Increments (By Sewer District)

North Trott Brook Sewer District (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2008) acres	2010 acres	2015 acres	2020 acres	2025 acres	2030 acres	Change 2008-2030 acres
	Minimum	Maximum							
Residential Land Uses			0	124	248	372	496	621	621
Low Density Residential	3	4	0	120	241	361	482	602	602
Medium Density Residential	3	7	0	4	7	11	15	18	18
High Density Residential	7	15	0	0	0	0	0	0	0
Mixed Use Primarily Residential*	10		0	0	0	0	0	0	0
C/I Land Uses	Est. Employees/Acre		0	1	2	3	4	5	5
Commercial	15		0	1	2	3	4	5	5
Industrial	8								0
Office	10								0
Mixed Use Primarily C/I*									0
Extractive									0
Public/Semi Public Land Uses			0	185	186	186	186	186	186
Public/Semi Public Land Uses			0	0	1	1	1	1	1
Parks and Recreation									0
Open Space									0
Roadway Rights of Way									0
Vacant/Agricultural									0
Vacant/Agricultural									0
Wetlands and Open Space			0	185	185	185	185	185	185
Subtotal Sewered			0	310	436	561	687	812	812
Outside Urban Service Area	Minimum lot size	Maximum lot size	Existing (2008)	2010	2015	2020	2025	2030	Change 2000-2030
Rural Residential 2.5 acres or less	2.5		1973	2104	2234	2365	2496	2626	654
Public/Semi Public Land Uses									0
Public/Semi Public Land Uses			12	12	11	11	10	10	(2)
Parks and Recreation			56	65	75	84	93	102	46
Subtotal Unsewered			2041	2181	2320	2460	2599	2739	698
Vacant/Agricultural									
Vacant/Agricultural	40		1325	1060	795	530	265	0	(1325)
Wetlands and Open Space			1557	1372	1372	1372	1372	1372	(185)
Total			4923	4923	4923	4923	4923	4923	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.

Table 5-4 Land Use Staging in 5-Year Increments (By Sewer District)-Cont.

Mississippi River Sewer District (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2008) acres	2010 acres	2015 acres	2020 acres	2025 acres	2030 acres	Change 2008-2030 acres
	Minimum	Maximum							
Residential Land Uses			468	586	704	822	940	1058	590
Low Density Residential	3	4	357	386	415	443	472	501	143
Medium Density Residential	3	7	111	120	130	139	148	157	46
High Density Residential	7	15	0	13	27	40	53	66	66
Mixed Use Primarily Residential*	10		0	67	133	200	267	334	334
C/I Land Uses	Est. Employees/Acre		738	798	858	918	978	1038	301
Commercial	15		205	228	250	273	296	319	114
Industrial	8		422	448	474	500	526	553	131
Office	10		0	33	67	100	133	167	167
Mixed Use Primarily C/I*									0
Landfill			111	89	67	44	22	0	(111)
Public/Semi Public Land Uses			1546	1368	1184	1001	817	633	(912)
Public/Semi Public Land Uses			10	43	75	108	141	173	163
Parks and Recreation			293	301	309	317	324	332	39
Open Space									0
Roadway Rights of Way									0
Vacant/Agricultural									0
Vacant/Agricultural			1120	896	672	448	224	0	(1120)
Wetlands and Open Space			123	128	128	128	128	128	5
Subtotal			2752	2752	2746	2741	2735	2729	
Outside Urban Service Area	Minimum lot size	Maximum lot size	Existing (2008)	2010	2015	2020	2025	2030	Change 2000-2030
Rural Residential 2.5 acres or less	3		1517	1560	1603	1646	1689	1732	215
C/I Land Uses									
Commercial			56	45	34	22	11	0	
Industrial/Business Park									
Public/Semi Public Land Uses									0
Public/Semi Public Land Uses									0
Parks and Recreation			210	219	228	237	246	255	45
Subtotal			1782	1823	1864	1905	1946	1987	261
Vacant/Agricultural									
Vacant/Agricultural	40		176	141	106	70	35	0	(176)
Wetlands and Open Space			364	358	358	358	358	358	(6)
Total			5074	5074	5074	5074	5075	5074	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.

Table 5-4 Land Use Staging in 5-Year Increments (By Sewer District)-Cont.

Rum River Sewer District (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2008) acres	2010 acres	2015 acres	2020 acres	2025 acres	2030 acres	Change 2008-2030 acres
	Minimum	Maximum							
Residential Land Uses									
Low Density Residential	3	4	1568	1645	1722	1799	1875	1952	384
Medium Density Residential	3	7	1389	1462	1534	1607	1679	1752	362
High Density Residential	7	15	129	136	143	150	157	164	35
Rural Residential	0		0	7	15	22	29	37	37
			50	40	30	20	10	0	(50)
C/I Land Uses									
	Est. Employees/Acre		91	83	75	67	59	51	(39)
Commercial	15		51	51	51	51	51	51	0
Industrial	8								0
Office	10								0
Mixed Use Primarily C/I*									0
Landfill			40	32	24	16	8	0	(40)
Public/Semi Public Land Uses									
			881	876	847	817	788	758	(123)
Public/Semi Public Land Uses			108	115	122	129	136	143	35
Parks and Recreation			127	127	126	126	126	126	(1)
Open Space									0
Roadway Rights of Way									0
Vacant/Agricultural									
Vacant/Agricultural			181	145	109	73	36	0	(181)
Wetlands and Open Space			465	489	489	489	489	489	24
Subtotal			2540	2604	2643	2683	2722	2762	
Outside Urban Service Area									
	Minimum lot size	Maximum lot size	Existing (2008)	2010	2015	2020	2025	2030	Change 2000-2030
Rural Residential 2.5 acres or less	3		2032	2083	2134	2184	2235	2286	254
C/I Land Uses									
Commercial			14	14	14	14	14	14	
Industrial/Business Park									
Public/Semi Public Land Uses									
Public/Semi Public Land Uses			154	126	98	70	42	14	(139)
Parks and Recreation			270	289	308	327	347	366	96
Subtotal			2470	2512	2554	2596	2638	2681	211
Vacant/Agricultural									
Vacant/Agricultural	40		409	327	245	163	82	0	(409)
Wetlands and Open Space			791	767	767	767	767	767	(24)
Total			6210	6210	6210	6210	6210	6210	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.

Consolidated/All Districts

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2008)	2010	2015	2020	2025	2030	Change 2008-2030
	Minimum	Maximum							
Residential Land Uses			2037	2355	2674	2993	3312	3631	1594
Low Density Residential	3	4	1747	1988	2190	2412	2633	2855	1108
Medium Density Residential	3	7	240	280	280	299	319	339	99
High Density Residential	7	15	0	21	41	62	82	103	103
Rural Residential	0.4		50	40	30	20	10	0	-50
Mixed Use Primarily Residential*	10		0	67	133	200	267	334	334
C/I Land Uses	Est. Employees/Acre**		828	882	935	988	1042	1095	266
Commercial	15		256	280	304	328	352	376	120
Industrial	8		422	448	474	500	526	553	131
Office	10		0	33	67	100	133	167	167
Landfill			151	121	90	60	30	0	-151
Public/Semi Public Land Uses			2427	2429	2218	2004	1791	1578	-849
Public/Semi Public Land Uses			118	158	198	238	279	318	200
Parks and Recreation			420	428	435	443	450	458	38
Open Space									0
Roadway Rights of Way									0
Vacant/Agricultural									0
Vacant/Agricultural			1301	1041	781	520	260	0	-1301
Wetlands and Open Space			587	802	802	802	802	801	214
Subtotal			5292	5666	5826	5985	6144	6303	
Outside Urban Service Area	Minimum lot size	Maximum lot size	Existing (2008)	2010	2015	2020	2025	2030	Change 2008-2030
Rural Residential 2.5 acres or less	2.5		5521	5746	5971	6195	6420	6644	1123
C/I Land Uses									
Commercial			70	59	48	37	26	14	-58
Public/Semi Public Land Uses									
Public/Semi Public Land Uses			166	137	109	81	53	24	-141
Parks and Recreation			536	573	611	648	686	723	188
Subtotal			6293	6516	6738	6981	7184	7406	1113
Vacant/Agricultural									
Vacant/Agricultural	40		1910	1528	1146	764	382	0	-1910
Wetlands and Open Space			2712	2497	2497	2497	2497	2497	-215
Total			16207	16207	16207	16207	16207	16207	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.

** Values shown for estimated employees per acre are the anticipated 2030 densities and represent an increase in employment density over the 2008 actual. Over the 2008-2030 time period, steadily increasing employment density estimates are used for each decade to forecast anticipated increase in employment density.

Table 5-4 also contains information on the planned density levels of households and employment per acre. The Metropolitan Council uses this calculation to determine how much of the planned regional growth can be accommodated by a particular community. Development typically occurs at range of densities in a community and therefore, in order to maintain consistent application across the region, the Metropolitan Council directs communities to calculate a community's growth capacity using the lowest density in the planned range. A summary of the Ramsey planned household and employment capacity are in Tables 5-5 and 5-6.

Table 5-5 Planned Household Capacity (2030) (By Sewer District)

North Trott Brook SD

	Min. Density	Net Acres	Household Capacity
Within 2030 MUSA			
Low Density Residential	3	602	1,807
Medium Density Residential	3	18	54
Outside 2030 MUSA			
Rural Residential	0.4	2,626	1,051
Total Household Capacity			2,912

Mississippi River SD

	Min. Density	Net Acres	Household Capacity
Within 2030 MUSA			
Low Density Residential	3	501	1,502
Medium Density Residential	3	157	472
High Density Residential	7	66	465
Mixed Use	10	334	3,337
Outside 2030 MUSA			
Rural Residential	0.4	1,732	693
Total Household Capacity			6,469

Rum River

	Min. Density	Net Acres	Household Capacity
Within 2030 MUSA			
Low Density Residential	3	1,752	5,255
Medium Density Residential	3	164	491
High Density Residential	7	37	256
Outside 2030 MUSA			
Rural Residential	0.4	2,286	914
Total Household Capacity			6,916

Not in a Sewer District

	Min. Density	Net Acres	Household Capacity
Outside 2030 MUSA			
Rural Residential	0.4	0	0
Total Household Capacity			0
TOTAL HOUSEHOLD CAPACITY			16,297

Table 5-6 Planned Employment Capacity (2030) (By Sewer District)

North Trott Brook SD

	Employment Density	Net Acres	Employment Capacity
Within 2030 MUSA			
Commercial	15	5	80
Total Employment Capacity			
			80

Mississippi River SD

	Employment Density	Net Acres	Employment Capacity
Within 2030 MUSA			
Commercial	15	319	4,783
Industrial/Business Park	8	553	4,421
Office	10	167	1,668
Total Employment Capacity			
			10,872

Rum River SD

	Employment Density	Net Acres	Employment Capacity
Within 2030 MUSA			
Commercial	15	50	771
Outside 2030 MUSA			
Commercial	15	16	215
Total Employment Capacity			
			986

Not in a Sewer District

	Employment Density	Net Acres	Employment Capacity
Outside 2030 MUSA			
None	0	0	0
Total Employment Capacity			
			0

TOTAL EMPLOYMENT CAPACITY			11,938
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These planned capacities appear to be in general compliance with the Metropolitan Council’s published forecasts of 16,500 households and 11,300 employment by 2030. It should be noted that the density of employment can be highly variable due to the wide range of business and structure types in each commercial and industrial category.

6. Net Density of New Planned Residential Land

The Metropolitan Council requires a calculation of the net density of areas of new *planned* residential development that have changed since the last Comprehensive Plan. They require a minimum density of three units per net developable acre. Net density is calculated by dividing the total number of planned units by the acres of land guided for residential use (minus wetlands and road right-of-way). Table 5-7 shows the net density of the areas guided for a residential land use within the MUSA between 2008 – existing development – and the new 2030 Land Use Plan.

Table 5-7 Net Density of New Planned Residential Land

Land Use Change - 2008 (Existing) to 2030 Plan	Additional Net Acres	Min Density	Total Units	Avg Density
Low Density Residential	1,108	3.0	3,324	3.0
Medium Density Residential	99	3.0	297	3.0
High Density Residential	105	7.0	735	7.0
Mixed Use (Residential portion)	334	10.0	3,340	10.0
Total	1,646		7,696	4.7

C. Historic Preservation

Historic preservation is an important element of Ramsey’s identity even though there are not many historically significant buildings or sites in Ramsey. In fact the Town Hall is the only building on the National Registrar of Historic Places. However, any time a community is located on a major transportation route such as the Mississippi River, it is bound to be rich with stories and adventures of early settlement. Many of these stories are important because they begin to tell us how Ramsey became the community that it is today.

Although Ramsey does not have a historic preservation district or an official body that responds to issues of historic significance, Anoka County has an active Historical

Society that responds to countywide issues. Located in the City of Anoka, the Anoka County Historical Museum maintains historical materials such as letters, photos, books and legal documents. The Museum is currently short on space and is looking to expand. The Oliver J. Kelly Farm, a Minnesota State Historical site, provides a regional resource for historic information. It also provides a recreational and educational source at its real life living history farm. The site is located approximately 3 miles north of Ramsey along the Mississippi River and is an excellent source of historical information for the City of Ramsey.

Historic Preservation Policy

It is the policy of the City of Ramsey to:

1. Review local building permit applications, site plan proposals and PUDs for historic significance through consultation and communications with the State Historical Preservation Office (SHPO) and the Anoka County Historical Society and other historic preservation resources and agencies.
2. Encourage restoration efforts of historic structures to use compatible building materials and styles to the era of the structure.
3. Promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens of this community and state.
4. Require future trail development along the Mississippi River, within the MNRRA corridor, to plan for or consider historical markers that explain the significance of the river corridor.
5. Work with federal, state, and local organizations including the Anoka County Historical Society, the State Historic Preservation Office, the Secretary of the Interior and local citizen groups in planning and designing for historic preservation projects.

D. Solar Access Protection

Solar energy provides an alternative means to energy that has less impact on the natural resource base of the world. Use of solar energy reduces the need for fossil fuels and nuclear power to heat or cool our homes and businesses or fuel our automobiles. State legislation enacted in 1978 requires local Comprehensive Plans to address solar access protection to ensure that direct sunlight access to solar panels is not subjected to shading from nearby trees, buildings or other structures.

Policies for Solar Access Protection

It is the policy of the City of Ramsey to:

1. Ensure existing levels of solar access are maintained in developed neighborhoods.
2. Encourage the use of solar energy in future housing developments through such programs as the “Energy House”.

3. Ensure future site and building plans maximize efforts to design for efficient use of solar energy including such elements as the location of windows, shade trees (and types), windrows, and driveways.
4. Use where possible solar energy design elements for future public facilities and infrastructure development.
5. Encourage and support educational programs and research that focuses on alternative or renewable energy systems.
6. 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 usage of solar energy systems.

Sec. 117-112. - R-2 Residential District.

- (a) *Intent.* The intent of the R-2 Residential District is to accommodate multiple dwellings at a density of three to seven dwelling units per acre and multiple-dwelling complexes within the 2002 MUSA. All lots created by subdivision located within the 2020 MUSA shall be serviced by sanitary sewer and municipal water.
- (b) *Permitted uses.*
 - (1) Multiple-dwelling structures which include duplexes, twinhomes, townhomes, and apartment buildings, containing no more than ten units.
 - (2) Detached townhomes, including villas or cottage homes.
 - (3) State licensed group homes in accordance with state statutes.
 - (4) Licensed home daycares in accordance with state statutes.
 - (5) Home occupations as permitted by section 117-351.
 - (6) Accessory uses as permitted by section 117-349.
- (c) *Uses permitted by conditional use permit.*
 - (1) Religious Institutions.
 - (2) Keeping of wild animals in accordance with chapter 10, article IV.
 - (3) Increased accessory structure height/size.
 - (4) Oversizing of signs.
 - (5) Expansion or enlargement of lawful nonconforming uses.
 - (6) Micro-scale WECS.
- (d) *R-2 bulk standards.*

Miscellaneous Standards	Duplex	Twinhome or Quad
Lot size	14,000 square feet per structure	7,000 square feet per dwelling unit
Minimum density (net)	3.0	3.0
Maximum density (net)	7.0	7.0
Lot width	100 feet	50 feet
Front yard setback	30 feet	30 feet
Side yard setback	10 feet	10 feet
Side yard setback corner lot	30 feet	30 feet

Side yard interior wall setback	N/A	0
Rear yard setback	30 feet	30 feet
Maximum lot coverage for all principal and accessory buildings (excludes impervious or prepared surface)	35%	35%
Maximum building height (measured from mean ground level to mean ground gable)	35 feet	35 feet
Accessory structure setbacks:		
Front	30 feet or same as principal structure, which ever is greater	30 feet or same as principal structure, which ever is greater
Rear	5 feet	5 feet
Side	6 feet	6 feet
Side corner	30 feet	30 feet
Maximum number of units per structure	2	2 (4 for quad)

Miscellaneous Standards	Attached and Detached Townhomes	Multifamily
Lot size	None	None
Minimum density (net)	3.0	3.0
Maximum density (net)	7.0	7.0
Lot width	None	100 feet

Building setback from public street right-of-way	25 feet	25 feet
Building setback from private street measured from back of curb	25 feet	25 feet
Building setback from exterior development boundary line	30 feet	30 feet
	25 feet (detached)	
Minimum separation between buildings, including any appurtenances thereto (i.e., patios, decks)	20 feet	20 feet
	15 feet (detached)	
Parking node setback from exterior development boundary line	30 feet	30 feet
Parking node setback from structure	15 feet	15 feet
Maximum lot coverage	35%	35%
Maximum building height (measured from mean ground level to mean gable)	35 feet	35 feet
Accessory structure setback (measured from the development boundary line)	30 feet	30 feet
Maximum number of units per structure	81 (detached)	10
Open space required	40% general open space 10% of which must be identifiable community space	40% general open space 10% of which must be identifiable community space

(e) *General R-2 residential performance standards.*

(1) *Miscellaneous standards.*

Miscellaneous Standards	
Townhouse with garage	1 bedroom - 700 square feet
	2 bedrooms - 800 square feet
	3 bedrooms - 960 square feet
	Each additional bedroom - 125 square feet
	Efficiency unit - 400 square feet
Duplex dwelling	800 square feet per unit
Twinhome dwelling	912 square feet per unit
Multifamily dwellings	1 bedroom - 700 square feet
	2 bedrooms - 800 square feet
	3 bedrooms - 960 square feet
	Each additional bedroom - 125 square feet
	Efficiency unit - 400 square feet
No. of required off-street parking spaces	Duplex - 2 enclosed
	Twinhome - 2 enclosed
	Townhome - 2 off-street, 1 of which must be enclosed.
	Multifamily - 2½ off-street spaces per unit, 1 parking space must be enclosed, the remaining required parking spaces must be located within the development
Maximum building lot	35%

Maximum driveway width	20 feet
Side yard setback for driveways	5 feet
Required driveway surface	Bituminous or concrete

(2) *Parking.*

- a. The surfaces of parking stalls, aisles, and access driveways shall be constructed with blacktop or concrete and properly maintained. The term "properly maintained" includes keeping the blacktop or concrete in good condition and free from chuckholes and other types of surface cracks and breakage.
- b. The entire perimeter of the parking stalls, aisles and access driveways shall be curbed with six-inch-high curbing of poured concrete.
- c. All required parking stalls shall be located on the premises of the principal building.
- d. A parking stall shall not be less than 180 square feet in area, with a minimum width of nine feet.
- e. Additional parking spaces may be required by the city.

(3) *Streets.*

- a. *Public streets.* Residential developments in this district must provide one main thoroughfare through the development and main thoroughfares must be dedicated as public streets.
- b. *Private streets.* Private streets or driveway collectors are permitted if they serve as access driveways from dwelling units to public streets and meet the city engineer's street standards together with the dimension standards described below:
 1. Minimum private street width with no parking permitted: 24 feet.
 2. Minimum private street width with parking permitted on one side of street: 28 feet.
 3. Minimum private street width with parking permitted without restriction: 32 feet.
 4. Maximum private street length without a turnaround provided: 200 feet.
 5. Maximum private street length with a turning provision provided: 300 feet.
 6. Maximum private street length with a cul-de-sac provided: 600 feet, except that when exceeding 300 feet, the entire length of the private street must be 32 feet wide.
 7. Minimum access road width at street frontage: 24 feet.
 8. Minimum parking aisle width: 24 feet.
 9. Maximum driveway width at road frontage: 20 feet.
 10. Edge of curb opening shall not be closer to nearest portion of a street right-of-way intersection than 27 feet or two-thirds of the lot width, whichever is smaller (where a "T" intersection exists, a drive may be located opposite the end of the intercepted street).

- 11. Minimum access drive angle to the street: 75 degrees.
- 12. Building setback from private street, measured from back of curb: 25 feet.
- 13. Minimum radius at intersections: 20 feet.

(4) *Fences.*

- a. Fencing or walls (except retaining walls) located in the front yard shall not exceed four feet height. Fencing or walls located in the side or rear yard shall not exceed six feet in height. Fences outside the 2020 MUSA are allowed up to eight feet in height in any yard but must be set back a minimum of 100 feet from the front property line unless they have at least 75 percent clear visible opening. Fences may be constructed of barbed wire to accommodate agricultural activities and the raising of livestock and animals as defined by chapter 10, Animals. Lots of record as of July 1, 2002, within the MUSA that are currently used for agricultural activities or the raising of livestock and animals also qualifies under this provision.
- b. Fencing material shall consist only of wood or chain link. No other types of materials will be permitted.
- c. Fence framing must face inward on the fence owner's lot.
- d. Fencing must be located 100 percent on the fence owner's lot.

(5) *Garbage receptacle storage.* Outdoor garbage receptacles serving multifamily units must be in either the rear or side yard and must be screened from public view and adjacent lots.

(6) *Lot landscaping.*

- a. *Minimum landscaping requirements.* All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the lot. A reasonable attempt should be made to preserve as many existing trees as practicable in order to incorporate the trees into the development.
- b. *Minimum planting requirements.* The minimum number of plantings required shall be determined based on crown or canopy cover. To fulfill the planting requirements, a combination of trees and shrubs shall meet or exceed the minimum required canopy cover square footage. The minimum canopy cover shall be calculated as follows:
 - 1. Determine ratio of impervious area to entire site area.
 - 2. Multiply the impervious area/site area ratio by the square footage of the pervious area to calculate the required canopy cover square footage for the project area.
 - 3. The following formula shall be utilized to determine the average canopy cover of a species:

$$[(\text{Minimum} + \text{Maximum Spread}) \div 4]^2 \times \pi \times (0.65 \text{ for preferred species or } 0.50 \text{ for acceptable species, as identified in the Ramsey Tree Book}).$$

- c. *Minimum size of plantings.* Required trees shall be of the following minimum planting size:

Planting Type	Size
Deciduous trees	1-inch diameter as measured six inches above ground
Coniferous trees	5 feet in height

Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height or 2 feet in width, whichever applies
Ornamental trees	1-inch diameter as measured six inches above ground

- d. *Planting types.* Acceptable and preferred plantings shall be identified in the Ramsey Tree Book. The compliment of trees fulfilling the landscaping requirements shall not be less than 25 percent deciduous and not less than 25 percent coniferous. No more than 25 percent of the canopy cover requirements shall be fulfilled with the use of shrubs and ornamental trees.
- e. *Irrigation.* If a landscape irrigation system is provided, the system shall be equipped with the following:
 - 1. Technology that inhibits or interrupts operation of the irrigation system during periods of sufficient moisture (rain sensor).
 - 2. One or more water efficient technologies. This could include, but is not limited to, WasterSense labeled weather-based irrigation controllers, soil moisture sensors, and/or evapotranspiration (ET) sensors.
- f. *Open space.* Each townhouse development shall have at a minimum, 40 percent open space for the enjoyment of its residents that may be held as private lots or in common areas. Qualifying areas include grassed lawns, landscape areas, gardens, natural areas, landscape rock, mulch, wetlands, and ponding areas. Of the 40 percent open space, ten percent is to be dedicated as an identifiable common area for use by residents of the development.

(7) *Screening.*

- a. *Bufferyards.* The table below establishes the minimum bufferyard and additional plantings required when a higher density zoning district is adjacent to a lower density zoning district. The screening requirements are applicable when any portion of a lot with a higher zoning designation shares a property line with a lot of a lower zoning designation. Within that bufferyard, an additional percentage of landscaping is also required based on the minimum landscape plantings. The additional percentage of plantings required, are to be planted within the bufferyard.

		Adjacent Existing Development	
		R-1	R-2
Proposed Development	R-1	-	-
	R-2	30 ft.	-
	% increase required	10%	-
	R-3	40 ft.	30 ft.

	% increase required	20%	10%
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- b. The additional landscaping materials shall be in addition to the number of plantings required in the site landscaping section of this district and shall be located within the required bufferyard.
 - c. Screening shall be installed in accordance with section 117-356.
- (8) *Lighting.* Lighting used to illuminate an off-street parking area, sign or structure, shall be arranged to deflect light away from adjacent residential districts or public streets. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be directed so that the bulb is not visible from off the property where the light source is located.
- (9) *Architectural standards.* The purpose of this section is to encourage the development of high-quality, diverse multiple-dwelling structures in the city while permitting flexibility in the development process.
- a. General standards. The requirements in this section apply to the front facade of all multiple-dwelling structures, as defined under permitted uses in this section.
 - 1. The type of building materials used on exterior walls of all structures in the R-2 Residential District shall be face brick; natural stone; stucco; aluminum, steel, or vinyl siding; wood; masonite products; or other compatible residential materials that may be approved by the city. Exterior Insulation and Finish Systems (EIFS) material is prohibited. The front exterior building finish of multiple-family buildings shall consist of a minimum of 35 percent face brick, natural stone, or stucco (excluding window and door area in the calculation). This requirement shall also apply to the side of a building when it faces a public street.
 - 2. Multiple-dwelling developments that face county highways, state highways, or MSA roads shall vary structure orientation.
 - 3. A minimum of three colors shall be used for each multiple-dwelling building. Elements that may count towards this requirement include siding, trim, doors, and garage doors. A color palette shall be included as a part of the building elevation submittal at the time of preliminary plat review.
 - 4. All multiple-dwelling structures shall include at least two of the following architectural elements:
 - (i) Articulated/cantilevered facade.
 - (ii) Dormers.
 - (iii) Articulated roofline.
 - (iv) Projected or inset windows.
 - (v) Balconies, porches, or decks.
 - (vi) Window treatments, such as shutters and window boxes.
 - (vii) Other elements as approved by the city council.
 - b. The 35 percent masonry requirement (under subsection (e)(9)a.1 of this section) may be waived in whole or in part based on inclusion of one or more of the following criteria:
 - 1. Two additional architectural elements from the list in subsection (e)(9)a.4 of this section are included.

2. Two additional colors are included in the overall color palette, for a total of five colors.
3. Decorative sidewalks (brick, stone inlays, etc.).
4. Other aesthetic enhancements deemed to be appropriate by the city council.

(Code 1978, § 9.20.12; Ord. No. 73-9, 6-1-1973; Ord. No. 86-2, 8-25-1986; Ord. No. 93-13, 8-30-1993; Ord. No. 96-17, 10-28-1996; Ord. No. 96-23, 1-13-1997; Ord. No. 02-17, 7-15-2002; Ord. No. 03-21, 8-25-2003; Ord. No. 04-08, 5-17-2004; Ord. No. 06-24, § 2, 8-8-2006; Ord. No. 09-06, § 2, 4-28-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 17-04, § 2, 5-9-2017)

State Law reference— Permitted single-family uses, Minn. Stats. § 462.357, subd. 7; permitted multifamily uses, Minn. Stats. § 462.357, subd. 8.

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

DATE	OCTOBER 31, 2017	PROJECT ADDRESS	TBD
PROJECT. TITLE	VILLAS AT NORTH FORK (SKETCH PLAN, COMPREHENSIVE PLAN AMENDMENT, ZONING AMENDMENT)		
PROJECT #	17-145		
DEPARTMENT:	Community Development: Planning Division		
TECHNICAL REVIEWER:	Name: Tim Gladhill Phone: 763-433-9826 Email: tgldhill@cityoframsey.com		

Sketch Plan, Comprehensive Plan Amendment, and Conditional Zoning Amendment Review

We offer the following comments regarding the revised plans submitted for Villas at North Fork as it relates to the City’s Comprehensive Plan, Zoning Code, and Subdivision Code. The current submittal includes one (1) sheet prepared by Carlson McCain dated September 12, 2017.

Level of Discretion

The proposed development includes a request for a Comprehensive Plan Amendment and Zoning Amendment. This increases the level of discretion available to the City.



Source: League of Minnesota Cities

Comprehensive Plan

The Developer is requesting a Comprehensive Plan Amendment from Rural Developing to Medium Density Residential.

Existing Comprehensive Plan (Future Land Use) Designation – Rural Developing

The project site is designated as Rural Developing. Areas of Ramsey guided Rural Developing will not have urban services and include single family, detached housing types. Minimum lot size is 2.5 acres per unit. Much

of Ramsey has been developed in this pattern, and only some areas guided Rural Developing contain large lots that could be subdivided into 2.5 acre lots.

The Rural Developing area is the largest land use within the City of Ramsey. The existing primary use of this area is very low-density residential development with average densities of roughly 1 unit per 2.5 acres, a development pattern that was established in the early 1970s. Because of this very low-density pattern of development and the numerous wetlands, the extension of urban services to the rural developing area is not practical or financially feasible.

The maximum density for the Rural Developing area shall be 1 unit per 2.5 acres gross. This density was determined by examining the natural features and the predominant existing density within the Rural Developing area.

Proposed Comprehensive Plan (Future Land Use) Designation – Medium Density Residential

These areas are within the MUSA and intended to receive medium density housing including lower density multi-family housing and higher density single-family housing. Average density will be 6 units per acre (acceptable range is 4 to 7 units per acre).

Medium density residential shall not exceed 7 units per net acre. Medium density areas include housing units such as attached and detached townhouses, condominiums, duplexes and triplexes or small apartment buildings. These areas are smaller, typically “infill” sites, that would not be conducive to high density housing, yet would be underutilized as single family housing. These areas take advantage of close proximity to park and open spaces, commercial and public services and accessibility to the road network.

If low-density residential land is rezoned to accommodate higher density residential uses, the new high density residential development shall include a transition area between existing single-family detached housing and the new high-density housing. This transition area may consist of single-family detached home, open space or some other transition acceptable to the City Council.

The Comprehensive Plan Amendment also requests extension of the Metropolitan Urban Service Area (MUSA).

Zoning District

The project site is currently located within a Planned Unit Development (PUD) District (Northfork). This PUD contemplated a range of one (1) acre and two (2) acre lots on private well and septic, with a total of 19 lots planned. However, review below is based on the R-2 Residential District. If the project is to move forward, this Zoning Amendment will need to be approved.

The intent of the R-2 Residential District is to accommodate multiple dwellings at a density of [four] to seven dwelling units per acre and multiple-dwelling complexes within the [Metropolitan Urban Service Area]. All lots created by subdivision located within the MUSA shall be serviced by sanitary sewer and municipal water.

Additionally, the project site is partially located within the Shoreland Overlay District for Lake Itasca (Minnesota Department of Natural Resources designation). This may impact the lots along Alpine Drive. The request will be sent to the Minnesota Department of Natural Resources for comment.

(Note: Staff has discovered several typos and discrepancies between the Comprehensive Plan and Zoning Code for this category, none of which impact the review of this project. Staff will use the current Comprehensive Plan Update to correct these discrepancies.)

Miscellaneous Standards	Attached and Detached Townhomes
Lot size	None
Minimum density (net)	3.0 (Comprehensive Plan notes 4)
Maximum density (net)	7.0
Lot width	None
Building setback from public street right-of-way	25 feet
Building setback from private street measured from back of curb	25 feet
Building setback from exterior development boundary line	25 feet (detached)
Minimum separation between buildings, including any appurtenances thereto (i.e., patios, decks)	15 feet (detached)
Parking node setback from exterior development boundary line	30 feet
Parking node setback from structure	15 feet
Maximum lot coverage	35%
Maximum building height (measured from mean ground level to mean gable)	35 feet
Accessory structure setback (measured from the development boundary line)	30 feet
Maximum number of units per structure	81 (detached)
Open space required	40% general open space 10% of which must be identifiable community space

Generally speaking, the proposed subdivision appears to meet these minimum standards, subject to verification on the Preliminary Plat and contingent upon the required Comprehensive Plan Amendment and Zoning Amendment.

Density Transitioning

The project site abuts a future residential subdivision also designated as Medium Density Residential and located within the R-2 Residential District (same as proposed subdivision). There are no existing homes abutting the

project site. There is a Rural Developing subdivision north of Alpine Drive from the project site. The project site also abuts The Links at Northfork Golf Course. Density Transitioning is not required.

Conditional Rezoning Agreement

The Developer has requested that the Zoning Amendment be approved prior to Preliminary Plat. In order to accomplish this goal, the Developer must enter into a Conditional Rezoning Agreement. City Code Section 117-123 (Planned Unit Development District) requires certain plan sheets similar to a Preliminary Plat. Those have not yet been provided by the Developer, whom desires to defer these requirements until after a Zoning Amendment is approved. This was raised as a concern during previous review. The Zoning Amendment will be conditioned upon substantial compliance with the Sketch Plan dated September 12, 2017.

The CRA shall include the following:

1. Agreement to lay out, develop and maintain the subject property as presented in the accompanying preliminary plat or site plan.
2. Provision to allow the city council to commence rezoning of the subject property to the previous zoning district if the preliminary plat or site plan is not adhered to. Said zoning change shall not be contested by the subject property owner or parties to CRA.
3. Additional standards may be included to protect the health, safety, and general welfare of surrounding land uses.

It is noted that this scenario increases certain risks to the City (real and perceived). While the City has some concern with this approach, we feel this can be mitigated with the proper agreement. It is hereby noted that the City is not obligated to take this step, and can require that the Zoning Amendment run parallel with the Preliminary Plat.

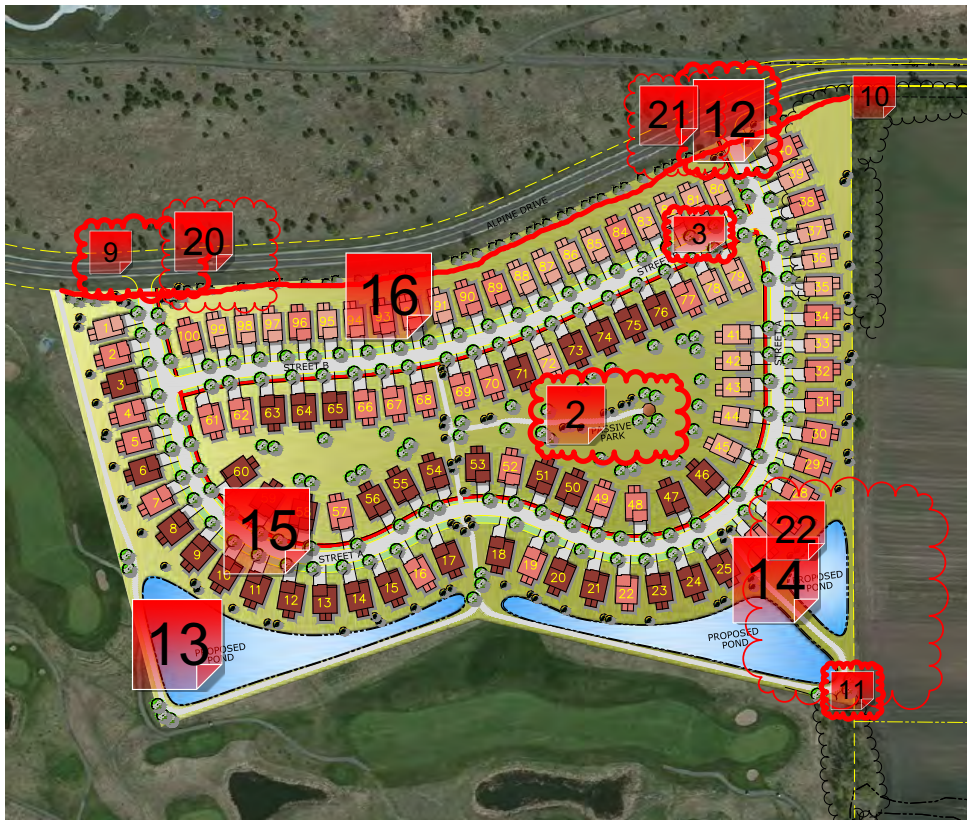
Staff provides the following comments that require revision:

The following Sketch Plan requirements are missing from the submittal and must be included in future plan sets, or the Application shall be considered incomplete. These items must be shown on the plan set, not a separate document.

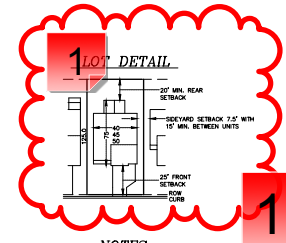
1. Net Density calculations (subtracting wetlands)
2. Architectural Renderings of model homes to be utilized within the development.

This project has been reviewed using the City's new electronic plan review system, ProjectDox. Comments and redlined plans have been exported from that system and attached to this review file.

A public workshop is scheduled for Thursday, November 2 at 5:30 p.m. in the Alexander Ramsey Room.



18 19 8 7 6



- NOTES**
- 1) No field work has been completed at this time.
 - 2) Subject property address: South of Alpha Drive NW and 1300 west of Puma Street, Ramsey, MN 55053.
 - 3) Topography shown is LIDAR which was provided by the Minnesota Department of Natural Resources.
 - 4) No. This 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 NUMBER OF VILLA LOTS	100
65' VILLA LOTS	36
60' VILLA LOTS	35
55' VILLA LOTS	29



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1 - Changemark #01

Created by: Tim Gladhill
On: 10/09/2017 03:31 PM

Project will be reviewed based on R-2 Residential District standards as detached townhome units. Proposal shall require a Comprehensive Plan Amendment and Zoning Amendment.

There is no minimum lot size requirement for detached townhomes in the R-2 Residential District.

Minimum driveway length (25 feet) measured from back of sidewalk when present.
Need lot coverage detail; code specifies max of 35%.

There is no minimum lot width for detached townhomes in the R-2 Residential District.

Please include applicable floor plans. Code specifies a minimum size unit based on number of bedrooms.

----- 0 Replies -----

2 - Changemark #02

Created by: Tim Gladhill
On: 10/09/2017 03:32 PM

Park shall not be eligible for Park Dedication or Trail Development Fee credit.

Include open space calculations. Code specifies 40% general open space, with 10% of which must be identifiable community space.

----- 0 Replies -----

3 - Changemark #03

Created by: Tim Gladhill
On: 10/09/2017 03:35 PM

Street appears to be 29 foot width. Please confirm. Park will need to be restricted to one side of street in this scenario.

----- 0 Replies -----

4 - Changemark #04

Created by: Tim Gladhill
On: 10/09/2017 03:40 PM

Front yard = 25
Exterior development boundary = 25
Separation between buildings = 15 (7.5 per unit)

----- 0 Replies -----

5 - Changemark #05

Created by: Tim Gladhill
On: 10/09/2017 03:42 PM

Please provide net density calculations. Include rights of way. Exclude wetlands.

Include acreage calculations:
Gross acreage
Wetland acreage
Net acreage

----- 0 Replies -----

6 - Changemark #06

Created by: Tim Gladhill
On: 10/09/2017 03:45 PM

Include full legal description.

----- 0 Replies -----

7 - Changemark #07

Created by: Tim Gladhill
On: 10/09/2017 03:46 PM

Include name and address of owner in addition to subdivider.

----- 0 Replies -----

8 - Changemark #08

Created by: Tim Gladhill
On: 10/09/2017 03:46 PM

Include boundary survey.

----- 0 Replies -----

9 - Changemark #09

Created by: Tim Gladhill
On: 10/09/2017 03:48 PM

Add pedestrian crossing detail.

Pavement markings.
Pedestrian accuated signals.

----- 0 Replies -----

10 - Changemark #10

Created by: Tim Gladhill

On: 10/09/2017 03:49 PM

City needs to determine if trail is to be constructed here.

----- 0 Replies -----

11 - Changemark #11

Created by: Tim Gladhill

On: 10/09/2017 03:50 PM

Trail connection to Pearson Park?

----- 0 Replies -----

12 - Changemark #01

Created by: Tim Gladhill

On: 10/10/2017 02:15 PM

Concerned with vision clearance triangle in this location. It is assumed that internal roadways will be public.

----- 0 Replies -----

13 - Changemark #02

Created by: Tim Gladhill

On: 10/10/2017 02:17 PM

Need to review stormwater. Reminder that first 1" of rainfall must be infiltrated on site.

----- 0 Replies -----

14 - Changemark #03

Created by: Tim Gladhill

On: 10/10/2017 02:19 PM

It is assumed that the internal trails will be private. The sidewalks along public roads will be public. Sidewalks will be required on one side of each public road.

----- 0 Replies -----

15 - Changemark #04

Created by: Tim Gladhill

On: 10/10/2017 02:20 PM

No Parking on one side of street. Must post No Parking Signs.

----- 0 Replies -----

16 - Changemark #05

Created by: Tim Gladhill
On: 10/10/2017 02:21 PM

Must share architectural renderings.

----- 0 Replies -----

17 - Changemark #06

Created by: Tim Gladhill
On: 10/10/2017 02:23 PM

Eave overhangs should not be in easements. If this doesn't work, please discuss with City.

----- 0 Replies -----

18 - Engineering Notes Preliminary Plat

Created by: Len Linton
On: 10/12/2017 08:47 AM

General:

The plans need a legend on every sheet showing every line type and symbol used on that sheet.

The scale and shape of the symbols in the legend must match the plan view.

The lines under text must be broken to make the text legible.

Use the City details available on the website.

Cover:

A location map is required.

A sheet index is required.

Removals Plan:

A removal sheet must be added to the set showing all items to be removed. The removed items must not appear on the construction sheets.

Add sawcut lines for removing existing pavement. Identify quantity of bituminous to remove.

Removed items must not appear on any other sheet.

Grading Plan:

The minimum grade on all lots in all directions shall be 2.0% or greater.

Spot elevations are required at all lot corners.

Silt fence must be installed and inspected prior to any construction.

Silt fence must be installed up slope of the infiltration area after it is constructed.

Add tree protection fence to show limits of clearing.

Soil borings and a geotechnical report are required for borings in the proposed house locations and the proposed streets. The number of borings shall be determined by the geotechnical engineer to provide a recommendation for pavement design and lowest floor elevations.

Soil borings are also required in the proposed infiltration basins. They must extend to at least 6 feet below the bottom of the proposed basins. These must be included in the geotechnical report.

Borings and a report are also required in the proposed drainfield areas.

The boring reports must be submitted with the preliminary plat.

Minimum Floor Elevation is 2 feet above 100 year flood elevation or 3 feet above the highest anticipated ground water level or 1 foot above the emergency overflow elevation.

Utility Plan:

Symbols in the legend must match the plan view.
Specify the connection type and location to connect to existing.
Profiles are not required for preliminary plat.

Street Plan:

Urban streets shall be 32 ft Back to back with concrete curb and gutter.
Symbols in the legend must match the plan view.
A site specific typical street section is required.

Stormwater Calculations

This project will require a permit from the Lower Rum River Watershed Management Organization (LRRWMO). The LRRWMO board will not consider the permit until the project has received preliminary plat approval. The LRRWMO application requires city acknowledgement. Work with staff to coordinate timing of the application submittal. The LRRWMO requirements are infiltration of the first 1" of runoff from new impervious surfaces, rate control for the 2, 10 and 100 year events and water quality improvement with removal of 60% total phosphorus and 90% total suspended solids. Infiltration basins must be designed to drain down within 48 hours. If the basin is joined with the stormwater pond, the infiltration basin area must be dry 48 hours after a 100 year storm.

The removal efficiencies must be documented by submittal of an approved model such as P-8, MIDS Calculator or MPCA spreadsheet. The complete documentation must be submitted, not just the output summary tables.
The City will administer the storm water management requirements of the permit.

A 16.5 ft easement is required around all infiltration basins and stormwater ponds.

Storm sewer pipe sizing calculations must be submitted for the 10 year storm.
Casting information must match detail STO-4.

----- 0 Replies -----

19 - Engineering Final Plat

Created by: Len Linton
On: 10/12/2017 09:01 AM

The Final Plat submittal must include these items.

Storm sewer shown on Sanitary Sewer and Water Plans shall be in a lighter pen. The same is true for Storm Sewer and Street plans, with the Sanitary Sewer and Water in a lighter pen.

Centerline grades will be required on all profile sheets (Sanitary Sewer and Water, Storm Sewer and Street) where the pipes are in the Right of Way.

Centerline Stationing shall be shown on all profile sheets except Storm Sewer outside of ROW.

Individual custom curb ramp details are required for each pedestrian ramp. The MNDOT 6 set sheet must be included on the detail sheets and followed in the custom curb ramp details.

The following comments apply to the SWPPP document.

Show the 1 mile radius on the map.

The Trott Brook is considered a Special water and must be called out on the map and in the table.

Add a BMP table listing the BMP's used on the project, the proposed quantity and the sheet where installed.

Under inspections add note: "Email inspection reports to City after each inspection. Submit full set of inspection reports prior to project close out."

Under temporary erosion control change "14 days" to "7 days" in all locations.

Under project closeout add note:"City must approve Notice of Termination before it is submitted."

Final Plans

Autocad drawings and pdfs of the final approved plans must be submitted prior to the pre-construction meeting. The submittal must include the pen setting files for full size and reduced size drawings.

As-built drawings and pdfs must be submitted after the 2nd lift of bituminous is installed.

----- 0 Replies -----

20 - Street Alignment

Created by: Len Linton
On: 10/12/2017 04:25 PM

The western entrance must align with the existing street on the north side of Alpine Drive.

----- 0 Replies -----

21 - Traffic Management

Created by: Len Linton
On: 10/12/2017 04:27 PM

A traffic study will be required for this plat. The Study must also look at the visibility from the east intersection.

----- 0 Replies -----

22 - Utility Connection

Created by: Len Linton
On: 10/12/2017 04:29 PM

An easement will be required for connecting to Municipal Sewer and Water. This will require removing lots.

----- 0 Replies -----

Meeting Date: 11/02/2017

By: Tim Gladhill, Community Development

Information

Title:

Preliminary Approvals related to proposed North Fork Meadows subdivision; Case of Paxmar, LLC (Project No. 17-126)

- 1. Introduce Ordinance #17-16 Approving a Conditional Zoning Amendment to Planned Unit Development
- 2. Adopt Resolution #17-10-276 Authorizing Conditional Rezoning Agreement

Purpose/Background:

The City Council tabled action on this case for additional information. The City Council requested a better delineation of the Lake Itasca Greenway boundary as well as a Park Dedication/Trail Development Fee and Open Space Pro-Forma comparison. Staff is currently working on this request along with the Developer. Staff will update this case the week of October 30 with this requested information. There are no changes to the proposal from the October 12 Planning Commission at this time.

Clarify Boundaries of Greenway

?Staff is still working with the Developer on this aspect. Staff has prepared an interim exhibit. The Developer shall include the greenway boundary on their Sketch Plan prior to reviewing with the City Council.

?Quantify Public Benefit

?Staff has attempted to quantify the return of public benefit in exchange for flexibility in certain zoning standards. Below is Staff's attempt and quantifying. Staff has not received a response from the Developer. Staff ran the scenarios outlined below.

- 1. Add areas of Lake Itasca Greenway currently owned by Hageman Holdings to be dedicated to the public as part of the PUD to the current Sketch Plan. The Council is wanting the greenway alignment and the development concept on one plan. I would like to suggest that the plan have two (2) sheets.
 - a. The current context/scale of the Sketch Plan
 - b. A broader view that shows the full geographic context of the greenway.
 - i. Please note that we will have to clean up the current planning map.
 - ii. Remove areas not owned by Hageman
 - iii. Re-align the areas that overlap with lots in North Fork Meadows
- 2. Project Pro-Forma Comparison (park dedication, trail development, and open space preservation only)
 - 1. Scenario 1: PUD (97 lots)
 - 1. Park Dedication Amount
 - 2. Park Dedication Increase with PUD
 - 3. Trail Development Amount
 - 4. Trail Development Increase with PUD
 - 5. Cash Value of Open Space Preservation (greenway corridor)
 - 2. Scenario 2: No PUD (follow existing zoning, no amendments or variances; 70 lots)

Type	PUD Amount	Non-PUD Amount	Change
Park Dedication	\$271,600	\$196,000	\$75,600
Trail Development	\$77,600	\$56,000	\$21,600

Lake Itasca Greenway \$100,000*	\$0	\$100,000 Potential Value of Public Benefit
Total		\$197,200 Potential Value of PUD

*Not official. Simply a starting point for discussion.

The purpose of this case is to consider a introducing a Zoning Amendment from R-1 Residential (MUSA) to Planned Unit Development and entering into a Conditional Rezoning Agreement related to the same. Conditional Zoning Amendments are allowed by City Code Section 117-50 that allow a Zoning Amendment, but require that it follows a specific site plan to avoid the potential for a completely different project to be proposed after said Zoning Amendment.

The Planning Commission and City Council have reviewed this project on multiple occasions. The current proposal has been modified by the Developer in order to address comments received by the Public, Planning Commission, and City Council. Key issues at that time included, but were not limited to the following.

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. A follow up workshop was held on Thursday, October 12.

The original proposal was classified as a medium density residential development (4-7 units per acre). This area is guided as low density residential (2-4 units per acre) in the City's Comprehensive Plan. The original proposal would have required a Comprehensive Plan Amendment and a Zoning Amendment. There were subsequent revised concepts prepared and reviewed.

The current proposal has been modified in an attempt to remain in the low density residential category. This is the fifth revised concept prepared by the Developer. The Net Density as proposed appears to be less than four (4) units per acre, which allows this project to advance through the review process without the need for a Comprehensive Plan Amendment. However, the proposal still requires a Zoning Amendment to Planned Unit Development (PUD). While the density of the current concept is within the range of the Comprehensive Plan (planning/visionary document), the actual proposed lot sizes and lot widths are deficient of the minimums required by the Zoning Code (official controls/implementation tool) for the R-1 Residential (MUSA) District. Said Zoning District does allow density up to four (4) units per acre with the use of a PUD.

In the interest of clarity and avoiding confusion, Staff is only including the current proposal in this agenda packet. Staff's presentation will provide a very brief overview of the previous concepts and the sequence that arrived at the current concept.

The City has significant discretion in review of this project. Since the project requires a Zoning Amendment, the City is not obligated to approve and the Developer must demonstrate a compelling reason to approve the change. This results in a higher standard of review compared to projects that meet all minimum standards of their respective zoning district.

Finally, since the concept has changed significantly from the original proposal when the current set of public comments were received, Staff has removed these comments from the agenda packet and is re-setting the public hearing and public comment period. Minutes from the October 12, 2017 Planning Commission are attached for review. Additionally, a public workshop was also held on October 12, 2017. While a number of attendees of said workshop preferred a project that did not deviate from the R-1 Residential (MUSA) standards, multiple attendees did note a willingness to compromise.

Notification:

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

Observations/Alternatives:

Sketch Plan Review

The project has gone through two (2) rounds of elevated Sketch Plan Reviewed (Sketch Plan was also reviewed by the City Council). The project is eligible to request review of next steps.

1. Zoning Amendment [current step]
2. Preliminary Plat
3. Final Plat

Conditional Zoning Amendment (PUD)

The Planned Unit Development process is outlined in City Code Section 117-123. Additionally, City Code Section 117-50 permits the City to make a Zoning Amendment conditional upon a specific proposal. A concern was raised by the public at a previous public meeting that there was the potential to approve the Zoning Amendment, then have a different project come in based on the new zoning district. These two tools allow the City to protect itself from that scenario. The City Attorney has expressed some hesitation with this approach, but feels the concern can be adequately mitigated with the correct language in an agreement. The City Attorney wants to avoid perceptions of Contract Zoning (approval of a Zoning Amendment in exchange for some material consideration, namely cash), which is not permissible. The Developer (Paxmar) desires to have the Zoning Amendment approved, conditioned on substantial compliance with the current concept, before preparing preliminary plat materials (due to cost to prepare a Preliminary Plat). Ordinarily, the Zoning Amendment would run parallel with the Preliminary Plat, not before.

A Planned Unit Development does allow the City the flexibility to negotiate any zoning standard; however, utilization of this tool requires a public benefit equal or greater than the off-setting flexibility. In this case, the working assumption is that the current Property Owner will dedicate the area necessary for the Lake Itasca Greenway at no additional cost to the City. This is separate from Park Dedication requirements and cannot be combined. While the number of lots proposed by the Developer is less than originally proposed, the flexibility utilized to arrive at the current concept plan nets approximately thirty (30) additional lots than without the utilization of the PUD tool.

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.

Funding Source:

All costs associated with processing the Application are the responsibility of the Developer. The Developer will be responsible for the costs of construction of all infrastructure internal to the site.

The Developer has requested that a cost share agreement be approved for the final segment of Puma Street. The Developer proposes to share the cost between itself, the City, and Capstone Homes (Owner/Developer of parcel to the west). This will be discussed in detail with the Preliminary Plat. Action at this stage does not obligate or commit the City to any investment in the project.

Recommendation:

When considering a Staff Recommendation, Staff is reviewing the revised concept against the following talking points raised during the first stages of review.

1. Consistency of the Comprehensive Plan
2. Needing a more compelling reason to amend the Comprehensive Plan, or leave as Low Density Residential
3. Creating a more meaningful Density Transitioning Plan (wider lots AND deeper lots)

The Developer has chosen to revise the concept to comply with the Comprehensive Plan. The Developer is requesting a deviation to lot width and lot depth, necessitating a Zoning Amendment to Planned Unit Development. The Developer appears to have attempted to address the desire for wider and deeper lots adjacent to the existing residential neighborhood. The Property Owner has agreed in concept to conveying the area needed for the Lake Itasca Greenway.

With these factors considered, Staff feels that this is a reasonable compromise and would support the Planning Commission and City Council in approving this project. That being said, a reminder that the City is not obligated to approve this project. This is a policy-level decision that requires direction from the City Council.

Action:

Motion to recommend that the City Council approve/deny a Conditional Zoning Amendment to Planned Unit Development, conditioned upon substantial compliance with the Sketch Plan dated September 18, 2017, based on the new quantifiable information provided.

Attachments

Site Location Map

Revised Sketch Plan

Planned Unit Development Requirements

Conditional Zoning Amendment Requirements

Staff Review Letter

Lake Itasca Greenway Concept

Draft Planning Commission Minutes dated June 12, 2017

DRAFT City Council Meeting Minutes dated June 27, 2017

DRAFT City Council Meeting Minutes dated August 22, 2017

DRAFT Planning Commission Minutes dated September 7, 2017

Planning Commission Presentation dated October 12, 2017

DRAFT Planning Commission Minutes dated October 12, 2017

Ordinance #17-16

Resolution #17-10-276

DRAFT Conditional Rezoning Agreement

DRAFT City Council Minutes dated October 24, 2017

Greenway Overlay Map

Form Review

Inbox

Tim Gladhill (Originator)

Form Started By: Tim Gladhill

Final Approval Date: 10/31/2017

Reviewed By

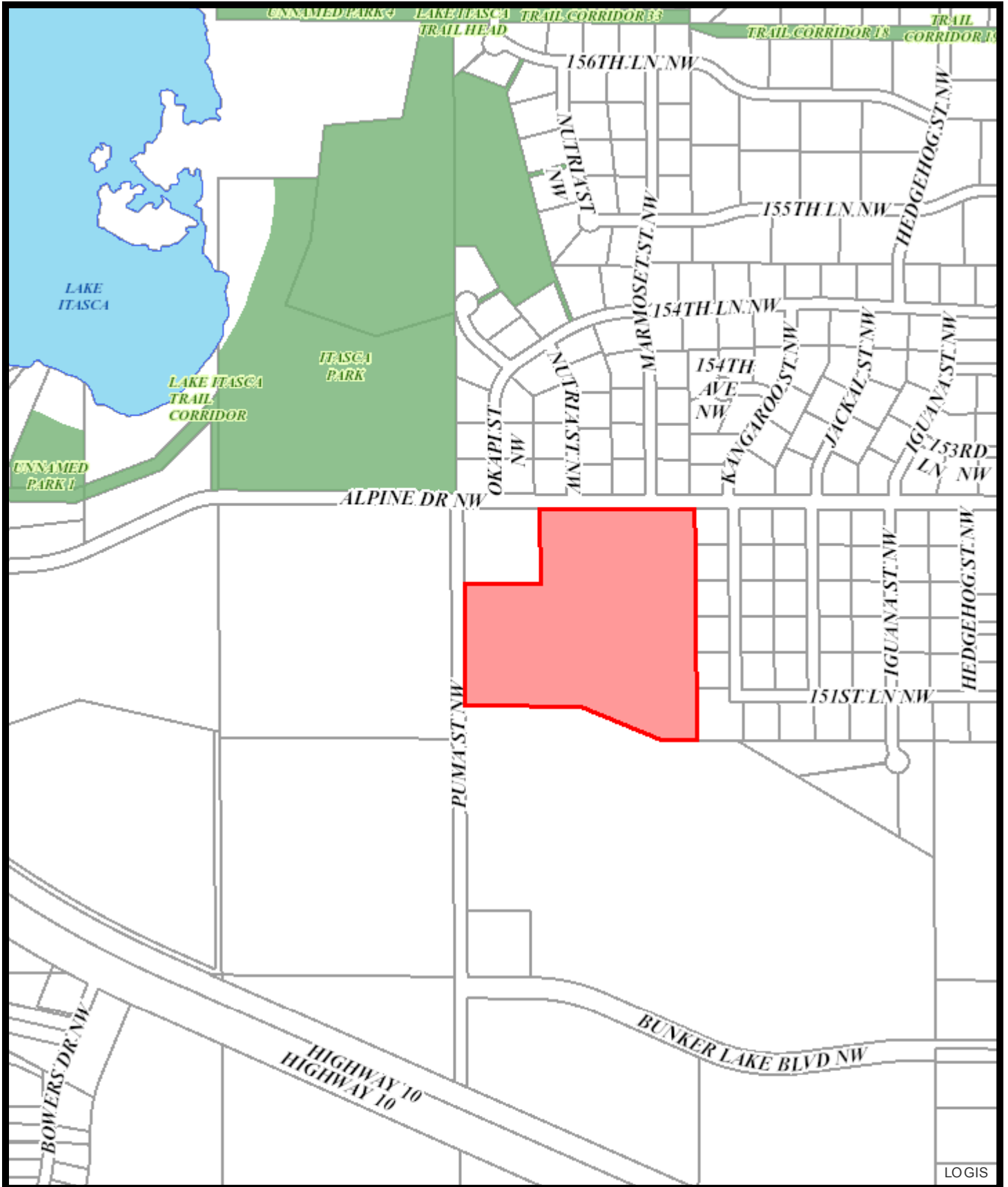
Tim Gladhill

Date

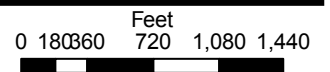
10/31/2017 09:33 AM

Started On: 10/31/2017 09:20 AM

Site Location Map

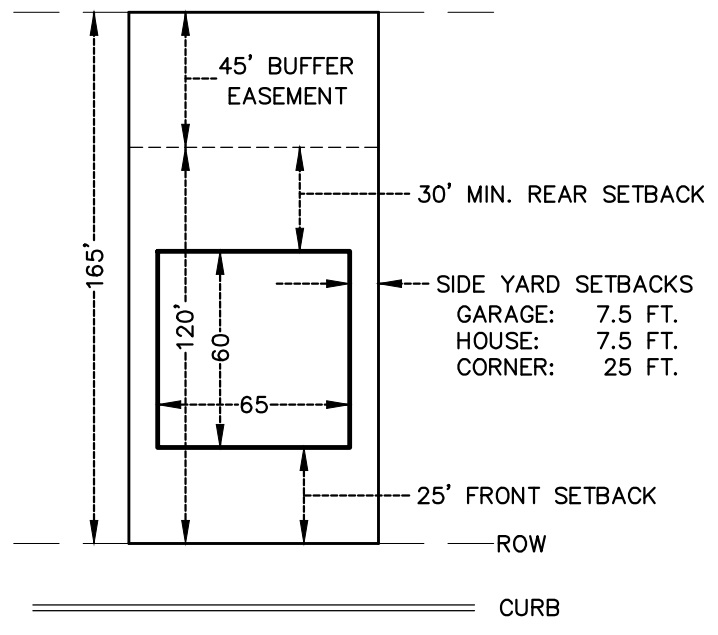


LOGIS

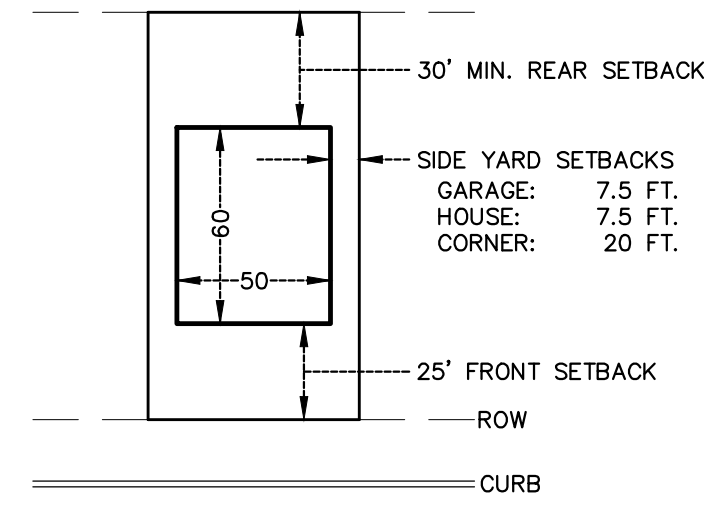




80' LOT DETAIL



65' LOT DETAIL



LEGAL DESCRIPTION

Outlet A and part of Outlet C, ALPHA DEVELOPMENT, Anoka County, Minnesota
 (Outlet C legal description subject to change at a future date.)

NOTES

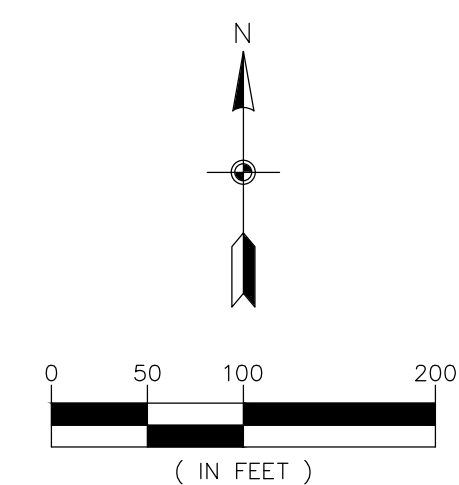
- 1) No field work has been completed at this time.
- 2) Subject property address - Southeast quadrant of Puma Street & Alpine Drive NW, Ramsey, MN 55303.
- 3) Topography shown is LIDAR which was provided by the Minnesota Department of Natural Resources.
- 4) Boundary shown taken from ALTA/NSPS LAND TITLE SURVEY prepared by Anderson Engineering, dated September 28, 2016.
- 5) Wetlands located by Kjalhaug Environmental Services, Inc., September 05, 2017.
- 6) 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 NUMBER OF LOTS _____ 97
 65 FT. LOTS _____ 85
 80 FT. LOTS _____ 12
 NET DENSITY _____ 3.69 LOTS/AC
 (EXCLUDES ROW AND WETLAND)

BUILDING SETBACK DATA

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



CONCEPT PLAN

NORTH FORK MEADOWS
 Ramsey, Minnesota

PAXMAR
 3495 Northdale, Suite 210
 Coon Rapids, Minnesota 55448

REVISIONS

1.	08/28/17.	Rev. layout.
2.	09/18/17.	Rev. layout.
3.		
4.		
5.		
6.		
DRAWN BY:		C#
ISSUE DATE:		05/04/17
FILE NO:		XXX

Sec. 117-123. - Planned Unit Development District.

- (a) *Intent.* The intent of the Planned Unit Development District is to provide a district that will encourage:
- (1) Flexibility in land development in order to make better use of new techniques in building design and construction and land development.
 - (2) Housing affordable to all income groups.
 - (3) More efficient use of public infrastructure.
 - (4) Energy conservation through the use of more efficient building designs and through the clustering of buildings and land uses.
 - (5) Preservation of desirable land characteristics and open space and protection of sensitive environmental features such as steep slopes, poor soils and trees.
 - (6) More effective and efficient use of land, open space and public facilities through the mixing of land uses and assembly and development of land in larger lots.
- (b) *Criteria.* Every proposal presented to the city for rezoning to Planned Unit Development District (PUD), shall be accompanied by a preliminary site plan as provided in subsection (k)(1) of this section. The city shall consider the following criteria and objectives in reviewing the PUD:
- (1) A high quality of design and design compatible with surrounding land uses, both existing and planned.
 - (2) A wider range of housing types, price ranges and styles than could be accomplished under existing zoning.
 - (3) Public amenities, facilities and open spaces that are greater than the minimum requirements of existing zoning and determined to be in the public good.
 - (4) Compatibility with the purposes and intents of this chapter and the city's comprehensive plan, specifically residential density requirements. Increases in density may be allowed, provided that traffic patterns will not be adversely affected and that public facilities are adequate.
 - (5) Provision for a minimum of 20 percent public open space and/or 50 percent private open space protected by adequate covenants running with the land or by conveyances or dedications. Credit for public open space shall be given pursuant to the following schedule:
 - a. Woodlands, steep slopes, prairie and grasslands: 100 percent credit.
 - b. Water features and wetlands: 50 percent credit.Private open space may include yard space, street boulevards, and other private common areas.
 - (6) The proposal shall exercise no substantial detrimental influence on the market value of surrounding properties.
 - (7) The proposal shall show a favorable economic impact on the community at large.
 - (8) The proposal shall not adversely impact natural features such as wetlands, water features, woodlands, and steep slopes.
 - (9) The proposal shall protect and preserve scenic qualities to the greatest extent possible.
 - (10) The proposal shall not impose any undue burden on public services and facilities, including fire and police protection, schools, streets, water systems, sanitary sewer systems and storm sewer systems.
 - (11) The proposal is designed in such a way to form a desirable and unified environment within its own boundaries, and also will not be detrimental to future land uses in the surrounding areas.
 - (12) The proposal is consistent with all other applicable city and state regulations.

- (c) *Standards.* In order to provide maximum flexibility, PUDs are not required to meet typical zoning code standards when specifically approved as a part of the PUD. At the discretion of the city, certain zoning code standards may be used as guidelines when determined appropriate.
- (d) *Procedure.*
- (1) Prior to the preparation and filing of a preliminary site plan and formal application for the rezoning to the PUD District, the developers or landowners shall meet with city staff to review all applicable ordinances, regulations and plans that will affect the area to be rezoned.
 - (2) The developers or owners of the property shall prepare a preliminary site plan in accordance with the regulations of this chapter and shall submit the plan to the zoning administrator 45 days prior to the required public hearing.
 - (3) The preliminary site plan and the application for a PUD District shall be submitted to the city staff for review and comment, to ensure compliance with other city codes and regulations.
 - (4) The preliminary site plan shall be submitted to the park and recreation commission for its review and comment. The park and recreation commission shall submit in writing to the planning commission its report as to the appropriateness of the preliminary site plan.
 - (5) Upon staff review of the preliminary site plan and the application for rezoning, a public hearing shall be scheduled before the planning commission.
 - (6) The notice for public hearing shall be published in the official newspaper at least ten days, but not more than 30 days, prior to the public hearing, at which time the item will be heard. Notices will also be sent to property owners within 350 feet of the subject property.
 - (7) A written evaluation from the city staff shall be forwarded to the planning commission and the applicant prior to the public hearing.
 - (8) The planning commission shall simultaneously hold a public hearing on the preliminary site plan and proposed rezoning request. Following the public hearing, the planning commission shall submit in writing to the council its report, its findings, and its recommendation as to the appropriateness of the preliminary site plan, and shall recommend approval, modification, postponement, or disapproval based upon the criteria set forth in section 117-49.
 - (9) The preliminary site plan and the rezoning application shall be scheduled for a council meeting within 30 days after the submittal of the planning commission report.
 - (10) The council shall consider the application for rezoning pursuant to section 117-49 and shall approve, postpone, or disapprove the application for the rezoning. If the application for rezoning is approved, and the property is rezoned, the council shall approve or modify and approve the preliminary site plan.
 - (11) The applicant shall file final plans in accordance with the requirements in section 117-49 with the zoning administrator at least 30 days before the council meeting at which the final plans are to be considered.
 - (12) The council, upon receipt of the final plans may approve the final plans if, in its determination, the proposed development is consistent with the preliminary site plan, as approved.
- (e) *Major changes.* If the applicant proposes major changes in the final site plan that are inconsistent with the preliminary site plan, these changes can only be made by re-submission of a new preliminary site plan and rezoning application to the zoning administrator, and scheduling of a new public hearing before the planning commission and review again by the council. The following constitute major changes:
- (1) Increase in density.
 - (2) Change in architectural design or style.
 - (3) Change in type of ownership, private, condominium, or rental.

- (4) Change of more than ten percent in total floor area of the proposed buildings.
 - (5) Increase in height of any building.
 - (6) Major modification in the landscape plan.
 - (7) Reduction in the proposed open space.
 - (8) Change in the development schedule.
 - (9) Change in the road location or standards.
 - (10) Any other changes determined to be major by the council.
- (f) *Planned unit developments.* The developer shall be required to submit a sign plan for approval, drawn to scale with elevations. The sign plan shall include but not be limited to the following information: number of signs, type of signs, sign sizes, type of construction materials, and sign messages.
 - (g) *Minor changes.* The council may, in its discretion, permit minor deviations from the preliminary site plan that do not change the concept or intent of the proposed development as previously approved.
 - (h) *Denial.* The council shall deny any application if it finds the final plans do not substantially conform to the preliminary site plan as previously approved by the council. If the final plans are subsequently modified to conform to the approved preliminary plan, the applicant may resubmit said final plans to the council for approval.
 - (i) *Rezoning.*
 - (1) If final plan approval is not granted within one year from the time the council approved the rezoning and preliminary site plan, the council may initiate a rezoning to remove the PUD District zoning and rezone the property to the zoning that was in effect at the time of the PUD rezoning application. The applicant may request the council for no more than one six-month extension for final plan approval.
 - (2) If construction has not commenced in accordance with the approved development schedule, the council may initiate a rezoning of all or part of the land to change the PUD District zoning and rezone all or part of the property to the zoning that was in effect at the time of the PUD rezoning application.
 - (j) *Development guarantee.* Prior to the granting of any building permit within a PUD District, a deposit shall be made to the city, in cash or letter of credit, approved by the city, equal to 125 percent of the estimated cost of all site improvements including but not limited to road construction and landscaping improvements as required by the final plans.
 - (k) *Requirements for preliminary plans.*
 - (1) *Preliminary site plan.* The preliminary site plan shall be drawn at a scale of one inch equals 50 feet, 100 feet, or 200 feet. The submission may be composed of one or more sheets and drawings and shall provide the following:
 - a. Location of all proposed buildings and their proposed uses.
 - b. Location of driveways and parking areas (all driveways and parking areas must include curbing).
 - c. Front, side and rear yard setbacks shall be indicated.
 - d. Square footage and dimensions of all proposed lots shall be indicated.
 - e. Location of all easements, width and purpose.
 - (2) *Landscape plan.* The landscape plan shall be prepared at a scale of one inch equals 50 feet and shall provide the following:
 - a. Location of areas for berming and sodding.
 - b. Location of proposed plantings, identify plant materials.

- c. Location of existing vegetation.
 - d. Trees to be removed shall be indicated.
- (3) *Grading and drainage plan.* The grading and drainage plan shall be drawn at a scale of one inch equals 50 feet, 100 feet or 200 feet and shall provide the following:
- a. Existing and proposed, grades with a minimum of two-foot contour intervals to a known sea level datum.
 - b. Sufficient spot elevations on all proposed hard surface areas.
 - c. Estimated runoff of the area based on ten- and 100-year storm events.
 - d. Provisions to carry runoff to the nearest adequate outlet, such as storm drain, natural drainageway, or street.
 - e. Location of proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored.
 - f. Finished floor elevations of all buildings.
 - g. Identification of soils by type and location, including identification of the water table, and suitability of soil for the proposed development.
 - h. Areas located in a flood hazard zone as identified by the department of natural resources.
- (4) *Topographic map.* The topographic map shall be drawn at a scale of one inch equals 100 feet and shall contain the following information:
- a. Two-foot contour intervals.
 - b. Watercourses, rock outcroppings, and other significant land features shall be indicated.
 - c. Use U.S. Geological Service datum for mapping.
- (5) *Floor plans and elevations.* All floor plans and elevations shall be drawn to a legible scale and shall provide the following:
- a. Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structures.
 - b. Elevations of the proposed building, identifying exterior treatment, materials to be used, and paint color.
- (6) *Platting requirement.* If a land subdivision is required, the subdivision requirements of article III of this chapter shall be followed.
- (l) *Requirements for final plan.*
- (1) *Final site plan.* The final site plan shall be prepared at a scale of one inch equals 50 feet, 100 feet or 200 feet, and shall provide the following:
- a. Location of proposed structures.
 - b. Location of proposed driveways and parking areas (all driveways and parking must have curbing).
 - c. Front, rear and side yard setbacks shall be indicated.
- (2) *Final landscape plan.* The final landscape plan shall be drawn at a scale of one inch equals 50 feet and shall provide the following:
- a. Plant types (botanical and common names), number, location, and size.
 - b. Areas to be sodded.
 - c. Location of existing vegetation.

- d. Trees to be removed shall be indicated.
- (3) *Final grading and drainage plan.* The grading and drainage plan shall be drawn at a scale of one inch equals 50 feet, 100 feet or 200 feet and shall provide the following:
- a. Existing and proposed grades with a minimum of two-foot contour intervals to a known sea level datum.
 - b. Sufficient spot elevations on all proposed hard surface areas.
 - c. Estimated runoff of the area based on ten- and 100-year storm events.
 - d. Provisions to carry runoff to the nearest adequate outlet, such as storm drain, natural drainageway, or street.
 - e. Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored.
 - f. Finish floor elevations of all buildings.
 - g. Identification of soils by type and location, including identification of the water table, and suitability of soil for the proposed development.
 - h. Areas located in a flood hazard zone as identified by the department of natural resources.
- (4) *Floor plans and elevations.* All floor plans and elevations shall be drawn to a legible scale and shall provide the following:
- a. Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structures.
 - b. Elevations of the proposed building, identifying exterior treatment, materials to be used, and paint color.
- (5) *Final plat.*
- a. If a land subdivision is required, the final plat shall be prepared in accordance with article III of this chapter.
 - b. With the final plans, the developer shall submit, for approval by the city, a development schedule for construction of all structures, open space, and recreational facilities.
- (m) *Compliance.* No development shall occur nor shall any building permits be issued for any construction that is not in accord with the approved final plans.

(Code 1978, §§ 9.12.11, 9.20.31; Ord. No. 86-2, 8-25-1986; Ord. No. 93-06, 4-23-1993; Ord. No. 94-02, 2-28-1994; Ord. No. 02-17, 7-15-2002; Ord. No. 03-21, 8-25-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

Sec. 117-50. - Conditional rezonings.

- (a) *Purpose.* The purpose of conditional rezoning is to formalize development standards to ensure consistency and compatibility with surrounding land uses and neighborhoods.
- (b) *Procedure.* The procedure for changing zoning district boundaries (rezoning) shall be as follows: Execution of a conditional rezoning agreement (CRA) recorded with the subject property shall be compulsory for all rezonings to multiple-family commercial, and/or industrial districts, including the following:
 - (1) R-2 Medium Density Residential District.
 - (2) R-3 High Density Residential District.
 - (3) B-1 General Business District.
 - (4) B-2 Highway Business District.
 - (5) E-1 Employment District.
 - (6) E-2 Employment District.
 - (7) P Public Facilities District.
 - (8) PUD Planned Unit Development District.
- (c) *Standards.* The following shall be included in the CRA:
 - (1) Agreement to lay out, develop and maintain the subject property as presented in the accompanying preliminary plat or site plan.
 - (2) Provision to allow the city council to commence rezoning of the subject property to the previous zoning district if the preliminary plat or site plan is not adhered to. Said zoning change shall not be contested by the subject property owner or parties to CRA.
 - (3) Additional standards may be included to protect the health, safety, and general welfare of surrounding land uses.
- (d) *Modifications.* Any modification or revision to the CRA or attached plan shall be prohibited without consent of the city council. Any substantial modification as determined by the city council shall be subject to a public hearing and notification of adjacent property owners pursuant to the public hearing requirements of this chapter.

(Code 1978, § 9.03.04; Ord. No. 73-05, 5-21-1973; Ord. No. 86-2, 8-25-1986; Ord. No. 95-02, 2-13-1995; Ord. No. 00-04, 5-22-2000; Ord. No. 03-20, 8-25-2003)

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

DATE	OCTOBER 6, 2017	PROJECT ADDRESS	TBD
PROJECT. TITLE	NORTH FORK MEADOWS (SKETCH PLAN AND ZONING AMENDMENT – PUD)		
ESCROW #	115697		
DEPARTMENT:	Community Development: Planning Division		
TECHNICAL REVIEWER:	Name: Tim Gladhill Phone: 763-433-9826 Email: tgldhill@cityoframsey.com		

Revised Sketch Plan and Conditional Zoning Amendment Review

We offer the following comments regarding the revised plans submitted for North Fork Meadows as it relates to the City’s Zoning Code. The current submittal includes one (1) sheet prepared by Carlson McCain dated September 18, 2017.

It is noted that the current proposal has been revised from original concepts in order to comply with the City’s Comprehensive Plan (still requires a Zoning Amendment for design standards). This review memo focuses on the current Sketch Plan. The files for previous reviews are available upon request.

Level of Discretion

The proposed development includes a request for a Zoning Amendment to Planned Unit Development (PUD). This increases the level of discretion available to the City.



Source: League of Minnesota Cities

Comprehensive Plan

The project site is located in the Low Density Residential area. Areas guided Low Density Residential must have urban services before development can take place. These areas will average three (3) units per acre and contain single family, detached dwellings, but allows for densities up to four (4) units per acre. The current proposal does not require a Zoning Amendment, as the proposed Net Density is less than four (4) units per acre (subject to confirmation).

Areas guided Low Density Residential must have urban services before development can take place. These areas will average three (3) units per acre and contain single family, detached dwellings.

Where Low Density Residential is directly adjacent to areas guided Rural Developing that contain 2.5-acre lots, strategies for density transitioning will be employed. This means that while an area of Low Density Residential may average three (3) units per acre, those lots directly adjacent to 2.5 acre lots will be closer in size to 2.5 acres in order to provide an effective transition that maintains the existing character of the neighborhood. Screening methods, such as landscaping must also be employed to transition between very low-density areas and urban lots. [Note: In this case, the existing neighborhood has lot sizes at approximately one (1) acres. The density-transitioning goal is to match this lot size, not 2.5 acres].

Zoning District

The project site is currently located within the R-1 Residential (MUSA) District. Standards for said district are found in City Code Section 117-111. The proposed development is deficient in lot width and lot depth.

The Developer is proposing to negotiate lot width and lot size requirements in exchange for the dedication of open space to complete the Lake Itasca Greenway. A requirement of the PUD is a clear public benefit above the minimum requirements of existing City Code. The public benefit cannot count towards other minimum requirements such as park dedication.

Standard	Minimum	Proposed
Lot size	10,800 square feet	7,475 square feet & 10,800 square feet
Density	3 units per acre/4 units per acre with PUD (net)	3.69 units/acre* (need to confirm)
Lot width	80 feet/corner lot 90 feet	65 feet
Front yard setback	30 feet	25 feet
Side yard setback uninhabitable	6 feet	7.5
Side yard setback habitable	10 feet	7.5
Side yard setback for corner lots	30 feet	20 feet
Rear yard setback	30 feet	30 feet
Maximum Building Height	35 feet	Unknown
Minimum Floor Area – Rambler with garage	912 square feet (main floor)	Unknown
Minimum Floor Area – Split Level with garage	720 square feet (total of main living areas)	Unknown
Two Story with garage	720 square feet (main floor)	Unknown

Areas of deficiency highlighted in blue.
 Standards needing clarification highlighted in orange.

Density Transitioning

Residential development transitioning is required for this project, as is it adjacent to an existing neighborhood within the R-1 Residential (Rural Developing) District. Density transitioning is guided by City Code Section 117-110. The project site is currently located within the R-1 Residential (MUSA) District, and is adjacent to an existing neighborhood in the R-1 Rural Developing District. Per Subd. (c)(2)(a)(2), transition is required. However, the City is able to negotiate the attainment level through the PUD process. The City shall have the authority to make a determination on the proper attainment level if determined necessary. There are three (3) options for density transitioning for this project.

1. Match Existing Lot Size
2. 35 foot wide buffer yard with a berm and following planting schedule per 100 feet
 - a. 4 overstory trees
 - b. 4 evergreen trees
 - c. 4 understory trees
3. 45 foot wide buffer yard without a berm and following planting schedule per 100 feet
 - a. 8 overstory trees
 - b. 8 evergreen trees
 - c. 8 understory trees

The Developer has chosen Option 3. This appears reasonable based on discussions with the adjacent neighborhood and utilization of the PUD.

Planned Unit Development

In order to provide maximum flexibility, PUDs are not required to meet typical zoning code standards when specifically approved as part of the PUD. As stated, a PUD requires a public benefit that has a nexus with the level of change. Standards for PUDs are found in City Code Section 117-123. The Developer is responsible for reviewing these standards and contacting Staff in writing if there is any clarification needed.

Conditional Rezoning Agreement

The Developer has requested that the Zoning Amendment be approved prior to Final Plat. In order to accomplish this goal, the Developer must enter into a Conditional Rezoning Agreement. City Code Section 117-123 (Planned Unit Development District) requires certain plan sheets similar to a Preliminary Plat. Those have not yet been provided by the Developer, whom desires to defer these requirements until after a Zoning Amendment is approved. This was raised as a concern during previous review. The Zoning Amendment will be conditioned upon substantial compliance with the Sketch Plan dated September 18, 2017.

The CRA shall include the following:

1. Agreement to lay out, develop and maintain the subject property as presented in the accompanying preliminary plat or site plan.
2. Provision to allow the city council to commence rezoning of the subject property to the previous zoning district if the preliminary plat or site plan is not adhered to. Said zoning change shall not be contested by the subject property owner or parties to CRA.
3. Additional standards may be included to protect the health, safety, and general welfare of surrounding land uses.

It is noted that this scenario increases certain risks to the City (real and perceived). While the City has some concern with this approach, we feel this can be mitigated with the proper agreement. It is hereby noted that the

City is not obligated to take this step, and can require that the Zoning Amendment run parallel with the Preliminary Plat.

Staff provides the following comments that require revision:

The following Sketch Plan requirements are missing from the submittal and must be included in future plan sets, or the Application shall be considered incomplete. These items must be shown on the plan set, not a separate document.

1. The Sketch Plan is deficient in sidewalks. Sidewalks must be added to future plan sets for review, or shall be considered incomplete.
2. Name and Address of Owner of Subject Property
3. Boundary Line Survey for Lake Itasca Greenway. This will need to be deeded to the City as a separate outlot.
4. Net Density calculations (subtracting wetlands)
5. Architectural Renderings of model homes to be utilized within the development.

Greenway Trail Connection



Greenway Trail Connection Plan (Jacobson and 2015)

This essential Greenway Trail Connection provides another opportunity within The COR to meet overlapping objectives for multiple use, district systems, wildlife habitat and other desired functional and aesthetic outcomes. While traditional bicycle/pedestrian trails and related amenities will certainly be a key component, the series of ponds, wetlands and other water-resource related features will provide the unique setting and ecological benefit derived from a more innovative approach to greenway design. For the purposes of defining potential costs for future construction, a preliminary list of greenway trail elements (or basic design program) includes:

- Combined bicycle / pedestrian trail
- Multiple locations for rest stops, interpretive / educational elements
- Multiple locations for boardwalk/ bridge crossings
- Integrated drainage / stormwater management system to serve this district

Recommendations

There is an opportunity to explore alignments for this Greenway Trail Connection that might provide greater benefits to the northwest quadrant of The COR- measured in social, economic and environmental value added. With modest enhancements to the existing trail along Bunker Lake Boulevard, and expanded greening initiatives west of the Ramsey Parkway, there is

great potential to frame this quadrant on the north and south with attractive green corridors. Both of these travel routes accommodate multi-modal options, but with heavy emphasis on the automobile.

A third option, a meandering Greenway Trail Connection through the center of this quadrant not only provides a much-needed green amenity in this part of The COR, but also creates another valuable development 'frontage' to enhance land value and encourage private investment. This centrally located alignment will also provide opportunities for innovative approaches to district systems, particularly water resources – with the added benefit of an off-street, dedicated bicycle and pedestrian corridor linking local and regional trail networks.

The location and alignment of the Greenway Trail Connection will have considerable influence on development patterns in this quadrant of the COR. The various scenarios illustrated on pages 10 and 11 attest to the wide range of land use options; from 'super block' car oriented, destination convenience shopping, to finer grained, pedestrian-scaled, residential neighborhoods. This kind of imbedded public amenity will build value across multiple objectives, at individual site and district scale-leading to innovative, economically sustainable outcomes.

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.

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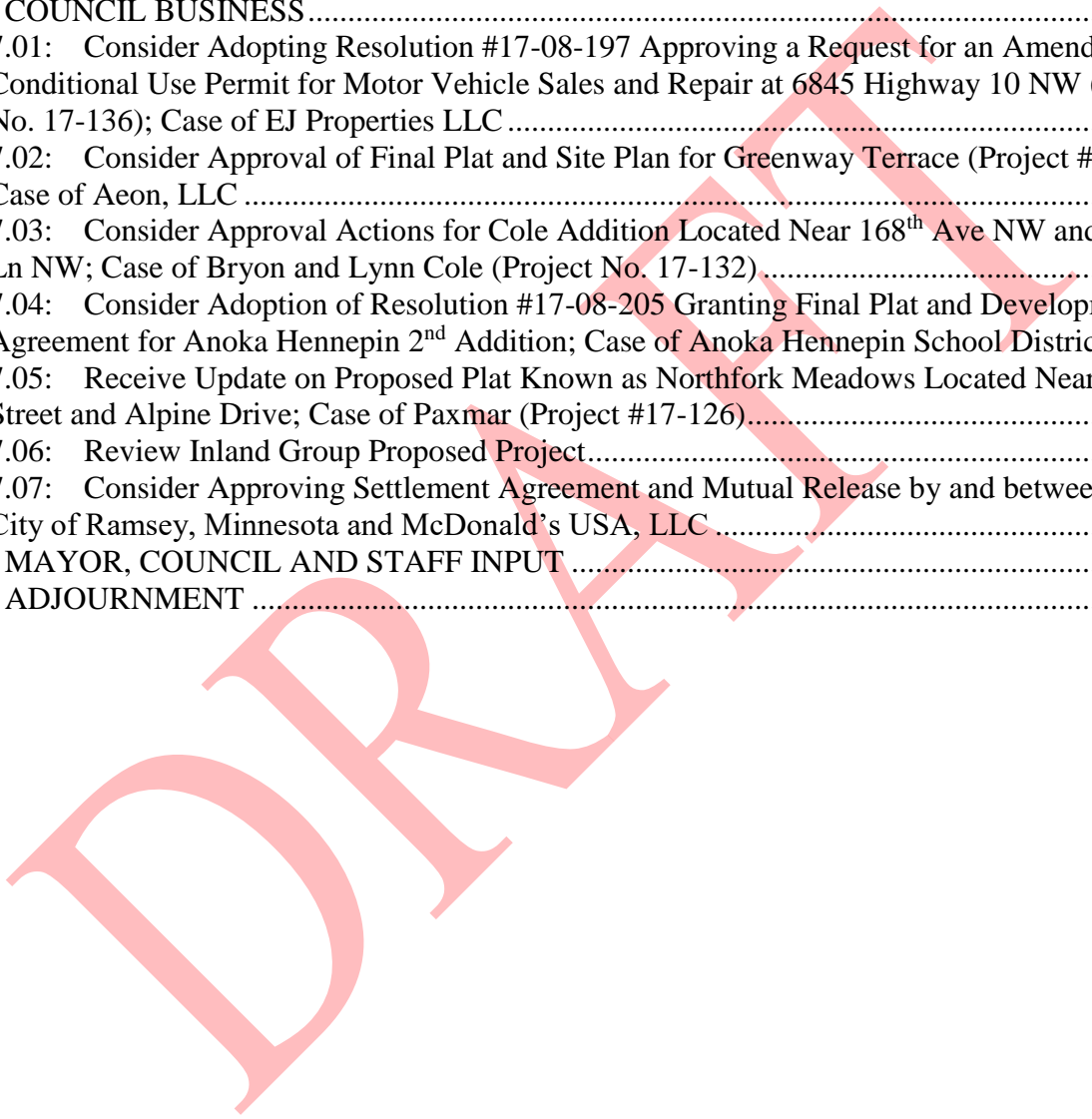
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**CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

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.

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

Presentation

Community Development Director Gladhill presented the staff report stating 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

Community Development Director Gladhill reported 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 provided a more detailed presentation of the requested and requested feedback from the Commission.

Commission Business

Chairperson Bauer summarized the comments made by the Planning Commission at a previous meeting. He asked if Paxmar would be willing to consider another parcel for their project to eliminate the need for a rezoning.

_____, Paxmar Development, commented on the proposed development and stated all plans were preliminary in nature. He reported one parcel would be geared toward empty-nester villas. He noted the other parcel would be 132 units. He explained the proposed lot width (65 feet) was necessary in order to make this development economically possible. He understood there were a lot other parcels in the City that would accommodate 80-foot lots. He anticipated this parcel would have to sit and wait it out, if the Commission did not support the proposed lot width. He described how his proposed development would assisting in raising property values for surrounding property owners. He understood that this was only a sketch plan and noted he appreciated any feedback from the Commission.

Val Kruger, 15210 Kangaroo Street, stated she and her husband live just east to the proposed development and have lived there for the past 43 years. She expressed concern with the proposed amendment to the Comprehensive Plan. She did not support there being no buffer between her rurally zoned home and the proposed medium density subdivision. She commented that 93% of her neighbors have supported a petition that opposes the proposed project. She recommended the City uphold the Comprehensive Plan and current zoning for this site (low density residential). She feared the proposed development was lacking green space and would greatly increase traffic in her neighborhood.

Chairperson Bauer questioned how many lots would be within the development if the project was low-density residential.

Mr. _____ stated the project was originally 150+ lots and was scaled down to 132 lots. However, after hearing from the neighbors this project was reduced even further to 101 lots. He explained the project did not work financially with 80 foot lots as this would only yield 70 to 80 lots.

Leslie Clark, 15150 Kangaroo Street, asked if Paxmar would be willing to keep the 80-foot property width for the homes that will abut the existing neighborhood. She explained she did not have a large number of trees in her rear yard and was hoping she wouldn't have to look into a wall of homes.

Jan Groth, 15240 Kangaroo Street, commented the second proposal seemed a fit better given the size of the adjacent lots. She understood that the field would be built on at some point in the future, but stated the parcel was not zoned for 65-foot lots.

Community Development Director Gladhill understood PUD requirements and density transition were issues that still needed to be addressed by the City.

Commissioner Anderson questioned if the developer would consider having 80-foot lots adjacent to the existing homes.

Mr. _____ stated on the east side of the development he could support having 80-foot lots if this would gain him neighborhood support. It was noted this would reduce the project by three lots.

Ms. Clark explained she opposed the development having townhome units on small lots. She stated her biggest concern was the need for a buffer or transition area between the new development and existing homes.

Ms. Kruger agreed a buffer between the two neighborhoods was key.

Commissioner VanScoy asked if any of the diagrams presented this evening met the Council's requests.

Community Development Director Gladhill stated the Council has not seen the most recent scenario with the wider and deeper lots.

Commissioner VanScoy stated he could not support a PUD at this time as he was not understanding the benefits to the City from the proposed project.

Mr. _____ explained the benefits were the neighborhood would have covenants that would ensure high quality homes and building materials. In addition, he could dictate which

homes got built on which lots, while also requiring additional landscaping along the east property line. He commented on how he could work with the City on Puma Street.

Community Development Director Gladhill anticipated the City could continue to work with the applicant to refine the PUD further.

Mr. _____ stated he was willing to compromise to have 80 foot lots along the east property line and would be willing to have additional screening in order to create a buffer.

Commissioner VanScoy encouraged staff to speak further with the applicant regarding the 80 foot lots along the east property lone, along with a potential buffer.

Commissioner Nosan stated she was originally against this development, but was pleased how all parties were coming together to improve the buffer and spacing of the houses along the east property line.

Community Development Director Gladhill asked if the Commission was willing to support a Comprehensive Plan Amendment for the proposed project.

Commissioner VanScoy stated he would have difficulty supporting a Comprehensive Plan Amendment.

Chairperson Bauer thanked everyone for their input and he looked forward to all parties continuing to work to reach a compromise for this development.



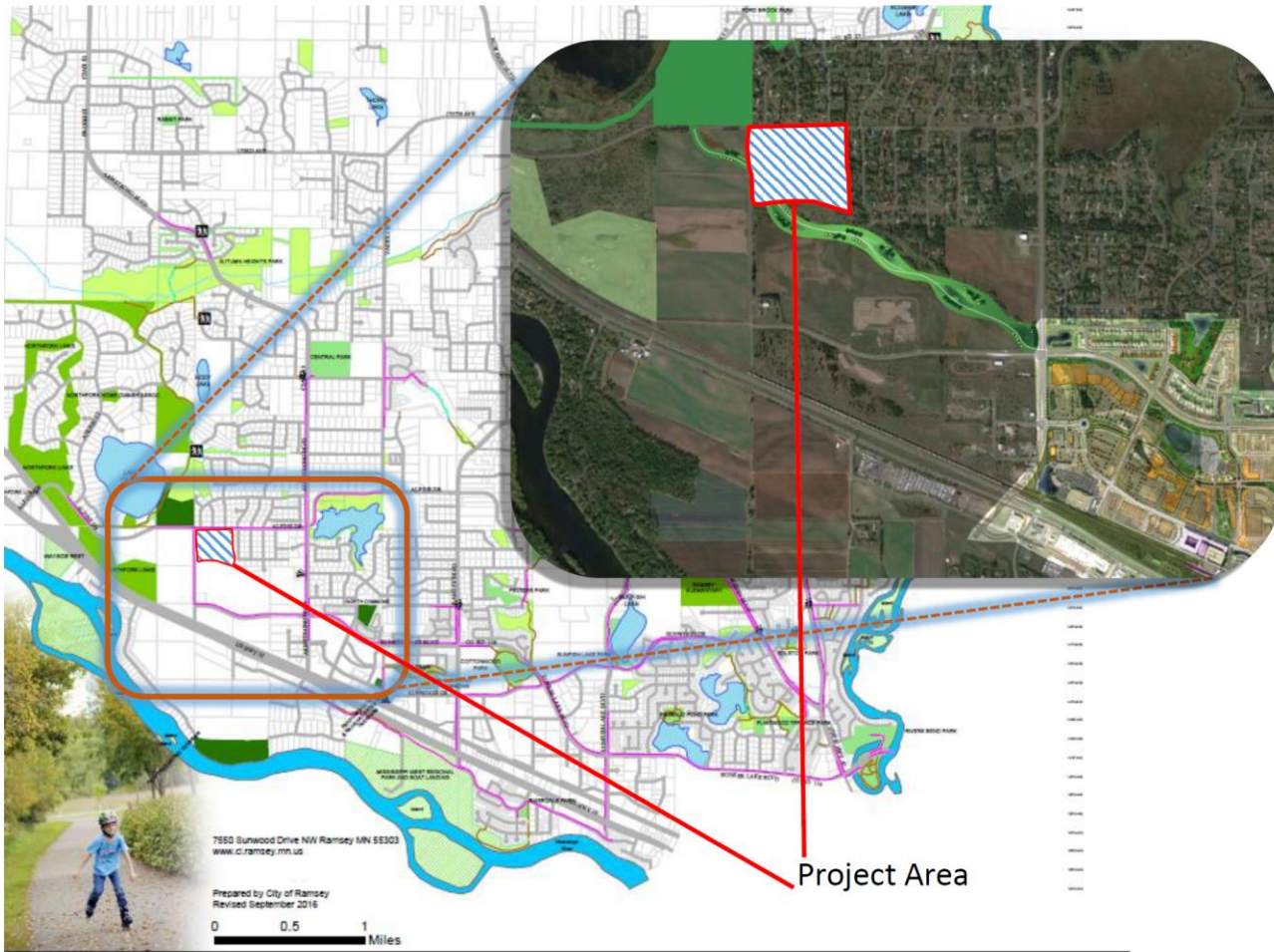
NORTH FORK MEADOWS

Sketch Plan and Zoning Amendment

CURRENT LAYOUT



PUBLIC BENEFIT TEST



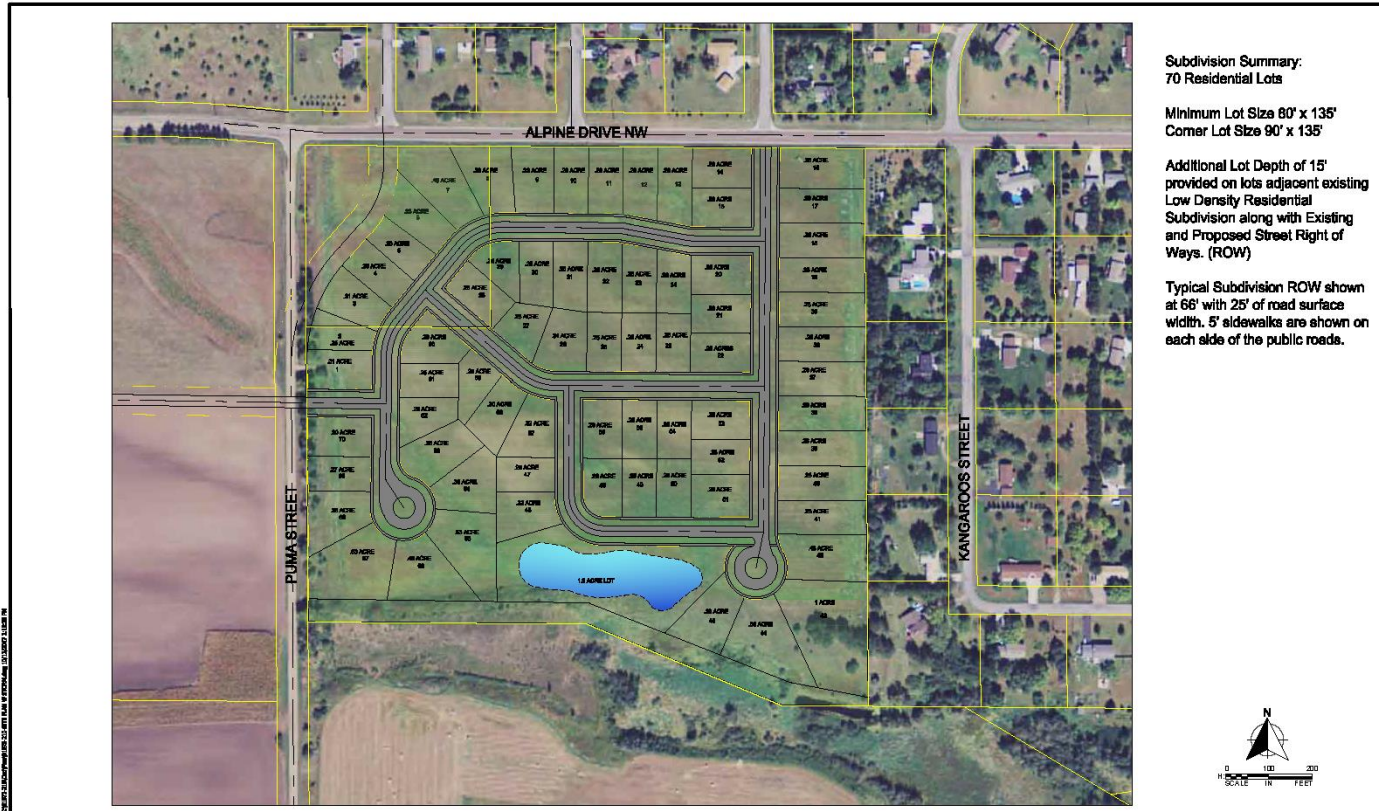
City of Ramsey, Lake Itasca Greenway



PREVIOUS LAYOUTS (COMPROMISE AND CONSENSUS)



No AMENDMENT SCENARIO

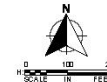



Subdivision Summary:
70 Residential Lots

Minimum Lot Size 80' x 135'
Corner Lot Size 90' x 135'

Additional Lot Depth of 15'
provided on lots adjacent existing
Low Density Residential
Subdivision along with Existing
and Proposed Street Right of
Ways. (ROW)

Typical Subdivision ROW shown
at 66' with 25' of road surface
width. 5' sidewalks are shown on
each side of the public roads.



 WSB PROJECT NO.: 01873-210	SCALE:	DESIGN BY:	NO.	DATE	BY	REVISION
	AS SHOWN	LNR				
	LNR	LNR				

HAGEMAN PROPERTY
ROCHESTER, MINNESOTA

SITE PLAN

SHEET
1
OF
1

Note: this is not an actual proposal. This is a Staff rendering of a potential development without a Zoning Amendment.



5.03: Public Hearing: Consider Conditional Zoning Amendment to Planned Unit Development for proposed Plat known as Northfork Meadows located near Puma Street and Alpine Drive; Case of Paxmar (Project No. 17-126).

Public Hearing

Chairperson Bauer called the public hearing to order at 7:24 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to consider a recommendation on a Zoning Amendment for R-1 Residential (MUSA) to Planned Unit Development. The Planning Commission has reviewed this project on multiple occasions. The current proposal has been modified by the Developer in order to address comments received by the Public, Planning Commission, and City Council. Key issues at that time included, but were not limited to the following.

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

Community Development Director Gladhill explained 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. A follow up workshop was scheduled to be held on Thursday, October 12.

Community Development Director Gladhill reported the original proposal was classified as a medium density residential development (4-7 units per acre). This area is guided as low density residential (2-4 units per acre) in the City's Comprehensive Plan. The original proposal would have required a Comprehensive Plan Amendment and a Zoning Amendment. There were subsequent revised concepts prepared and reviewed.

Community Development Director Gladhill indicated the current proposal has been modified in an attempt to remain in the low density residential category. This is the fifth revised concept prepared by the Developer. The gross density is 3.69 units per acre. However, the City (and Metropolitan Council) calculate Net Density, which would subtract wetlands from the net buildable area. Staff has requested this calculation, as the net density appears to be close to the maximum density allowed within the low density residential classification. Finally, the proposal still requires a Zoning Amendment to Planned Unit Development (PUD). While the density of the current concept is within the range of the Comprehensive Plan (planning/visionary document), the actual proposed lot sizes and lot widths are deficient of the minimums required by the Zoning Code (official controls/implementation tool) for the R-1 Residential (MUSA) District. Said Zoning District does allow density up to four (4) units per acre with the use of a PUD.

Community Development Director Gladhill reported the City has significant discretion in review of this project. Since the project requires a Zoning Amendment, the City is not obligated to approve

and the Developer must demonstrate a compelling reason to approve the change. This results in a higher standard of review compared to projects that meet all minimum standards of their respective zoning district. Finally, since the concept has changed significantly from the original proposal when the current set of public comments were received, Staff has removed these comments from the agenda packet and is re-setting the public hearing and public comment period.

Citizen Input

Chairperson Bauer commended the neighbors and developer for working together on this proposal.

Commissioner VanScoy asked if the greenway could be marked on the site plan.

Community Development Director Gladhill reviewed the location of greenway on the site plan with the Commission noting it would continue to the south and east. Further discussion ensued regarding the trail within the proposed project and surrounding area. It was noted no dead-end trail segments would be created.

Commissioner Brauer questioned how many lots could be within this development if the developer followed the R-1 zoning requirements.

Community Development Director Gladhill stated this would be approximately 70 lots.

Commissioner Surma inquired if the proposed project layout was more acceptable to the adjacent homeowners than was previously discussed.

Community Development Director Gladhill commented he did not want to speak for the adjacent homeowners. He encouraged the Commission to take comments from the public. He stated it was his understanding that the neighbors have reached a compromise with the developer.

Commissioner Surma asked if the developer supported the proposed project design.

Community Development Director Gladhill reported the developer did not support this design.

Allen Roessler, Paxmar, thanked staff for the thorough presentation. He reviewed the steps that he had gone through to date and commented on how the project plans have changed from 150 units down to 97. He believed the trail corridor and landscape buffer was addressing the neighbors' concerns. He explained that if the project were only 70 units within the development, he would not be pursuing the project as it was not economically feasible.

Commissioner VanScoy requested further information regarding the landscaping buffer.

Mr. Roessler commented on the proposed landscaping berm and noted the property owner was proposing to donate the greenway to the City.

Commissioner Nosan asked if the properties on the north side would have a transition space.

Mr. Roessler explained the road would provide a natural buffer and no additional plantings were being proposed.

Commissioner Nosan stated she would like to see a row of trees along this roadway.

Val Kruger, 15210 Kangaroo Street, thanked the Commission for raising interesting questions. She commented on the process this development has taken and was pleased to learn that the City had a choice in the matter. She was pleased the neighbors would not have to compromise given the fact the property was zoned R-1. She fully supported the proposed development having 80-foot lots.

Leslie Clark, 15150 Kangaroo Street, stated she would prefer 80-foot lots. She stated she was willing to compromise with slightly smaller lots, but she wanted to see the greenway remain in place.

Michael Altimari, Hagman Holding (landowner), thanked staff for their work on this project. He stated he appreciated the collaboration efforts between the City, the developer and the neighbors. He explained the developer has made it clear this project would not work with only 70 lots. He reported he was willing to donate the greenway space to the City in order for the parkway to be completed. He encouraged the City to continue to work with the developer in order to reach a compromise for this property.

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 8:06 p.m.

Commission Business

Motion by Commissioner Anderson, seconded by Commissioner Nosan, to recommend that City Council approve the Conditional Zoning Amendment to Planned Unit Development, conditioned upon substantial compliance with the Sketch Plan dated September 18, 2017.

Further discussion

Commissioner Brauer stated he was a person of principle and noted he was a first generation American. He explained his grandfather put together a coalition that opposed Hitler and was sentenced to death in 1933. He was told that was the best he could get. He expressed frustration that all he has heard from the developer were financial concerns and noted the Comprehensive Plan has never been changed in the past for this reason. He believed that this development was not the best it could be. He reported he has been on the Planning Commission for the past 16 years and he has made a promise that this property would remain R-1.

Community Development Director Gladhill explained the City does not have to amend the Comprehensive Plan for this development, however, a Zoning Amendment was required.

Commissioner Brauer thanked staff for their hard work on this development.

Commissioner VanScoy understood that a PUD was needed for this development and noted the greenway portion of the project would greatly benefit the City. However, believed the proposed transition was still inadequate. He recommended more be done for this portion of the project.

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

DRAFT

ORDINANCE #17-16

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

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

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

SECTION 1. AMENDMENT

The following legally described properties or portions thereof, are hereby rezoned from R-1 Residential (MUSA) to PUD (Planned Unit Development), contingent upon compliance with the Sketch Plan prepared by Carlson McCain dated September 18, 2017 and the owner (Hageman Holdings) and developer (Paxmar) entering into a Conditional Rezoning Agreement with the City:

Outlot A, Alpha Development, Anoka County, Minnesota

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. Publication will not occur until a Conditional Rezoning Agreement is executed.

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:

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #17-10-276

RESOLUTION AUTHORIZING A CONDITIONAL REZONING AGREEMENT FOR NORTH FORK MEADOWS

WHEREAS, Paxmar, hereafter referred to as “Developer”, properly applied for a conditional rezoning agreement from R-1 Residential (MUSA) to Planned Unit Development (PUD) on the following described property located in the City of Ramsey:

Outlot A, Alpha Development, Anoka County, Minnesota

(the ‘Subject Property’);

WHEREAS, on October 12, 2017, the Planning Commission conducted a public hearing regarding the conditional rezoning.

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

1. That the Ramsey City Council hereby approves a Conditional Rezoning Agreement with Paxmar and authorizes the Mayor and City Administrator to sign on behalf of the City.

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

and the following 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 24th day of October, 2017.

Mayor

ATTEST:

City Clerk

CITY OF RAMSEY
CONDITIONAL REZONING AGREEMENT FOR OUTLOT A, ALPHA DEVELOPMENT

This Agreement (hereinafter the “Agreement”) is dated as of this __ day of ____, 2017 and is by and between the **CITY OF RAMSEY**, a Minnesota municipal corporation (the “**CITY**”), **PAXMAR, LLC** a Minnesota Corporation (the “**PERMITTEE**”), and **HAGEMAN HOLDINGS, LLC**, a Minnesota Corporation (the “**OWNER**”). .

Recitals

- A. The **OWNER** is the owner of land legally described on the attached Exhibit A (the “Subject Property”).
- B. The **PERMITTEE** requested a Zoning Amendment to Planned Unit Development in advance of preliminary plat review.
- C. Said zoning amendment would normally be processes concurrent with preliminary plat review.
- D. City Code section 117-50 entitled “Conditional rezonings” allows a process to consider a zoning amendment prior to preliminary plat approval.

Agreement

- 1. Recitals. Recitals incorporated. The recitals stated above are hereby incorporated into this Agreement and are made part of this Agreement by reference.
- 2. Conditions of Approval. The **CITY** has approved the Plat subject to satisfaction of the following conditions subsequent:
 - a. The **PERMITTEE’S** Execution of this Agreement. That the **PERMITTEE** enter into this Agreement.
 - b. Marketable Title. That prior to recording the Plat, the **PERMITTEE** shall provide the **CITY** with proof of marketable title to the Subject Property either through a

- currently certified abstract, registered property abstract or title insurance commitment or policy.
- c. Proof of Authority. That the **PERMITTEE** provide proof that the respective governing boards of the **PERMITTEE** have authorized the **PERMITTEE'S** execution of this Agreement. This proof of authority may be satisfied by providing the **CITY** with a certified copy of the minutes of the governing board of each entity which grants such authority.
 - d. Conformance with Sketch Plan. The Conditional Rezoning must be consistent with the Sketch Plan prepared by Carlson McCain, Inc. dated September 18, 2017 (the "Sketch Plan"). The **PERMITTEE** agrees to layout the preliminary plat and site plan consistent with the Sketch Plan.
 - e. No Contest. The **PERMITTEE** agrees not to contest a rezoning commenced by the **CITY** if the preliminary plat and site plan do not conform with the Plans.
 - f. Additional Standards. The **PERMITTEE** agrees that the **CITY** may include additional standards to protect the health, safety, and general welfare of surrounding land uses.
 - g. Public Benefit/Lake Itasca Greenway. The plat is being proposed as a planned unit development (PUD). Planned unit developments must pass a public benefit test. The **PERMITTEE** agrees to convey all land necessary to achieve completion of the Lake Itasca Greenway as illustrated on Exhibit B attached hereto.
3. The Plans. The term "Plans" as used in this Agreement means the Final Plat Plans prepared by Carlson McCain, Inc., dated September 18, 2017. The Plans remain subject to: (a) **CITY** Staff's review and approval of the Plans to, among other things, confirm that the revisions requested in the **CITY** Staff's review letter have been made; and (b) such further revisions as the **PERMITTEE** may propose and the **CITY** approves. The Plans shall not be attached to this Agreement, but are in the **CITY'S** files.
 4. Notices. Required notices shall be in writing, and shall be either hand delivered to the Parties, its employees or agents, or mailed to them by certified or registered mail at the following address:

TO PERMITTEE:

Paxmar
Attn: Kent Roessler
3495 Northdale Blvd NW #210
Coon Rapids, MN 55

TO THE CITY:

City of Ramsey
Attn: Community Development Director
7550 Sunwood Drive NW
Ramsey, MN 55303

TO OWNER:

Hageman Holdings, LLC
Attn: Michael Hageman
13200 43rd St NE
Saint Michael, MN 55376

[The remainder of this page is intentionally left blank.]

DRAFT

EXHIBIT A

Legal Description of the Subject Property

Outlot A, ALPHA DEVELOPMENT, Anoka County, Minnesota

DRAFT

EXHIBIT B

Greenway Trail Connection



This essential Greenway Trail Connection provides another opportunity within The COR to meet overlapping objectives for multiple use, district systems, wildlife habitat and other desired functional and aesthetic outcomes. While traditional bicycle/pedestrian trails and related amenities will certainly be a key component, the series of ponds, wetlands and other water-resource related features will provide the unique setting and ecological benefit derived from a more innovative approach to greenway design. For the purposes of defining potential costs for future construction, a preliminary list of greenway trail elements (or basic design program) includes:

- Combined bicycle / pedestrian trail
- Multiple locations for rest stops, interpretive / educational elements
- Multiple locations for boardwalk / bridge crossings
- Integrated drainage / stormwater management system to serve this district

Recommendations

There is an opportunity to explore alignments for this Greenway Trail Connection that might provide greater benefits to the northwest quadrant of The COR- measured in social, economic and environmental value added. With modest enhancements to the existing trail along Bunker Lake Boulevard, and expanded greening initiatives west of the Ramsey Parkway, there is

great potential to frame this quadrant on the north and south with attractive green corridors. Both of these travel routes accommodate multi-modal options, but with heavy emphasis on the automobile.

A third option, a meandering Greenway Trail Connection through the center of this quadrant not only provides a much-needed green amenity in this part of The COR, but also creates another valuable development 'frontage' to enhance land value and encourage private investment. This centrally located alignment will also provide opportunities for innovative approaches to district systems, particularly water resources – with the added benefit of an off-street, dedicated bicycle and pedestrian corridor linking local and regional trail networks.

The location and alignment of the Greenway Trail Connection will have considerable influence on development patterns in this quadrant of the COR. The various scenarios illustrated on pages 10 and 11 attest to the wide range of land use options; from 'super block' car oriented, destination convenience shopping, to finer grained, pedestrian-scaled, residential neighborhoods. This kind of imbedded public amenity will build value across multiple objectives, at individual site and district scale-leading to innovative, economically sustainable outcomes.

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

The Ramsey City Council conducted a regular meeting on Tuesday, October 24, 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

Members Absent: None

Also Present: Asst. City Administrator/Economic Development Manager Patrick Brama
Police Chief Jeff Katers
Community Development Director Timothy Gladhill
City Engineer Bruce Westby
City Planner Chris Anderson

1. CALL TO ORDER

Mayor Strommen called the regular meeting of the Ramsey City Council to order at 7:05 p.m., followed by the Pledge of Allegiance led by Mayor Strommen.

2. PRESENTATION

2.01: Congressional Update

Stacy Morse, District Director from Congressman Emmer's Office, stated that the framework for tax reform was recently introduced and provided an update of some of the proposed changes. She stated that the framework will go through a series of committee meetings and would be amended along the way, but noted that it is believed that these changes should be completed before the end of the calendar year.

Mayor Strommen expressed appreciation for the update and thanked Ms. Morse for taking the time to speak to the Council tonight.

3. CITIZEN INPUT

None.

4. CONSENT AGENDA

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

- 4.01: Receive September 2017 Financial Reports – General Fund and Enterprise Funds
- 4.02: Note the Following Boards and Commissions Meeting Minutes:
 - Park and Recreation Commission Meeting Minutes dated August 10, 2017
 - Planning Commission Meeting Minutes dated September 7, 2017
 - Economic Development Authority Meeting Minutes dated September 14, 2017
- 4.03: Approve the following Meeting Minutes:
 - 1) City Council Work Session dated October 10, 2017
 - 2) City Council Regular dated October 10, 2017
- 4.04: Approve Rental Licenses
- 4.05: Approve Amending Council and Public Works Meeting Schedule for December
- 4.06: Adopt Resolution #17-10-275 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of October 5, 2017 through October 18, 2017
- 4.07: Adopt Resolution #17-10-245 Approving the Issuance of a Conditional Use Permit to Anoka Ramsey Farm and Garden, located at 7435 Highway 10 (Project No. 17-148) to Increase Square Footage of a Ground Sign on a Property in the H-1 Highway 10 Business District and Declaring Terms of Same
- 4.08: Adopt Resolution #17-10-265 Authorizing Partial Payment to North Valley, Inc. for IP #17-00, Sunwood Drive Reconstruction
- 4.09: Adopt Resolution #17-10-266 Authorizing Partial Payment to North Valley, Inc. for IP #17-01, Alpine Drive Reconstruction
- 4.10: Adopt Resolution #17-10-267 Authorizing Partial Payment to Metro Utilities, Inc. for IP #17-09, Bunker Lake Boulevard Utilities Extension
- 4.11: Adopt Resolution #17-10-248 Authorizing Partial Payment to Douglas-Kerr Underground, LLC for IP #16-20, Riverdale Drive Extension Improvements
- 4.12: Adopt Resolution #17-10-270 Ordering Feasibility Report for Improvement Project #18-03, 2018 Overlay Improvements
- 4.13: Adopt Resolution #17-10-277 to Authorize Hiring a Police Officer

Motion carried. Voting Yes: Mayor Strommen, Councilmembers LeTourneau, Shryock, Johns, Kuzma, and Riley. Voting No: None.

5. APPROVE AGENDA

Mayor Strommen noted that it has been requested to remove Item 7.02 (Consider Introduction of Ordinance #17-15) from the agenda and to move Item 7.03 (Consider Adoption of Resolution #17-10-278) to be considered after Item 7.06 (Consider Adoption of Resolution #17-10-273).

Motion by Councilmember Riley, seconded by Councilmember Johns, to approve the agenda as amended.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Riley, Johns, Kuzma, LeTourneau, and Shryock. Voting No: None.

6. PUBLIC HEARING

6.01: Public Hearing to Consider Introducing Ordinance #17-17 to Vacate Drainage and Utility Easements on Outlot A, Estates of Silver Oaks (Project No. 17-119); Case of Royal Oaks Realty

Presentation

City Planner Anderson reviewed the staff report and recommendation to introduce Ordinance #17-17 to vacate the drainage and utility easement over, under, and across Outlot A, Estates of Silver Oaks.

Public Hearing

Mayor Strommen called the public hearing to order at 7:14 p.m.

Citizen Input

Jay Guimont, 5720 164th Avenue NW, asked why the easements are proposed to be removed, noting that his property is adjacent to the proposed development. He explained that the previous development that occurred caused drainage problems on his property and is concerned that continued development in this area will make the problems even worse.

City Planner Anderson explained that while it is proposed to vacate these underlying drainage and utility easements, new drainage and utility easements would be dedicated with the plat. He noted that the proposed plat has come forward and drainage and utility easements are shown on the plat and would be recorded with that plat. He noted that he can provide a copy of Final Plat showing the proposed easements to the resident. He noted that the City Engineer has also reviewed the plans for stormwater management to ensure that the development would not cause problems on neighboring properties.

Mr. Guimont stated that he continues to have drainage problems from the last development and urged the City staff to ensure that the stormwater management will be sufficient before vacating any drainage and utility easements.

Mayor Strommen stated that City staff can follow-up with Mr. Guimont to provide additional information on the easements that would be dedicated with the Final Plat. She noted that the City Engineer could also have discussions with the resident to ensure that his drainage concerns with the previous development are also considered. She noted that the action tonight is to introduce the ordinance and therefore the item will still come back to the Council for adoption at a future meeting.

Councilmember Kuzma thanked Mr. Guimont for expressing his concerns, noting that the public hearing is the appropriate place for residents to express concerns with the proposed action.

Motion by Councilmember LeTourneau, seconded by Councilmember Kuzma, to close the public hearing.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers LeTourneau, Kuzma, Johns, Riley, and Shryock. Voting No: None.

The public hearing was closed at 7:19 p.m.

Council Business

Motion by Councilmember Kuzma, seconded by Councilmember Johns, to introduce Ordinance #17-17 Vacating Drainage and Utility Easements on Outlot A Estates of Silver Oaks.

Further discussion: Mayor Strommen asked that staff report back to the Council when the case comes forward for adoption of the Ordinance to ensure the comments of the adjacent property owner have been addressed.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Kuzma, Johns, LeTourneau, Riley, and Shryock. Voting No: None.

7. COUNCIL BUSINESS

7.01: Consider Adopting Resolution #17-10-274 Accepting Quotes and Awarding Contract for Improvement Project #17-13, Potassium Street Cul-De-Sac Improvements

City Engineer Westby reviewed the staff report noting that in order to ensure that maintenance, service, and emergency response vehicles are able to turn around at the north end of Potassium Street within the near future, staff recommends adoption of Resolution #17-10-274 accepting quotes and awarding a contract to Dave Perkins Contracting, Inc. in the amount of \$34,877 for Improvement Project #17-13, Potassium Street Cul-De-Sac Improvements. He noted that approving this option would also allow this matter to be resolved without incurring additional legal fees that would be required if the City were to seek a declaratory judgement through Anoka County District Court; however, anticipated legal fees associated with seeking a declaratory judgement on this matter could be much less than the cost to construct the temporary cul-de-sac.

Mayor Strommen asked if staff believes that Shade Tree Communities, LLC understands the time constraints the City is under.

City Engineer Westby replied that it was a quick email conversation and the timeline was not addressed. He stated that he did mention timing in his response and that he would provide an update to Shade Tree the following day.

Councilmember Kuzma referenced the funding of the project, which would come from the public improvement revolving fund and asked if that fund typically is used for this type of improvement.

City Engineer Westby stated that fund is used for unfunded or unexpected projects and therefore this would be a typical use.

Councilmember Kuzma asked the balance of the fund.

City Engineer Westby stated that he was not certain of the balance but noted that the balance is substantial, estimating over \$500,000.

Councilmember Riley asked how the price of \$1 per square foot was determined and whether that was included in the projected estimate for the project.

City Engineer Westby stated that is the high-end that the City would pay for easement and therefore staff would hope the easement cost would be less than that cost. He stated that the higher-end limit was included for proposed Council action in order to keep the project moving along but again hoped that the negotiation would come in lower.

Mayor Strommen provided the opportunity for the Schmitzs to speak and they declined. She referenced the counter-offers made by the Schmitzs and the cost change that would occur if the December 31st timeline is exceeded. She believed that the language of the motion should be clear to identify that timeline and noted that if the project is not complete by December 31st, the case should return to the Council.

Motion by Councilmember Johns, seconded by Councilmember LeTourneau, to Adopt Resolution #17-10-274 Accepting Quotes and Awarding Contract for Improvement Project #17-13, Potassium Street Cul-De-Sac Improvements contingent upon staff obtaining an easement, for the proposed cul-de-sac, from Shade Tree Communities LLC, in an amount not to exceed \$1 per square foot and authorize staff to enter into a settlement agreement with the Schmitzs that in consider of an \$8,050 contribution, the City will proceed with the project, retain any necessary easements upon the Schimitzs' property, and negotiate a reasonable time for completion of December 31, 2017 (if not complete by that date the case shall return to the Council), subject to the review and approval of the City Attorney.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Johns, LeTourneau, Kuzma, Riley, and Shryock. Voting No: None.

~~7.02: Consider Introducing Ordinance #17-15 Vacating Pedestrian Trail Easement on Lot 6, Block 3, Wildlife Sanctuary Third Addition (Item removed from the agenda)~~

~~7.03: Consider Adoption of Resolution Approving Drainage and Utility Easement Encroachment for Eave Overhangs in the Riverstone Subdivision; Case of Capstone Homes/Riverstone Development, LLC (Item moved to be considered following 7.06)~~

7.04: Consider Adoption of Resolution #17-10-271 Accepting Feasibility Report and Ordering Public Hearing for Improvement Project #18-00, Stanhope Terrace Street Reconstructions

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #17-10-271 accepting the Feasibility Report and ordering a public hearing for November 14, 2017, for Improvement Project #18-00, Stanhope Terrace Street Reconstructions. He noted that this will allow the project to be constructed as part of the 2018 Street Maintenance Program and to allow for the use of special assessments to pay for a portion of the project costs per the applicable provisions of the City Charter, the City's Special Assessments Policy, and Minnesota Statute, Chapter 429.

Councilmember Riley asked if the City would be testing depths to ensure the correct amount of aggregate is provided.

City Engineer Westby noted that the City conducts that action with all projects, noting that there is a standard required and City staff does provide testing to ensure the appropriate result is provided to ensure consistent aggregate is provided to the City standard.

Motion by Councilmember Shryock, seconded by Councilmember Johns, to Adopt Resolution #17-10-271 Accepting the Feasibility Report and Ordering Public Hearing for Improvement Project #18-00 Stanhope Terrace Street Reconstructions.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Shryock, Johns, Kuzma, LeTourneau, and Riley. Voting No: None.

7.05: Consider Adoption of Resolution #17-10-272 Accepting Feasibility Report and Ordering Public Hearing for Improvement Project #18-01, North Forty Street Reconstructions

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #17-10-272 accepting the Feasibility Report and ordering a public hearing for November 14, 2017, for Improvement Project #18-01, North Forty Street Reconstructions. He noted that this will allow the project to be constructed as part of the 2018 Street Maintenance Program, and to allow for the use of special assessments to pay for a portion of the project costs per the applicable provisions of the City Charter, the City's Special Assessment Policy and Minnesota Statute, Chapter 429.

Motion by Councilmember Kuzma, seconded by Councilmember LeTourneau, to Adopt Resolution #17-10-272 Accepting Feasibility Report and Ordering Public Hearing for Improvement Project #18-01 The North Forty Street Reconstructions.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Kuzma, LeTourneau, Johns, Riley, and Shryock. Voting No: None.

7.06: Consider Adoption of Resolution #17-10-273 Accepting Updated Feasibility Report and Ordering Public Hearing for Improvement Project #17-02, River's Bend Street Reconstructions

City Engineer Westby reviewed the staff report and recommendation to adopt Resolution #17-10-273 accepting the updated Feasibility Report and ordering a public hearing for November 14, 2017, for Improvement Project #17-02, River's Bend Street Reconstructions. He noted that this will allow the project to be constructed as part of the 2018 Street Maintenance Program, and to allow the use of special assessments to pay for a portion of the project costs per the applicable provision of the City Charter, the City's Special Assessments Policy, and Minnesota Statute, Chapter 429.

Councilmember LeTourneau noted that this project was postponed in order to tie into the Stanhope project with an anticipated benefit related to economies of scale. He asked if there was actually a benefit received.

City Engineer Westby stated that the same contractor would perhaps bid all three projects and noted that while he would anticipate a benefit related to economies of scale, that would be unknown until the bids are received.

Motion by Councilmember LeTourneau, seconded by Councilmember Shryock, to Adopt Resolution #17-01-273 Accepting Updated Feasibility Report and Ordering Public Hearing for Improvement Project #17-02 River's Bend Street Reconstructions.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers LeTourneau, Shryock, Johns, Kuzma, and Riley. Voting No: None.

7.03: Consider Adoption of Resolution Approving Drainage and Utility Easement Encroachment for Eave Overhangs in the Riverstone Subdivision; Case of Capstone Homes/Riverstone Development, LLC

Community Development Director Gladhill reviewed the staff report and recommendation to adopt the resolution based on past practice and updates to overall City Code design standards over the winter.

Motion by Councilmember Riley, seconded by Councilmember Kuzma, to Adopt Resolution #17-10-278 Approving Drainage and Utility Easement Encroachments for Eave Overhangs in the Riverstone Subdivision.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Riley, Kuzma, Johns, LeTourneau, and Shryock. Voting No: None.

7.07: Consider Introducing Ordinance #17-18 Amending Street Names in the Riverstone Subdivision; Case of Capstone Homes/Riverstone Development, LLC

Community Development Director Gladhill reviewed the staff report and recommendation to introduce Ordinance #17-18 amending street names in the Riverstone subdivision.

Councilmember Johns asked if the public works and fire departments were asked for input on Snowy Owl and whether that would be an issue since Andover uses bird names. She also asked if the street names would carry over in other areas of the City.

Community Development Director Gladhill noted that the Public Works Committee had provided input throughout this process and Chief Katers has also been involved. He stated that there would not be a conflict with the use of these names as they do not exist in the other communities. He stated that the street names could be carried over throughout the City but noted that there is not a lot of developable area in this area of the grid that would use the same names.

Councilmember LeTourneau stated that the Council did agree with these name changes in concept in previous discussion.

Motion by Councilmember LeTourneau, seconded by Councilmember Johns, to introduce Ordinance #17-18 amending street names in the Riverstone subdivision.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers LeTourneau, Johns, Kuzma, Riley, and Shryock. Voting No: None.

7.08: Consider Actions Related to Pearson Place (Project No. 16-31); Case of Development Consulting Services, LLC

- a) **Adopt Ordinance #17-10 Approving Zoning Amendment**
- b) **Adopt Resolution #17-10-269 Granting Approval of Final Plat and Development Agreement for Pearson Place**

City Planner Anderson reviewed the staff report and recommendation to approve the Final Plat and Zoning Amendment for Pearson Place, contingent upon compliance with the Staff Review Letter. He stated that the bulk standards of the R-1 district and the new Mississippi River Critical Corridor Area (MRCCA) district standards are generally met with this proposal with the exception of the use of private utilities rather than municipal sewer and water. He explained that the use of private utilities matches the existing development pattern on Bowers Drive and includes both primary and alternate locations for septic system on each lot. He stated that since this is a transition time between the existing MRCCA rules and the new MRCCA rules, staff would support the use of a PUD to address the difference in standards with the inclusion of the outlot that will serve as a buffer for the existing homes along Bowers Drive against potential development in the future. He noted that the Planning Commission also supports these actions.

John Dobbs, the applicant, stated that he agrees with all the comments made by City Planner Anderson. He stated that Capstone will most likely be the builder for the homes, which he is excited about.

Councilmember LeTourneau stated that he is a neighbor on the Bower's Drive cul-de-sac and the consensus is to support the project as this would be an adequate use of the property.

Motion by Councilmember LeTourneau, seconded by Councilmember Riley, to waive the City Charter requirement to read the ordinance aloud and adopt Zoning Amendment Ordinance #17-10 Amending Section 117-90 “Map” of Chapter 117 of the City Code of Ramsey, Minnesota.

Further discussion: Councilmember Johns stated that there are certain elements required for a PUD, including a 20 percent requirement for public open space, and asked if the buffer would help to establish that 20 percent. City Planner Anderson replied and confirmed that the buffer and corridor together would address the 20 percent requirement.

A roll call vote was performed by the Recording Secretary:

Councilmember Riley	aye
Councilmember Shryock	aye
Councilmember LeTourneau	aye
Councilmember Johns	aye
Councilmember Kuzma	aye
Mayor Strommen	aye

Motion carried.

Motion by Councilmember LeTourneau, seconded by Councilmember Johns, to Adopt Resolution #17-10-269 Granting Approval of the Final Plat and Development Agreement for Pearson Place.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers LeTourneau, Johns, Kuzma, Riley, and Shryock. Voting No: None.

7.09: Preliminary Approvals Related to Proposed North Fork Meadows Subdivision; Case of Paxmar, LLC (Project No. 17-126)

- 1. Introduce Ordinance #17-16 Approving a Conditional Zoning Amendment to Planned Unit Development**
- 2. Adopt Resolution #17-10-276 Authorizing Conditional Rezoning Agreement**

Community Development Director Gladhill reviewed the staff report. He noted that Planning Commissioner Surma actually voted in support of the action and wanted to clarify that as the record did not reflect that action. He noted that when considering a recommendation, staff reviewed the concept again the following points raised during the first stages of review: consistency with the Comprehensive Plan; the need for a more compelling reason to amend the Comprehensive Plan, or leave as Low Density Residential (LDR); and the desire to create a more meaningful Density Transitioning Plan (DTP), with wider lots and deeper lots. He stated that considering those factors, staff feels that this is a reasonable compromise and would support the Planning Commission and City Council in approving this project. He noted that as a reminder, the City is not obligated to approve the project and this is a policy level decision that requires direction from the City Council.

Councilmember Kuzma asked the potential consequences could result from this action.

Community Development Director Gladhill stated that this request would fall under the conditional rezoning request, which is acceptable to the City. He noted that the City Attorney provided input and did not feel that this would be contract rezoning. He stated that the applicant can also provide input on why they would want the conditional rezoning before spending the large amount that will be required to move through the process for this proposed development.

 , Paxmar, stated that they have spoken with the Council, Planning Commission, and the neighborhood in previous meetings. He stated that they have significantly changed their proposal throughout this process in attempt to appease all parties. He noted that the current proposal would include 97 units, would not require a Comprehensive Plan amendment, would fit within the R-1 zoning standards and density, would provide a buffer zone and the required buffer zone plantings, and would provide the trail easement for the greenway corridor. He reviewed the concerns that they heard from adjacent residents about the original development proposal and reviewed the related elements that were made to the plan to address those concerns. He stated that there were some comments from residents at the meeting of the Planning Commission expressed that the residents would like the property to simply develop under R-1. He noted that the properties along the eastern border match the R-1 lot width and therefore the views of those neighbors will be the same regardless.

Councilmember Kuzma asked why the zoning amendment is requested prior to the Preliminary Plat.

 replied that the Preliminary Plat is the most expensive part of the preparation process. He stated that they would not want to spend that \$200,000 without some assurance that the requested density for the project would be allowed, as that item would be the deciding factor in whether the project would be financially viable.

Councilmember Riley stated that staff identified some risks to rezoning prior to the project and asked if there are also tools in place that would appease those concerns.

Community Development Director Gladhill confirmed that there are tools in place that require the necessary protection. He noted there will also be an additional agreement recorded through this process to ensure that what is agreed upon is provided.

Councilmember Johns asked if the buffer would become City property. She referenced the greenway corridor and noted that it was mentioned that is off this plat and asked for additional details.

Community Development Director Gladhill confirmed that the greenway corridor is off this plat but will become a part of the plat during this process. He stated that the City will not own the buffer area. He stated that the depth for R-1 is not met by the eastern boundary lots and wanted to ensure that it is clear that is part of the PUD. He stated that a separate easement would be placed over the buffer, similar to what occurred with the Woodlands development.

Councilmember Shryock asked for information on the lot depth and buffer that would exist between the existing homes and the proposed development.

Mayor Strommen stated that she does not feel that she has enough information on whether the public benefit being received is commensurate for the additional lots. She appreciated the compromises that have occurred thus far but noted that she is not using that original request as the starting point but instead is using the existing City standards as the starting point with this proposal as the comparison. She stated that typically the open space being provided for a PUD is within the same plat. She noted that a lot of the open space is wetland and the trail corridor and therefore she is not sure if that is of equal benefit or whether that would be gained through park dedication under normal development of this property. She stated that she is on board with the process of a greenway corridor but she was unsure if that is something that would only be provided in this proposal or whether that would come in through the development of this area. She stated that the language states that the permittee controls the greenway land but the owner actually controls the land. She did not feel that she had enough information to make a decision on this. She stated that the eastern boundary should meet the design standards of the R-1 zoning district and was still unsure that the public benefit is equal to the additional density and flexibility being provided. She noted that the decision needs to be made as to whether the deviation from the Comprehensive Plan and zoning standards is equal to the public benefit that would be provided.

Community Development Director Gladhill noted that the item was reviewed by the Park Commission and noted that minutes from that meeting can come back to the Council when this is discussed again. He asked if there is conceptual consensus with this proposal.

Mayor Strommen stated that she does not have enough data to move forward in a concept. She stated that she does not see the comparable data and is not comfortable moving forward without that input from the Park Commission and Environmental Policy Board (EPB).

City Planner Anderson stated that the EPB reviewed this information at their October meeting and generally supported the proposal. He noted that the group focused on density transitioning and did support on the public benefit of securing the land for the greenway corridor. He noted that the group did not discuss the upland/wetland ratio.

Councilmember Shryock stated that she also shared the concern of Mayor Strommen and agreed that the Park Commission would discuss whether to accept land or funds for park dedication and therefore she wondered whether this would be provided under normal development.

Councilmember Riley stated that he was unsure if the greenway would become part of the plat.

Community Development Director Gladhill stated that the greenway could be included as an outlet as part of the plat itself.

Councilmember Riley stated that these are two very different issues of park dedication and the public areas that would be gained.

Community Development Director Gladhill agreed that if this is accepted as the public benefit, he would feel that the next iteration would need to show the park dedication in addition to this public benefit.

█ stated that they would not be contributing park land and would pay park dedication in addition to the greenway and trail contribution. He explained that the density was determined by reviewing the property values of the existing homes in the area and the values proposed by Capstone. He explained that they would need to match the values of the surrounding area and would not want to be a “unicorn” in terms of pricing in that area. He stated that if you were to develop the property at the R-1 standards throughout the development, the prices would far exceed the values of the neighboring developments and therefore they attempted to provide a range of units that would fall around that range.

Councilmember Johns stated that if this is going to move on as a PUD she would like to see additional public benefit provided above the greenway. She agreed that there are additional details that need to be provided before this moves forward.

█ replied that the 45-foot buffer is without the berm and therefore the density transitioning berm can be created and the difference in the lot depth would only fall five feet short of the R-1 requirement.

Mayor Strommen stated that while that would help to know that, she still does not feel that there is sufficient information to make this decision.

Councilmember LeTourneau stated that there seems to be too much moving around in this discussion. He stated that the attempt is to try to develop land in the community that will increase the population and could result in additional benefits to the City, such as bringing in additional service businesses. He stated that the input of the neighboring residents has been provided and considered throughout this process. He stated that the addition of the greenway was a little late in the game and is somewhat separate from the reason of this request. He stated that he is willing to take a bit of a risk to conceptually approve the PUD today so that the Council can learn more about it tomorrow. He stated that while he does not want to dismiss the concerns brought forth tonight, he also wanted to remind the Council of their purpose tonight. He stated that he would like the Council to accept that there is still a lot of work to do and this would be taking a step, in good faith, to continue to work on this development.

Mayor Strommen stated that she did not feel that she would not be able to support this request but stated that she did not have enough information. She stated that in order to approve a PUD there has to be a public benefit provided and therefore she is attempting to determine if this public benefit is commensurate for the flexibility requested. She stated that her starting place for review is what is allowed today and then weighing that against what is being asked for and what is being received in terms of public benefit in return. She stated that this site will develop eventually. She appreciated that she and Councilmember LeTourneau are coming from different points of view.

Councilmember LeTourneau stated that he also appreciates the different points of view and noted that he also agrees that there would be additional information required but felt that this would be the first step.

Community Development Director Gladhill asked for the input the Council would like to receive before this comes back.

Councilmember Shryock stated that she would like to see a comparison of what would be provided through normal development of this property and then a comparison of what would be provided through this proposal.

Councilmember Kuzma asked for input on the timeline of the developer.

█ provided input on the timeline for the potential project. He noted that there is flexibility but advised that delaying action for one month could delay the construction from April to May.

Motion by Councilmember Kuzma, seconded by Councilmember Johns, to direct this case to go back before the appropriate Commissions/Boards for additional input for the Council to review.

Further discussion: Councilmember LeTourneau asked what would result from the Commissions/Boards reviewing this request again. Community Development Director Gladhill summarized the discussion points that were made tonight, noting that staff would attempt to develop a proforma that the Commissions/Boards could review to determine what would be provided under normal development compared to this proposal. █ stated that he would have concern spending funds on a survey if this is not going to move forward. Mayor Strommen noted that this would not have be a formal survey and provided additional details noting that the City's corridor map could be used.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Kuzma, Johns, LeTourneau, and Shryock. Voting No: Councilmember Riley.

7.10: Consider Filling Vacancies on Commissions, Committees, and/or Boards Created by Resignation of Councilmember Williams

Asst. City Administrator/Economic Development Manager Brama reviewed the staff report and recommendation to ratify Mayor Strommen's appointment of Councilmember LeTourneau to serve as the representative for the EDA with Councilmember Johns to serve as the alternate, and to delay filling the other vacancies until the Council vacancy is filled.

Motion by Councilmember Kuzma, seconded by Councilmember Riley, to ratify Mayor Strommen's appointment of Councilmember LeTourneau to fill the vacancy on the Economic Development Authority and Councilmember Johns to fill the position of alternate.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Kuzma, Riley, Johns, LeTourneau, Riley, and Shryock. Voting No: None.

7.11: Consider Adoption of Resolution #17-10-279 Amending Policy for Donation of Surplus Equipment to a Nonprofit Organization

Police Chief Katers reviewed the staff report and recommendation to replace the definition of “surplus equipment” in the City of Ramsey Donation of Surplus Equipment Policy to include the following language:

- A. Any tangible property or furnishings which are owned, retained, or in possession of City operated departments or facilities. It specifically includes equipment that is no longer needed by the City departments.
- B. Unclaimed, lost, or confiscated property which has been retained by the Police Department for over 90 days. This shall include, but is not limited to, unclaimed bicycles and other non-evidentiary items.
- C. Equipment or property obtained through administrative or judicial criminal forfeiture under Minnesota State Statutes 169A.63 or 609.5315 cannot be deemed surplus property and thus municipalities are prohibited from donation and restricted on the sale of such property.

He stated that included in the case is a strike-through version of the policy which identifies the language proposed to be added and deleted.

Motion by Councilmember Kuzma, seconded by Councilmember Johns, to Adopt Resolution #17-10-279 Amending Policy for Donation of Surplus Equipment to a Non-Profit Organization.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Kuzma, Johns, LeTourneau, Riley, and Shryock. Voting No: None.

8. MAYOR, COUNCIL AND STAFF INPUT

Asst. City Administrator/Economic Development Manager Brama announced upcoming meetings and events.

Councilmember Riley noted that the School District is having an election on November 7th and encouraged residents to become informed voters and vote.

Mayor Strommen noted that a long-time resident and City contributor Bruce Bacon recently passed away. She stated that she has been touched by the many stories she has heard about him.

9. ADJOURNMENT

Motion by Councilmember Kuzma, seconded by Councilmember LeTourneau, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 9:17 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

Lake Itasca

4631 ft



Regular Planning Commission

6. 4.

Meeting Date: 11/02/2017

By: Tim Gladhill, Community Development

Information

Title:

Review Concept Plan for Affinity at Ramsey; Case of Inland Group

Purpose/Background:

The purpose of this case is to review a concept plan prior to an official land use application for a proposed 175 unit apartment building known as Affinity at Ramsey. The Inland Group presented the idea of the project at a recent Planning Commission Meeting.

Due to timing and workload, Staff is unable to complete a full analysis of the project in time for normal agenda publication. Staff will update this topic the week of October 30 with a full Staff analysis. Please note that the concept prepared by Loucks was a concept ordered by the City to frame a conversation and provide overall context. That is not the actual concept. It is attached to provide a frame of reference only, Please view the second attachment to the case (A1.pdf) listed as 'Actual Concept' in the hyperlink of attachments.

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

[City Concept](#)

[Current Concept](#)

Form Review

Inbox

Tim Gladhill (Originator)
Form Started By: Tim Gladhill
Final Approval Date: 10/27/2017

Reviewed By

Tim Gladhill

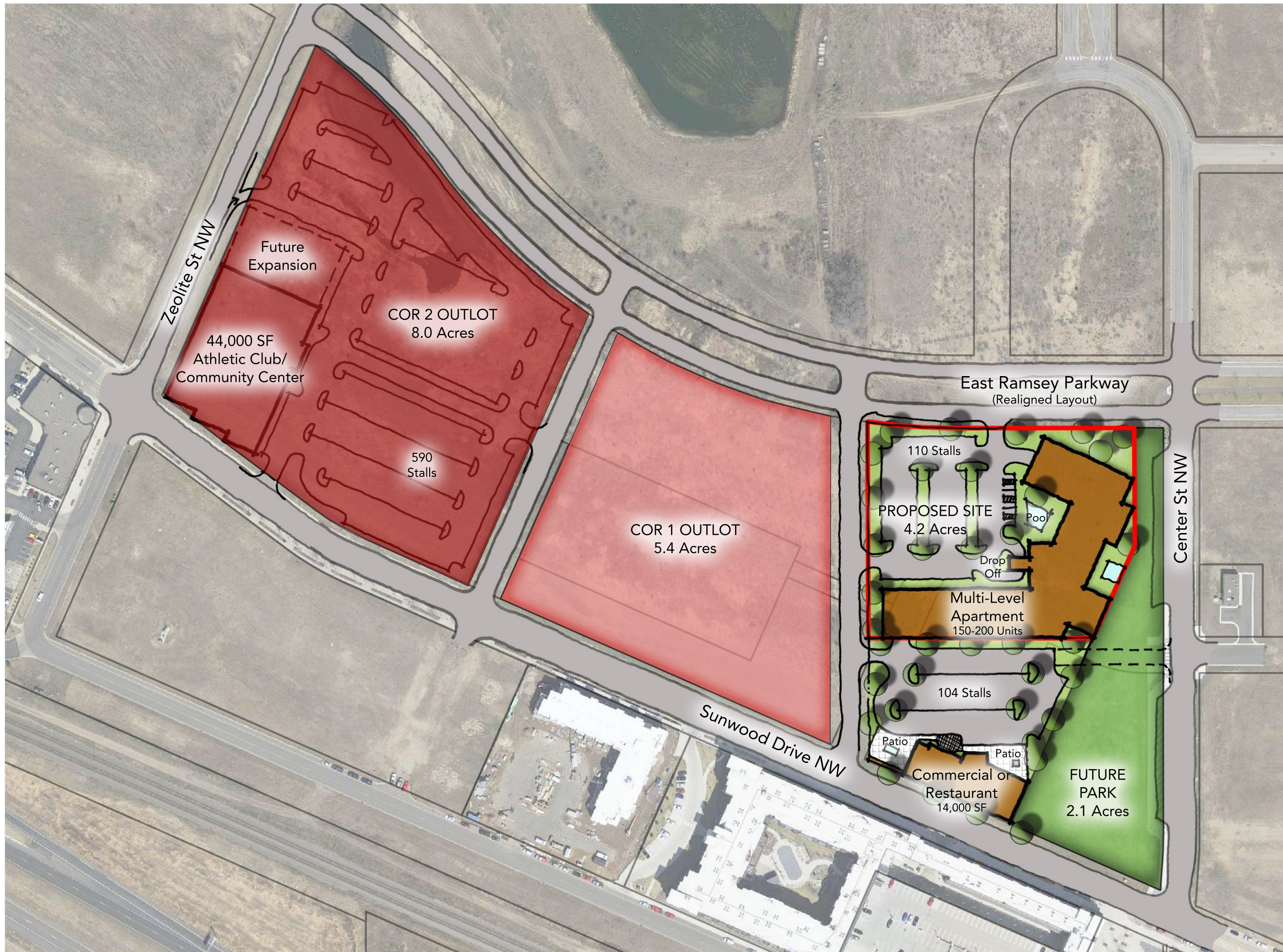
Date

10/27/2017 06:05 AM
Started On: 10/27/2017 06:00 AM

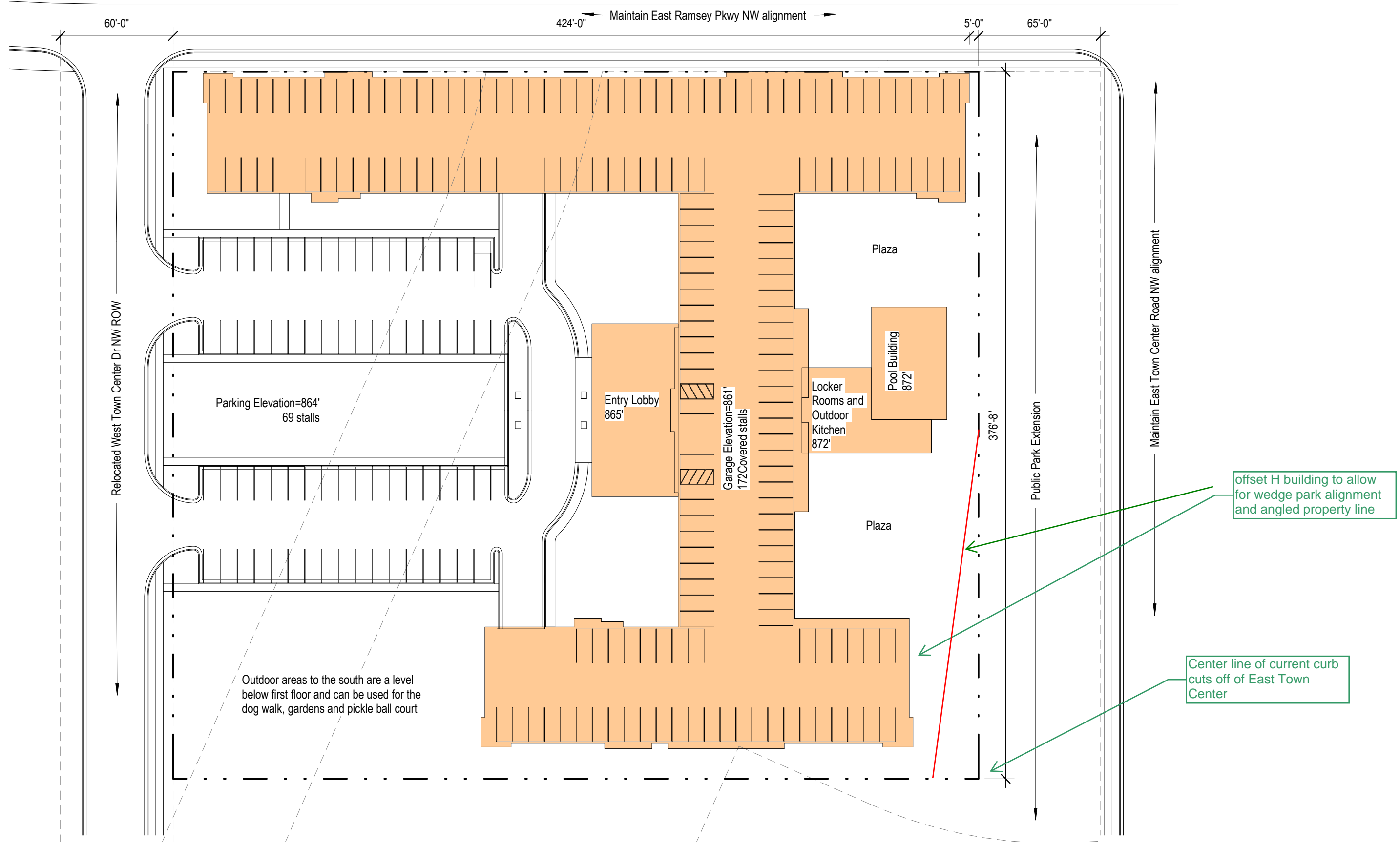
COR AREA
DEVELOPMENT
OPTIONS

RAMSEY, MN

LOUCKS
SEPTEMBER 8, 2017



C
REVISED



1 Site Plan - Option B
1" = 50'-0"

Regular Planning Commission

8. 1.

Meeting Date: 11/02/2017

By: JoAnn Shaw, Community Development

Information

Title:

Zoning Bulletins

Purpose/Background:

Enclosed are zoning bulletins 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: 10/19/2017

Reviewed By

Tim Gladhill

Date

10/19/2017 07:07 AM

Started On: 10/17/2017 03:23 PM

Zoning Bulletin

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Referendum—After city passes ordinance rezoning parcel so as to be consistent with general plan use designation, coalition submits referendum petition challenging ordinance

City argues that electorate's referendum power cannot be

Contributors

Corey E. Burnham-Howard

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used to reject ordinance because City's discretion to rezone is preempted by state statutory mandate that zoning be consistent with general plans

Citation: *City of Morgan Hill v. Bushey*, 12 Cal. App. 5th 34, 218 Cal. Rptr. 3d 276 (6th Dist. 2017).

CALIFORNIA (05/30/17)—This case addressed the issue of whether voters could validly utilize the power of referendum to reject a city's chosen method of making a parcel's zoning consistent with a general plan.

The Background/Facts: River Park Hospitality ("River Park") owned a vacant parcel in the City of Morgan Hill (the "City"). Prior to November 2014, the City's general plan provided a use designation for the parcel as "Industrial," and the parcel was zoned "ML-Light Industrial." In November 2014, the City amended its general plan to change the land use designation for the parcel to "Commercial." The parcel's zoning remained unchanged after the general plan amendment.

California Government Code § 65860 mandates that a parcel's zoning must be consistent with the municipality's general plan. In the meantime, § 65680 permits the maintenance of inconsistent zoning pending selection of a consistent zoning.

In April 2015, in an attempt to resolve the inconsistency between the 2014 "Commercial" land use designation for the parcel and its pre-2014 zoning of "ML-Light Industrial," the City Council approved Ordinance no. 2131 ("O-2131"). O-2131 would have changed the parcel's zoning from "ML-Light Industrial" to "CG-General Commercial."

The Morgan Hill Hotel Coalition (the "Coalition") submitted a timely referendum petition challenging O-2131. The "General Commercial" zoning designation for the parcel would have permitted a hotel, and the Coalition sought to prevent the development of a hotel on the parcel.

The referendum process allows voters to veto statutes and ordinances enacted by local officials before those laws become sufficient. Once a referendum petition challenging an ordinance is timely filed and certified to be sufficient, "the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance." (Cal. Elec. Code, § 9237.) "If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters." (Cal. Elec. Code, § 9241.)

The City accepted a certification of sufficiency on the Coalition's referendum, but later "discontinue[d] processing" the referendum because the City contended that the referendum would "enact zoning that was inconsistent with" the City's general plan (i.e., by reverting the parcel's zoning back to

“ML-Light Industrial” when the parcel’s use designation was “Commercial.”) Later, still, the City called for a special election to submit the referendum to voters, yet then filed a legal action in court to have the referendum “nullified as legally invalid and removed from the ballot.”

Again, the City claimed that the referendum was invalid because, if the electorate rejected the O-2131, it would “create an inconsistency between the zoning for the parcel and the general plan’s land use designation for the parcel.” The City argued that the electorate’s referendum power could not be used to reject O-2131, because the City’s discretion with respect to the zoning of the parcel was preempted by § 65860’s mandate that the parcel’s zoning be consistent with City’s general plan.

The Superior Court granted the City’s mandate petition, removing from the ballot the Coalition’s referendum challenging O-2131. The court found that the City had established the “invalidity” of the referendum by showing that “the current zoning in question is inconsistent with the City’s General Plan—and therefore presumptively invalid.” The court ordered that the referendum be removed from the ballot and that O-2131 be certified “as duly adopted and effective immediately”

The Coalition appealed. The Coalition maintained that a referendum that seeks to prevent a zoning change from taking effect does not create an inconsistency with a general plan’s land use designation, but instead only maintains the “preexisting status quo.”

DECISION: Judgment of Superior Court reversed and matter remanded with directions.

The Court of Appeal, Sixth District, California, held that voters could validly utilize the power of referendum to reject a city’s ordinance that chooses the method of making a parcel’s zoning consistent with a general plan.

In so holding, the court agreed with the Coalition’s argument and rejected the City’s argument. Again, the City had argued that the electorate’s referendum power could not be used to reject O-2131 because the City’s discretion with respect to the zoning of the parcel was preempted by § 65860’s mandate that the parcel’s zoning be consistent with the City’s general plan. In rejecting that argument, the court emphasized that § 65860 did not require the City to adopt O-2131. Rather, said the court, § 65860 “preempted [the] City from enacting a new zoning that was inconsistent with the general plan, but it did not preclude [the] City from exercising its discretion to select one of a variety of zoning districts for the parcel that would be consistent with the general plan.” Accordingly, the court concluded that since the City retained that discretion, § 65860 did not preclude the electorate from exercising its referendum power to reject City’s choice of zoning district in O-2131. In other words, the court found that the electorate’s exercise of its referendum power to reject or approve the City’s attempt to select a consistent zoning for the parcel did not seek to enact anything but “simply continued that permitted maintenance of inconsistent zoning.” Since the City could have selected any of a number of consistent zoning districts to replace the parcel’s inconsistent zoning, § 65860 did not preclude the City or the electorate from rejecting the one selected by the City in O-2131.

See also: *Referendum Committee v. City of Hermosa Beach*, 184 Cal. App. 3d 152, 229 Cal. Rptr. 51 (2d Dist. 1986).

Case Note:

In its decision, the Court of Appeal, Sixth District, explicitly rejected the decision of the Court of Appeal, Fourth District, on the same issue. In deBottari v. City Council, 171 Cal. App. 3d 1204, 217 Cal. Rptr. 790 (4th Dist. 1985), the Fourth District had held that a similar referendum to the one faced by the Sixth District, "if successful, would enact a clearly invalid zoning ordinance." The Sixth District found this reasoning to be "flawed," noting that "a referendum cannot 'enact' an ordinance."

Freedom of Speech/Sexually-Oriented Businesses—City adopts amendments to adult establishment ban, setting new definition for “adult establishment”

Businesses challenge amendments as violating First Amendment free speech rights

Citation: *For the People Theatres of N.Y. Inc. v. City of New York*, 2017 WL 2427295 (N.Y. 2017)

NEW YORK (06/06/17)—This case addressed the issue of what is the burden of proof that a municipality must sustain in order to prevail at the third stage of a three-part burden-shifting framework for determining the First Amendment constitutionality of adult use zoning—when the overall test as to constitutionality of the zoning ordinance is intermediate scrutiny. The case also addressed the issue of whether a city met its burden of demonstrating that the establishments affected by its zoning amendments related to a ban on adult establishments retained a predominant focus on sexually explicit materials or activities such that the amendments did not violate First Amendment rights, or if there was no need for those amendments such that, on their face, they were a violation of free speech provisions of the U.S. and State Constitutions.

The Background/Facts: In 1995, the City of New York (the “City”) adopted a zoning ordinance (the “1995 Zoning Ordinance”) that barred adult establishments from residential zones and most commercial and manufacturing zones, and mandated that, where permitted, adult businesses had to be at least 500 feet from houses of worship, school, day care centers, and other adult businesses. Under the 1995 Zoning Ordinance, an “adult establishment” was defined as a commercial establishment a “substantial portion” of which was “an adult book store, adult eating or drinking establishment, adult theater, or other adult commercial establishment, or any combination thereof.” In turn, an “adult book store” (a term meant to embrace stores selling or renting sexually explicit video material, as well as books and magazines) was defined as

having a “substantial portion” of its “stock-in-trade” in, among other things, printed matter or video representations depicting “specified sexual activities” or “specified anatomical areas,” as defined in the regulations. An “adult eating or drinking establishment” was defined as an eating or drinking establishment that excludes minors and “regularly features” live performances or films emphasizing “specified sexual activities” or “specified anatomical areas,” or where the employees regularly expose “specified anatomical areas” to patrons as part of their employment.

In 1998, the City developed a so-called “60/40” test to identify adult bookstores and adult eating and drinking establishments. Under the 60/40 rule, any commercial establishment with at least 40 percent of its customer-accessible floor/cellar area or stock-in-trade used for adult purposes qualified as an “adult establishment.”

Over time, the City found that adult establishments were achieving technical compliance with the 60/40 test by engaging in a “sham” of utilizing part of their premises for non-adult purposes without altering their predominant focus on sexually explicit activities or materials. In response, in 2001, the City adopted amendments to the 1995 Zoning Ordinance (the “2001 Amendments”). With respect to “adult eating or drinking establishments,” the 2001 Amendments provided that a business was an “adult establishment” if it regularly featured live performances characterized by an emphasis on certain “specified anatomical areas” or “specified sexual activities” in any portion of the establishment, regardless of whether it limited those performances to less than 40% of its floor area. In other words, a club featuring topless or nude dancers qualified as an “adult eating or drinking establishment” no matter the proportion of its space devoted to adult entertainment. With regard to adult bookstores, the 2001 Amendments formally kept the 60/40 test, with the added provision that if a store passed the test, but met at least one of eight criteria (e.g., like having viewing areas for adult movies or live performances), then the store’s non-adult material would not be considered stock-in-trade for the purpose of the “substantial portion” analysis.

In 2002, businesses that showed or sold adult films and businesses that had topless entertainment (collectively, the “Businesses”), but that technically met the 60/40 test, challenged that 2001 Amendments as being facially (i.e., on its face) unconstitutional, as a violation of First Amendment free speech rights. Their legal actions were consolidated.

In 2003, the trial court declared the 2001 Amendments unconstitutional and enjoined their enforcement. The Appellate Division reversed, declaring the 2001 Amendments constitutional. The Court of Appeals modified that decision and remitted the matter for further proceedings.

In its decision, the Court of Appeals reviewed the United States Supreme Court-provided three-part burden-shifting framework for determining the constitutionality of zoning that regulates adult establishments: First, a “municipality’s evidence must fairly support the municipality’s rationale for its ordinance.” Second, the municipality prevails “[i]f plaintiffs fail to cast direct doubt on this rationale, either by demonstrating that the municipality’s evidence does not support its rationale or by furnishing evidence that disputes the municipality’s factual findings.” Third, “[i]f plaintiffs succeed in casting

doubt on a municipality's rationale in either manner, the burden shifts back to the municipality to supplement the record with evidence renewing support for a theory that justifies its ordinance." Notably, the Court of Appeals interpreted the test to mean that, with respect to the first stage, "a municipality's burden to prove that it has a substantial interest in regulating a particular adult activity is not a very heavy one." The court said that a local government implementing zoning that affects adult businesses must show there is a substantial governmental interest to justify restrictions on protected speech, but the government "retains discretion to make its findings from studies or other supportive information and to draw reasonable conclusions about which regulatory techniques will be most beneficial in addressing the findings."

The Court of Appeals found the City had met its burden to justify a rationale for the 2001 Amendments. However, it also found that the Businesses had furnished sufficient evidence disputing the City's factual findings. Thus the burden shifted back to the City "to supplement the record with evidence renewing support for its rationale" for the 2001 Amendments by showing that businesses technically meeting the 60/40 were not "so transformed in character that they no longer resemble the kinds of adult uses found . . . to create negative secondary effects." The court said that if the City was found to have "fairly supported its position on sham compliance—i.e., despite formal compliance with the 60/40 formula, these businesses display a predominant, ongoing focus on sexually explicit materials or activities, and thus their essential nature has not changed—the City [would] have satisfied its burden to justify strengthening the 1995 Ordinance by enacting the 2001 Amendments, and will be entitled to judgment in its favor." If not, the Businesses would prevail on their claim that the 2001 Amendments were "insufficiently narrow and therefore violated their free speech rights."

On remand, in 2010, the trial court upheld the 2001 Amendments. In 2011, the Appellate Division reversed, vacated the findings of constitutionality, and remanded. The Appellate Division directed the trial court to "specify the criteria by which it determined that the [Businesses'] essential nature was similar or dissimilar to the sexually explicit adult uses underlying the 1995 Zoning Ordinance." The Appellate Division instructed the trial court to use various characteristics of adult establishments to determine whether the Businesses retained a predominate focus on sexually explicit materials or activities, such as: the presence of large signs advertising adult content; a large quantity of peep booths featuring adult films; or the exclusion of minors from the premises.

Once again on remand, in 2012, the trial court struck down the 2001 Amendments as an "unconstitutional violation of the First Amendment." The trial court found the Businesses had all essentially divided their venues into two areas—adult and non-adult. The court thus concluded that the Businesses "no longer operate[d] in an atmosphere placing more dominance of sexual matters over nonsexual ones." Accordingly, the court found there was "no need for the 2001 Amendments," and that therefore, on their face, they were a violation of free speech provisions of the U.S. and State Constitutions.

In 2015, a divided Appellate Division affirmed the trial court's judgment. The City appealed. Because the Appellate Division's decision included a two-Justice dissent on question(s) of law in the City's favor, the Court of Appeals of New York had jurisdiction.

The Court's Decision: Judgment of Supreme Court, Appellate Division, reversed. Judgment for the City.

The Court of Appeals of New York held that the City had met its burden of demonstrating that the establishments affected by the 2001 Amendments retained a predominant focus on sexually explicit materials or activities. Thus, the court concluded that the 2001 Amendments did not violate the Businesses' First Amendment rights.

Importantly, in reaching its decision, the court also held that at the third stage of a three-part burden-shifting framework for First Amendment challenges to zoning adult businesses, the municipality has "only a modest burden." The court noted that the United States Supreme Court has instructed that in First Amendment cases applying intermediate scrutiny, a court's task, when reviewing a legislature's factual or predictive judgments, is "to assure that, in formulating its judgments, [the legislature] has drawn reasonable inferences based on substantial evidence." The court said that same deferential standard is applicable "to a municipality's factual or predictive judgments in the adult use zoning context." More specifically, the court said that in the third-stage of the burden-shifting framework for determining the constitutionality of zoning that regulates adult establishments, the municipality need only show evidence that "fairly support[s]" the conclusion that there is an ongoing focus on the sexually explicit; the municipality "need not 'perform a formal study or a statistical analysis'"

Thus, the court said that, here, the City did not have to "establish that it ha[d] looked at a representative sample of 60/40 businesses in the city." In other words, the City, in demonstrating an ongoing focus on the sexually explicit, had to meet the same evidentiary burden at the third stage of the framework as it had to meet at the first stage. The trial court's task, said the Court of Appeals, was "to decide whether the City had relevant evidence reasonably adequate to support its conclusion that the adult establishments retained a predominant, ongoing focus on sexually explicit activities or materials."

Here, the court found that the City met its burden of showing continued focus on sexually explicit activities and materials by the Businesses. For example, the court found that evidence showed that stores that stocked non-adult magazines in the front of the store but still contained peep booths in the back of the store were "no less sexual in [their] fundamental focus." Similarly, topless clubs that had small signs and an adjoining comedy club, still retained a "predominate sexual focus."

Having found that the adult establishments continued to have a predominant focus on sexually explicit materials and activities, despite technically meeting the 60/40 rule, the court concluded that the 2001 Amendments were facially constitutional.

See also: *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425, 122 S. Ct. 1728, 152 L. Ed. 2d 670, 30 Media L. Rep. (BNA) 1769 (2002).

Case Note:

The Businesses had also challenged the 2001 Amendments as being unconstitutional

“as applied” to them. The as-applied challenge was not raised on a prior appeal and so could not be reviewed by the Court of Appeals.

Constitutionality of Zoning Enforcement/Equal Protection— Town denies property owner’s application for an extension of a permit allowing mobile home to remain on property after permanent home is destroyed by fire

Property owner challenges permit denial and zoning enforcement as a violation of constitutional equal protection rights

Citation: *Komondy v. Gioco*, 2017 WL 2290148 (D. Conn. 2017)

CONNECTICUT (05/25/17)—This case addressed the issue of whether a town violated a property owner’s equal protection rights under a “class of one theory” in denying the property owner’s application for an extension of a permit allowing her to remain on her property in a mobile home after her permanent home was destroyed by a fire.

The Background/Facts: Marguerite and Christopher Komondy lived in a historic home on property they owned in the Town of Chester (the “Town”). On March 5, 2005, their home was destroyed by fire, with damage so extensive that the structure had to be demolished. Subsequently, Mrs. Komondy obtained a permit from the Town to remain on her property in a temporary mobile home for six months while a permanent home was reconstructed. Upon expiration of the permit, Mrs. Komondy applied for an extension, which was denied by the Town’s Zoning Enforcement Officer (the “ZEO”). Section 113B.5 of the Town’s Zoning Regulation explicitly related to the placement of “a temporary dwelling on premises . . . during construction of [the] owner’s permanent dwelling” on that site. That section provided that “such mobile home shall not remain upon said premises for more than six months from the time that it is first placed thereon.” The Town also denied Mrs. Komondy’s application for a variance.

Mrs. Komondy’s appealed the denials, and her appeals were ultimately dismissed in court. The court found no “proof of exceptional difficulty or unusual hardship” to warrant a variance.

In July 2006, after the mobile home remained on the Komondy’s property for more than sixteen months, the Town issued a Cease & Desist Order, direct-

ing removal of the mobile home. The Komondys did not remove the mobile home, nor did they begin any reconstruction of a permanent home on their property. Eventually, the Town sued, and received a court judgment allowing Town removal of the mobile home. In February 2012, the Town notified Mrs. Komondy that the Town would be removing the mobile home at her expense, if it was not removed by her.

Mrs. Komondy then sued the Town. While the lawsuit was pending, Mrs. Komondy died, and her husband, Christopher (hereinafter "Komondy") was substituted as the plaintiff in the action. Among other things, Komondy brought a "class of one" equal protection claim. He alleged that his right to "equal protection" as a "class of one" was violated by the Town's enforcement of its zoning regulations against him.

The United States Supreme Court has recognized the existence of a "class of one" equal protection cause of action, pursuant to 42 U.S.C. § 1983, against a municipality for arbitrary or irrational application of property laws. "Successful equal protection claims [may be] brought by a 'class of one,' where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment."

Here, Komondy alleged that other, similarly situated property owners of residential land in the Town were permitted to maintain mobile homes on the land for "many years," and that the Town's unequal treatment of Komondy "deprived [him] of equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution as enforced through Sections 1983 and 1988 of Title 42 of the United States Code."

The Town filed a Motion for Summary Judgment, asserting that there was no genuine dispute of material fact, and asking the court to find the Town entitled to summary judgment on the class of one equal protection claim as a matter of law.

DECISION: Town's Motion for Summary Judgment granted.

The United States District Court, District of Connecticut, held that Komondy's class of one equal protection claim failed as a matter of law because: Komondy failed to show that he was treated differently than any similarly situated individual; and the Town had a rational basis for denying Komondy's application for a permit extension or variance.

Komondy had pointed to three property owners that he alleged were "similarly situated" comparators who had mobile homes on their properties for longer periods than the Komondys. The court, however, found that none of the alleged comparators were similarly situated to Komondy. Two of the properties had mobile homes on them before the Town zoning regulations were instituted, and so the mobile homes were grandfathered and did not need to conform to the zoning regulations. Additionally, each of those mobile homes later became a permanent structure after permitted additions were added to them. Komondy's mobile home was not grandfathered and was never converted into a permanent structure. The third property that Komondy cited as a comparator was issued a Cease & Desist Order similar to Komondy for the mobile home. However, unlike Komondy, the owners of that property ap-

plied within two days of that order for a building permit for a permanent home and subsequently built that permanent home and removed the mobile home.

The court also found that Komondy failed to demonstrate that the town lacked a rational basis to issue the Cease & Desist Order. The Town simply enforced zoning regulations that limited temporary mobile home placement on property during permanent dwelling construction to six months.

Accordingly, the court concluded that “[n]o reasonable jury could conclude that the differential treatment alleged was the product of irrationality or that any of [Komondy’s] alleged comparators were sufficiently ‘similarly situated’ for purposes of application and enforcement of the law under the Equal Protection Clause.”

See also: *Village of Willowbrook v. Olech*, 528 U.S. 562, 120 S. Ct. 1073, 145 L. Ed. 2d 1060, 30 Env’tl. L. Rep. 20360 (2000).

See also: *Gray v. Town of Easton*, 115 F. Supp. 3d 312 (D. Conn. 2015), judgment *aff’d*, 669 Fed. Appx. 4 (2d Cir. 2016).

Case Note:

Komondy had also sued Town officials, individually. The court said that “[i]n order to bring a successful § 1983 claim against an individual in his individual capacity, the plaintiff ‘must show by a preponderance of the evidence that the defendant was personally involved—that is, he directly participated—in the alleged constitutional deprivations.’ ” The court found that Komondy’s claims failed to provide evidence that the Town officials were “personally involved” in the alleged equal protection violation. Further, the court found that the Town officials were entitled to qualified immunity.

Zoning News from Around the Nation

MASSACHUSETTS

Senate Bill 81, now pending in the state Legislature, would, among other things: “[r]equire towns to allow dense, multi-family, market rate development as of right;” “[c]reate a program of certifying communities that will encourage towns to establish policies to create more ‘workforce housing,’ economic growth, green development, and the like;” “[p]rovide benefits to ‘certified communities,’ including preferential consideration when providing State discretionary funds for infrastructure maintenance and development;” “[r]equire towns to create master plans, to update them on a regular basis, and to coordinate them with neighboring towns and regional planning agencies;” “[c]reate a new class of subsidized housing for middle-income residents;” “[r]equire towns to allow accessory apartments in single family homes;” [a]llow the incorporation of transferable development rights into zoning by-laws;” [s]implify the zoning variance and special permit processes;” “[m]ake the pro-

cess for adopting zoning changes less demanding;” “[o]pen towns up to law suits for zoning by-laws that do not meet certain state guidelines for housing development.”

Source: *Wicked Local Hingham*; <http://hingham.wickedlocal.com>

OHIO

State legislators are considering House Bill 175, known as the “Barnyard Bill,” which would “allow the state to oversee the zoning of small livestock, taking the power away from local zoning.”

Source: *WFMJ*; <http://www.wfmj.com>

OREGON

Pending in the state legislature, House Bill 2007 “would require city or county governments to complete a review of an application for a development with affordable housing within 100 days.” It would also “preempt residential downzoning in cities . . . and the banning [of] accessory dwelling units or duplexes in neighborhoods zoned for single-family homes.”

Source: *The Atlantic: CityLab*; www.citylab.com

RHODE ISLAND

The state Legislature is considering House Bill 6172, which would “create secondary agriculture operations” such as “the display of antique vehicles and equipment, retail sales, tours, classes, petting, feeding and viewing of animals, hay rides, crop mazes, festivals, weddings and other special events.” The bill allows for municipal zoning regulations of secondary agriculture operations, but not their prohibition.

Source: *Jamestown Press*; www.jamestownpress.com

Zoning Bulletin

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Procedure/Interim Zoning—County passes interim zoning ordinance placing a moratorium on marijuana production

Landowner argues adoption of interim zoning ordinance was not supported by a required emergency

Contributors

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Citation: *Peyote Canyon, LLC v. County of Benton*, 2017 WL 3189719 (Wash. Ct. App. Div. 3 2017)

WASHINGTON (07/27/17)—This case addressed the issue of whether interim zoning under Washington’s Planning and Enabling Act requires an emergency measure. It also addressed whether a specific interim zoning ordinance, which declared a moratorium on marijuana production in a county zoning district, was sufficiently supported by findings of fact supporting an emergency.

The Background/Facts: After Washington voters approved Initiative Measure No. 502, legalizing recreational marijuana use, the Board of Commissioners (the “Board”) in Benton County (the “County”) adopted a policy allowing marijuana to be grown in certain zoning districts of the County, including “rural lands 5 (RL-5).” Jerry Van Zuyen (“Van Zuyen”) owned land in an RL-5 zone (the “Property”) through his business Peyote Canyon, LLC (“Peyote Canyon”). Van Zuyen applied for a “tier 3 marijuana producer license” for production at that Property in the RL-5 zone. While his license application was pending, he began modifying a pole building at his Property (originally permitted as a residential garage) and erecting an eight-foot high fence.

After complaints from area residents, in May 2015, the County sent Peyote Canyon a notice that it had violated the County Code by not obtaining a building permit for the fence or a change of use permit for modifications to the pole building. Thereafter, Peyote Canyon submitted building permit applications for those structures. The County responded by identifying additional items that needed to be addressed before the permits could issue.

While the County was corresponding with Van Zuyen d/b/a Peyote Canyon with regard to the building permits, the County was also fielding concerns from area residents about “the incompatibility of a marijuana production operation with existing uses in the RL-5 zone.” On May 12, 2015, without prior notice, the Board considered and unanimously passed Resolution 2015-357, adopting an emergency ordinance, Ordinance 561. The resolution described Ordinance 561 as “an immediate emergency interim zoning amendment to prohibit the production of marijuana in the [RL-5] District.” “The resolution set a date for a public hearing, established a termination date for the interim zoning amendment, declared an emergency, and temporarily amended a prior ordinance and county code provision.” In addition to making findings, the ordinance recited the county’s decision that “it is appropriate to prevent additional marijuana growing operations in the RL[-]5 District that allegedly are incompatible with surrounding uses during the period of time necessary for the County to consider permanent zoning amendments.”

On June 2, 2015, the Board conducted the required public hearing on

Ordinance 561. On June 12, 2015, Van Zuyen d/b/a Peyote Canyon submitted the final items required to support his building permits. On June 16, 2015, the Board denied Peyote Canyon a building permit for the pole building remodel. In denying the permit, the Board cited Ordinance 561 and said that since the building permit application was incomplete at the time the ordinance was adopted, the building permit application had not vested. Also on June 16, 2015, the Board adopted Ordinance 562, continuing Ordinance 561. In October 2015, the Board adopted Ordinance 565, permanently prohibiting marijuana production in the RL-5 zone.

Peyote Canyon appealed the denial of the building permit. The Mid-Columbia Building Appeals Commission affirmed the denial. Van Zuyen d/b/a Peyote Canyon then filed an action in court, appealing the permit denial and asking the court to declare that the Board had not sufficiently identified facts constituting an emergency in support of Ordinance 561.

In response, the County argued that the finding of an emergency was not required. The County conducts its planning under Washington's Planning Enabling Act (the "Act"). Under the Act, RCW 36.70.790 provides that a Board that intends to conduct studies in a reasonable time, or hold a hearing for the purpose of, the adoption of any zoning map or amendment, may adopt "as an emergency measure a temporary interim zoning map the purpose of which shall be to so classify or regulate uses and related matters as constitute the emergency." The County argued that since "Ordinance 561 ha[d] nothing to do with a zoning map . . . RCW 36.70.790 [did] not apply," and instead RCW 36.70.795 and RCW 36.70A.390, which expressly applied to the adoption of an "interim zoning ordinance" applied.

Van Zuyen and the County both moved for partial summary judgment, asking the court to find there were no material issues of fact in dispute and to decide the matter in their favor on the law alone. The trial court agreed with the County's argument, and granted the County's motion. The trial court dismissed Peyote Canyon's claim, affirming the building permit denial.

Van Zuyen d/b/a Peyote Canyon appealed. On appeal, Van Zuyen again contended that Ordinance 561 was insufficiently supported by findings of fact supporting an emergency. The County again asserted that the finding of an emergency was not required. The County further argued that, in any case, if an emergency was required to justify interim zoning, the Board had sufficiently identified facts constituting an emergency to justify Ordinance 561.

DECISION: Judgment of trial court affirmed.

The Court of Appeals of Washington, Division 3, held that interim zoning under the Act, such as with Ordinance 561's moratorium on

marijuana production, does require an emergency measure. The court further held that, in enacting Ordinance 561, the Board had sufficiently identified facts constituting the emergency required to justify the interim zoning.

Again, the County had argued that since “Ordinance 561 ha[d] nothing to do with a zoning map,” RCW 36.70.790 did not apply. Again, RCW 36.70.790 provides that a Board may adopt “as an emergency measure a temporary interim zoning map the purpose of which shall be to so classify or regulate uses and related matters as constitute the emergency.” In rejecting the County’s argument, the court explained that the term “[m]ap” was used in the Act as both a noun and as a verb. “Map,” used as a verb, refers to the process of zoning property, said the court. “A county may ‘progressively and separately’ bring property within the county under the control of zoning by ‘officially map[ping]’ it,” said the court. “Under the Act, there can be no zoning measure or change without adopting or amending a zoning map at the same time,” said the court. Citing case law and the purpose of the Act, the court concluded that “[i]nterim zoning under the Act continues to require an emergency measure.”

The court also found that the Board had sufficiently identified facts constituting the emergency required to justify the interim zoning Ordinance 561 in that: (1) there was a “judicially-noticeable fact that without a moratorium, applicants for marijuana production licenses could submit building permits for production facilities in the RL-5 zone, thereby frustrating the effectiveness of any effort to prohibit such production as incompatible with other property uses;” and (2) there were several reasons why the Board wanted to investigate further whether marijuana production would be incompatible with other property uses, including identified concerns raised by the public that marijuana production in the RL-5 district “could conceivably prove incompatible with other uses.”

See also: *Matson v. Clark County Bd. of Com’rs*, 79 Wash. App. 641, 904 P.2d 317 (Div. 2 1995).

Fair Housing/Discrimination—City ordinance requires 600-foot spacing between “family care residences”

Disabled individual argues ordinance violates the federal Fair Housing Act

Citation: *A.D. by Valencia v. City of Springfield*, 2017 WL 3288110 (C.D. Ill. 2017)

ILLINOIS (08/02/17)—This case addressed the issue of whether a city zoning ordinance that required a 600-foot spacing of a “family care residence” from the property line of any other such facility violated the federal Fair Housing Act’s prohibition on discrimination based on handicap. It also addressed whether a city’s refusal to grant a conditional permitted use to a family care residence violated the Fair Housing Act’s reasonable accommodation provision.

The Background/Facts: The owners of a one-story ranch house on Noble Avenue in the City of Springfield (the “City”) (the “Noble home”) renovated the home to make it fully accessible to mobility-impaired residents. In March 2014, Individual Advocacy Group, Inc. (“IAG”) arranged for housing for three of its clients at the Noble home, including its client, “A.D.” A.D. was a 62-year old adult who was developmentally disabled and handicapped.

At some time, it was discovered that the Noble home was located within 600 feet of an existing group home, in violation of the City’s Zoning Code (the “Code”). The Code prohibited “family care residences” from being located in a residence district unless located upon a zoning lot that is more than 600 feet from the property line of any other such facility. The Code defined a “family care residence” as: “[a] single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of no more than six unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis or present whenever residents with disabilities are present at the dwelling.” The Code further provided that any family care residence not in compliance with the 600-foot spacing requirement “may be eligible” for a conditional permitted use (“CPU”) provided that the residence would not have: “any adverse impact upon residents of nearby facilities;” and “any detrimental affect [sic] upon existing privacy, light or environment of surrounding residences.”

IAG applied for a CPU to allow the Property owners and IAG to operate the family care residence at the Noble home. The CPU included a request for a reasonable accommodation to the City's rules. IAG argued that, since the Noble home operated in all respects like a single-family home and less than five people resided in the home, the Noble home should be treated as a "family" under the Code and should not be required to seek zoning approval through a CPU. The Code defined a "family" as: "One or more persons each related to one another by blood, marriage, or adoption, or is a group of not more than five persons not all so related occupying a single dwelling unit which is not a boarding-house or lodging house as defined in this section." In any case, IAG argued that the City should grant it a CPU because the Noble home met all CPU criteria and had not adversely affected the surrounding community.

The City Council denied IAG's CPU based on the fact that the Noble home did not meet the family care residence 600-foot spacing rule.

IAG and A.D., through his next friend and legal guardian, Mary B. Valencia, (collectively, the "Plaintiffs") sued the City. Among other things, they alleged that the City Code's 600-foot spacing requirement for family care residences was discriminatory in violation of the federal Fair Housing Amendment Act of 1988 ("FHA"), 42 U.S.C.A. §§ 3601-3631. "Discriminatory action under the FHA may be shown in three ways: (1) by proof of discriminatory intent; (2) by evidence showing that a defendant's actions had a disparate impact on the select group; or (3) by showing that a defendant failed to make a reasonable accommodation." Here, the Plaintiffs alleged discrimination based on disparate treatment and reasonable accommodation theories. Specifically, they alleged that the rule violated the FHA's prohibition on discrimination based on handicap. They also alleged that the City's denial of the CPU violated the FHA's reasonable accommodation provision.

The Plaintiffs sought injunctive relief to avoid eviction of A.D. and the other residents of the Noble home while the case was pending.

DECISION: Plaintiffs' motion for preliminary injunction granted.

The United States District Court, C.D. Illinois, held that the Plaintiffs were entitled to their request for preliminary injunction because they had demonstrated "a likelihood of success on the merits" and that they would "suffer irreparable harm in the absence of preliminary relief," and that an injunction was "in the public interest."

In so holding, the court first concluded that the Plaintiffs had established a likelihood of success on the merits of showing that the City Code's 600-foot spacing requirement for family care residences was invalid under the FHA. The court said this was because the

Plaintiffs had shown that: the spacing rule was not adopted out of concern for the disabled; and the spacing rule placed restriction on where disabled residents could live.

The court explained the relevant law: Under the FHA, it is unlawful to “discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap” of a person who intends to reside in the dwelling. (42 U.S.C.A. § 3604(f)(1).) Under the FHA, it is also unlawful to “discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap” of any person who intends to reside in the dwelling after it is made available. (42 U.S.C.A. § 3604(f)(2).) Of particular relevance here, courts have found that the FHA “appl[ies] to municipal zoning ordinances that would restrict the placement of group homes.” Specifically, Illinois federal district courts have found that: “[t]he FHA is violated when ‘different standards apply to group homes than to families and other groups living together;’ ” and the provisions of alleged discriminatory ordinances “cannot survive unless they are warranted by the specific needs and abilities of those handicapped persons to whom they apply.”

Here, the Plaintiffs alleged that the Code’s spacing rule, on its face, applied only to residences for the disabled and imposed a condition on those residences that was not imposed on similar residences for persons without disabilities. The court agreed. The court found that the language of the Code would allow “five unrelated college students” to live together in a residential area without being subject to any conditions, while prohibiting such an equal opportunity for disabled adults. The court also concluded that, in adopting the spacing rule, it was not the interests of the disabled that were considered, but rather was an attempt to protect residential environments from the adverse effects of homes for the disabled.

The court also concluded that the Plaintiffs had established a likelihood of success on the merits of showing that the City’s refusal to grant the Plaintiff’s CPU application violated the FHA’s reasonable accommodation provision. The court explained that the FHA also requires “a public entity to reasonably accommodate a disabled person by making changes in rules, policies, practices or services as is necessary to provide that person with access to housing that is equal to that of those who are not disabled.” The court noted that an accommodation is required under the FHA if it “(1) is reasonable, and (2) necessary, (3) to afford a handicapped person the equal opportunity to use and enjoy a dwelling.”

Here, the court found that the City failed to ever specifically address or evaluate the Plaintiff’s request for a reasonable accommodation

through a CPU. The City had denied the CPU “simply because the home was not in compliance with the spacing rule.” Since that was the sole reason for denial, the court concluded “the City could not have complied with the FHA’s reasonable accommodation provision, which requires it to make changes in order to provide a disabled individual housing equal to those who are not disabled.”

See also: *Wisconsin Community Services, Inc. v. City of Milwaukee*, 465 F.3d 737, 749-50, 18 A.D. Cas. (BNA) 918 (7th Cir. 2006).

See also: *U.S. v. City of Chicago Heights*, 161 F. Supp. 2d 819 (N.D. Ill. 2001).

Variance—Applicant argues special circumstance of property warrants area variance to operate pawn shop

Competing pawn shop owner argues any special circumstances were created by applicant selecting the particular property for such a use

Citation: *Pawn 1st, LLC v. City of Phoenix*, 2017 WL 3428093 (Ariz. 2017)

ARIZONA (08/10/17)—This case addressed the issue of the standards a municipal zoning board applies in considering an application for a zoning variance. More specifically, it addressed the issue of whether a variance applicant’s selection of property, with the knowledge that an area variance is required for an intended use allowed on similarly zoned properties, itself constitutes a self-imposed special circumstance precluding an area variance.

The Background/Facts: In January 2010, William Jachimek, doing business as Central Pawn, (“Jachimek”) leased property (the “Property”) in a “Commercial C-3 District—General Commercial” in the City of Phoenix (the “City”). Jachimek entered the lease with the intention of operating a pawn shop at the Property. A pawn shop was a permitted use in the C-3 zoning district so long as the building housing the pawn shop was located at least 500 feet from a residential district and a use permit was obtained from the zoning administrator. Jachimek applied for a use permit for his pawn business. Because the Property was within 500 feet of a residential district, he also applied for a variance from the 500-foot residential setback requirement.

An area variance, such as that sought by Jachimek, relieves the duty to comply with a zoning ordinance’s technical requirements, such as

setback line, frontage requirements, and lot size restrictions. Under Arizona statutory law and the City's zoning ordinance, an area variance may be granted where there are "special circumstances" or "hardship" such that strict application of the zoning ordinance would "deprive the property of privileges enjoyed by other property of the same classification in the same zoning district." (A.R.S. § 9-462.06(G)(2); City of Phoenix Zoning Ordinance § 307(9)(a)-(d).) However, a finding of special circumstance does not justify a variance when the circumstances are self-imposed by the applicant or property owner. (A.R.S. § 9-462.06(H)(2); City of Phoenix Zoning Ordinance §§ 303(B)(2)(b), 307(A)(9)(a)-(b), -(10)(b).)

The City's Zoning Administrator denied Jachimek's applications.

Jachimek then appealed to the City's Board of Adjustment (the "Board"). The Board conditionally approved Jachimek's requested variance. In doing so, the Board found that "special circumstances" applied to the Property that were "not created by the owner or applicant, but rather were created in part by growth in the city itself." Specifically, the Board found that prior eminent domain activities had rendered the Property "dissimilar to other properties in a reasonably close radius," including setbacks, lot size, and parking restrictions.

A competing pawn shop, Pawn 1st, LLC ("Pawn"), filed a special action in superior court challenging the Board's variance decision. Ultimately, the superior court ruled in Jachimek's favor and dismissed Pawn's complaint. The court found that sufficient evidence supported the Board's decision to grant Jachimek's area variance.

Pawn appealed, and the court of appeals reversed. The court of appeals held that any special circumstances "were created by Jachimek and/or the Property owner by selecting this particular property to use as a pawn shop, in violation of the prohibition against self-imposition."

Jachimek appealed.

DECISION: Judgment of Court of Appeals vacated. Judgment of Superior Court affirmed.

Disagreeing with the court of appeals finding that the special circumstances here were self-imposed by Jachimek's decision to pursue a pawn shop use at the Property, the Supreme Court of Arizona upheld the Board's grant of a variance to Jachimek.

In so concluding, the court first found that "[t]he record support[ed] the Board's findings that the lot size, the building's limited setback from the public sidewalk, and the parking restrictions constitute[d] special circumstances justifying an area variance." The court found this was because "the Property's unique characteristics create exceptional practical difficulties." "Th[ose] characteristics and the strict application of the zoning regulations uniquely diminish[ed] the Property's

commercial viability as compared to 'other property of the same classification in the same zoning district,' ” found the court. Importantly, in disagreement with the court of appeals, the court also found that those special circumstances “arose from factors beyond Jachimek’s control.” It was the City’s eminent domain action, not Jachimek’s intended use, that altered the Property’s dimensions and created the special circumstances, found the court.

In so finding, the court emphasized that “Arizona zoning statutes and local ordinances require boards of adjustment to consider special circumstances applicable to the *property*, not the *property owner*.” Here, noted the court, Jachimek’s proposed use was permissible and the area variance would not alter the character of the neighborhood. Accordingly, the court held that “an applicant or owner’s selection of a property, even with knowledge that an area variance is required for an intended use allowed on other similarly zoned properties, does not itself constitute a self-imposed special circumstance precluding an area variance.”

See also: *Rivera v. City of Phoenix*, 186 Ariz. 600, 925 P.2d 741 (Ct. App. Div. 1 1996) (*denying area variance where owner created the special circumstance*).

Zoning News from Around the Nation

MICHIGAN

The state Legislature is considering Senate Bill 329 and House Bill 4503, which would amend the Michigan Zoning Enabling Act. The bills would prohibit municipalities from: defining a property renting for less than 28 days as a commercial use; and restricting short-term rentals in residential districts. In other words, the proposed legislation would prohibit municipalities from banning short-term rentals in a community.

Source: *Petoskey News-Review*; www.petoskeynews.com

NEW HAMPSHIRE

Governor Chris Sununu has vetoed House Bill 86, which would have set statewide standards for votes on zoning variances. “Current law requires variances meet a five[-]point test, including whether the project serves the public interest. Some cities and towns hold separate votes on each requirement, others don’t. House bill 86 would have mandated discrete votes on all five criteria.” The state Legislature could override

the veto in the fall with two-thirds support in both the state House of Representatives and Senate.

Source: *New Hampshire Public Radio*; <http://nhpr.org>

OHIO

The Oregon City Council has approved a resolution that imposes “a six-month moratorium on the granting of permits or certificates of occupancy for any building, structure, use or change of use that would enable the retail sale of medical marijuana in order to allow council and the planning commission to review applicable Ohio statutes, criminal codes and the city zoning code.” Ohio’s Department of Commerce is overseeing the rules and regulations related to medical marijuana, and those rules are reportedly to be finalized in September 2017, with the market for medical marijuana to be operational by September 2018.

Source: *The Press*; www.presspublications.com

TEXAS

The state House Committee on Land and Resource Management is considering House Bill 188, which would “allow a homeowner to build or remodel under the rules in place when they bought the property for seven years.”

Source: *KXAN*; <http://kxan.com>

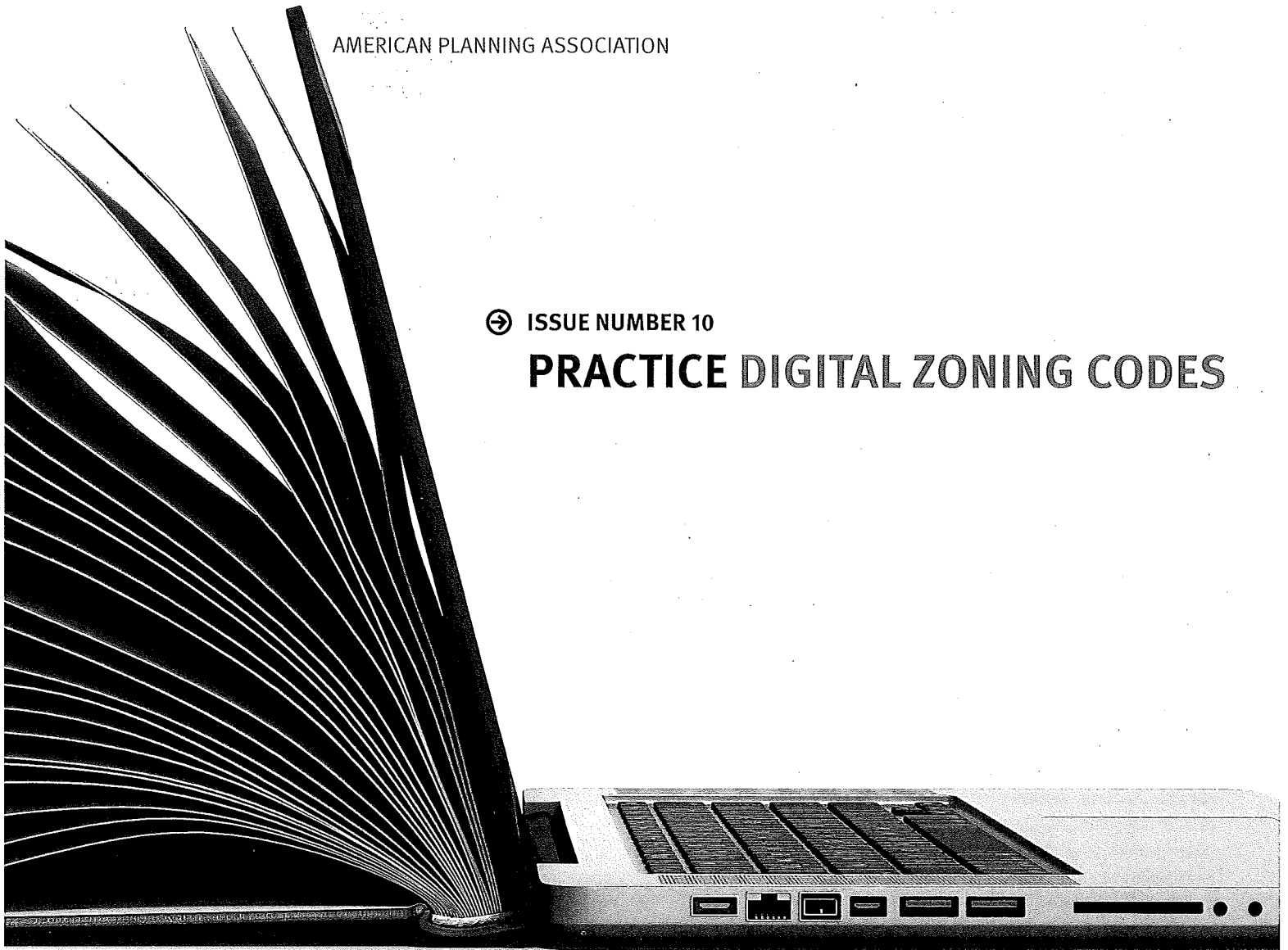
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PRACTICE DIGITAL ZONING CODES



10

Digital Zoning Codes and Comprehensive Plans

By Peter Sullivan, AICP

The printed page is not extinct, but electronic publishing is becoming a standard format for the digital age. From page-flipping online documents to custom-built websites, there are dozens of applications and services that can create a modern digital document. But which tools are best for publishing long, highly structured documents, like zoning codes and comprehensive plans?

This article surveys options for publishing modern, interactive documents in a feature-rich, web-ready format. It identifies eight popular digital publishing methods and summarizes key trade-offs among the various approaches. The article also describes how to evaluate which method is best suited to meet the needs of those working in a public-sector agency and recommends project management strategies for deploying, testing, and maintaining new software and online work products. The conclusion identifies a basic set of prerequisites for digital publishing.

WHY DIGITAL PUBLISHING?

In an era of 140-character tweets and round-the-clock media, urban planners are challenged to deliver complex information in a clear and engaging manner. So what are planning agencies doing to address this challenge? In 2016, Urban Insight collected data from more than 600 U.S. local government planning agencies about various technology-related topics, such as digital publishing, social media, online permitting, and web-based geographic information systems (GIS). It published its findings earlier this year in *City Planning Department Technology Benchmarking Survey*.

With respect to digital publishing, this report identifies a gold standard based on ease of use, information retrieval, and compliance with popular computing devices and software. The standard includes an HTML format, mobile responsive design, and full search capabilities.

The data shows that the usability of online zoning codes is mixed, with only

one-third of planning agencies meeting the gold standard. Among the group that did meet the gold standard, there were multiple methods for producing these documents. These approaches include a mix of self-publishing and third-party services.

Some well-known third-party options include codification services, provided by firms such as Code Publishing Company, Municipal Code Corporation, Coded Systems, General Code, and American Legal, in addition to digital publishing. While there are a variety of reasons for utilizing these services, this article focuses on self-publishing tools.

One of the goals of this article is to ensure that authors are aware that the choices for digital publishing are not limited to either publishing a static PDF on a website or fully outsourcing document hosting to a third-party vendor. Several of the in-house publishing methods presented in this article are affordable, user-friendly, and feature-rich, and exceed the Urban Insight gold standard.

The Urban Insight report also evaluated digital publication of comprehensive plans, which is another type of planning agency publication that benefits from enhanced digital features but also raises a number of management issues due to document length and complexity. In comparison to online zoning codes, comprehensive plans are skewed even further away from the gold standard, and there are greater instances in which the document is not available online in any format.

As a document, comprehensive plans follow a less hierarchical structure and are more likely to be produced with flexible layout software like Microsoft Publisher or Adobe InDesign. In contrast, zoning codes are traditionally prepared in a word processor, which maintains hierarchical structure and automates the text updates (e.g. multilevel lists, cross-references, and tables of contents). While creative design

does provide greater visual interest for the reader, the downside of a custom layout is that it can be more difficult to revise and maintain, especially if it is reliant on advanced software that incorporates objects, paths, layers, and other advanced page layout features.

Authors should also consider that a document finely tuned for the printed page will not necessarily provide the same look and function on a screen. Fortunately, there are self-publishing methods that efficiently balance this print-versus-web dilemma.

DIGITAL PUBLISHING METHODS

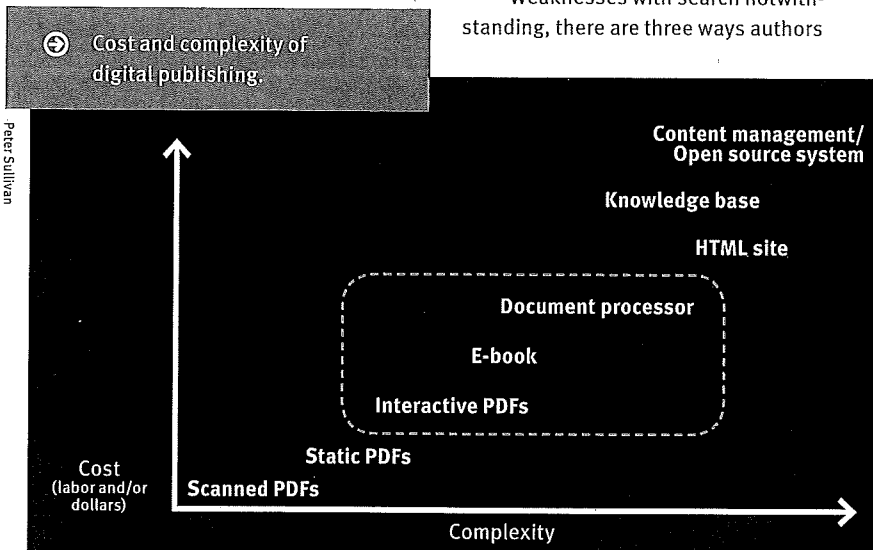
The term “digital zoning code” or “digital comprehensive plan” implies the presence of certain navigational features and document behaviors beyond static text and images displayed on a screen. These features and behaviors become available (or can be enabled) through a combination of specific file formats, authoring workflows, and end-user settings. For the efficient publication of digital zoning codes and comprehensive plans, this article recommends digital publishing methods that include, at a minimum, the following basic characteristics:

- Internal and external hyperlinks
- Web-based navigation features and customizable display options
- A table of contents and intuitive headings
- A combination of authoring, editing, and publishing capabilities
- A reasonable learning curve and intuitive workflow
- Robust customer support or technical documentation

There are countless software applications and services capable of organizing and publishing content on a webpage, from simple text editors like Windows Notepad, to integrated site design, development, and publishing applications like Adobe Dreamweaver.

But authors should be selective when choosing a digital publishing method because documents like zoning codes and comprehensive plans demand a certain amount of formatting automation to achieve a reasonable level of publishing efficiency. The methods described below are well suited to this publishing task, presented in increasing order of complexity and customization.

The methods highlighted in the middle of the chart in the graphic below are at the point in the cost and complexity spectrum, where all the digital publishing characteristics become available. The decision then is whether additional publishing sophistication is worth the extra cost (for staff time), and whether this service will be performed in-house or by a third-party vendor.



Peter Sullivan

Scanned PDFs

Creating PDFs by scanning printed documents is not recommended for three reasons. First, the scanning process often renders content completely unsearchable. Second, it is more difficult to create, manage, and use hyperlinks in a PDF generated from a scanned document versus a PDF generated from a word processor or other text editing software. Third, the author is unable to perform text edits within the PDF, a task that can be desirable based on an author's publishing workflow. Scanned PDFs appear to be phasing out, possibly due to the wider availability

of user-friendly publishing software that resolves the functional disadvantages of the scanning-to-PDF workflow. As a publishing method, scanned PDFs are identified in this article to mark the lowest end of the feature-availability spectrum.

Static PDFs

Static PDFs are widely used for in-house digital publishing. While the text in static PDFs is searchable, the results are sequential—meaning the author must step through search results across the document one at a time. This is less desirable in comparison to prioritized search (a listing of results based on relevance), which is offered through other recommended publishing described in this article.

Weaknesses with search notwithstanding, there are three ways authors

can manage PDF documents so that they comply with the basic digital publishing characteristics described above. First, static PDFs should not be broken into separate files linked from a webpage. This practice emerged as a workaround to circumvent the slow loading times caused by dial-up modems. Breaking up long documents into multiple PDFs does not allow for document-wide searches (even in the limited sense offered by static PDFs) and forces the reader to juggle between multiple files. Authors tempted to pursue this technique as a proxy for a table of contents are encouraged to

consider the second recommendation, which is to use PDF bookmarks. By adding bookmarks at appropriate sections and subsections, authors can generate a running table of contents within the document to help convey document structure and aid navigation. Third, PDFs *do* allow for the creation of internal and external hyperlinks. Although they are manually maintained, the use of hyperlinks can significantly enhance the performance of a PDF.

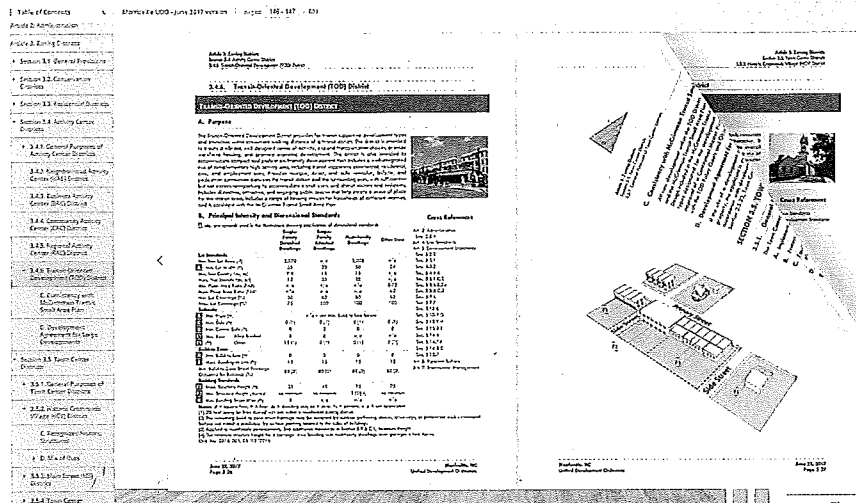
Interactive PDFs

Interactive PDFs are an enhanced version of a static PDF. They include the same search limitations; however, the document's appearance and navigation is greatly improved through the presence of a running header that includes buttons, which can activate features such as a table of contents, scroll zone, slide show, or video.

E-book

E-books include a page-flipping visual effect and offer a range of navigation features. The benefit of this method is that the software automates the published document's design and structure. The typical workflow is that an existing, static PDF is imported into the program, and then the author overlays design elements, layout controls, and navigation elements. E-books are relatively affordable and user-friendly "off-the-shelf" solutions; however, one downside is that the content does not live natively within the software. This means that authors can end up maintaining two versions: the source file (created with either a word processing or page layout program) and the e-book digital file.

Some popular e-book software applications convert a PDF file to a Shockwave Flash file to render the page-flipping effects. E-books should not be confused, however, with the EPUB file format, which is a technical standard published by the International Digital Publishing Forum. The EPUB file format can be read on devices like smartphones, tablets, computers, or e-readers such as iBooks and Google Books. It is typically used for novels and similar publications with limited layout requirements. Because layout, structure, and navigation control is more limited with EPUB,



Town of Morrisville, North Carolina

An e-book of Morrisville, North Carolina's unified development code.

it is not recommended for publishing complex reference documents like zoning codes and comprehensive plans.

Cloud-Based, Software as a Service
 With the cloud-based, software-as-a-service (SaaS) method the software is licensed on a subscription basis and centrally hosted. Content resides natively within the software so that only one document version needs to be maintained (unless a separate printed document is desired). While a cloud-based, SaaS solution does provide greater automation, one downside is the author has less control over the publication's function and appearance. This is because the digital output and document structure is predetermined by the software's specifications.

Document Processor
 Document processors superficially resemble a word processor but incorporate a powerful workflow referred to as multi-channel publishing. In this single-source authoring method, the content is developed natively within the application, and then the author can instruct the program to generate output for the desired medium such as print (PDF), web (HTML), and other formats. In addition, document processors are template-driven and include conditional formatting capabilities. This means

that elements specific to the printed page—like headers and footers—would only display on the PDF output, while digital elements like hover-over text and a tri-pane table of contents would only display on the HTML output.

Document processors are widely used in the technical authoring community, for example in creating user manuals and policy guides in multiple languages and output types. Another benefit is that they retain word-processor-like control of styles,

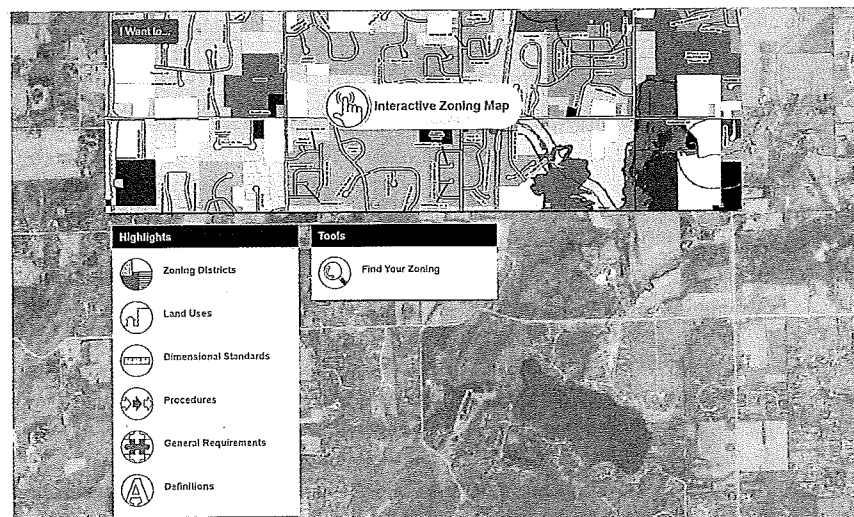
cross-references and multilevel lists, which significantly automate the text updating process. In the case of document processors, it is beneficial for authors to have a general understanding of how webpages are structured and styled. Document processors can simultaneously display multiple viewing environments (e.g., a what-you-see-is-what-you-get view and source code view) which gives authors the flexibility of generating webpage structure and style automatically or manually, through the direct editing of HTML and CSS (which can be a surprisingly efficient workflow).

HTML Editor

An HTML editor offers significant design flexibility; however, efficiency is reduced in light of fewer word processing controls. In addition, it is difficult to generate print output, other than simply printing from a web browser (which does not translate formatting to print). HTML editors are perhaps more appropriate for comprehensive plans, as zoning codes tend to incorporate more complex numbering and referencing mechanisms and are revised more frequently.

Knowledge Base

Possibly the next frontier of digital publishing, this method allows the user to query the document and receive customized



Village of Richfield, Wisconsin

The cloud-based version of Richfield, Wisconsin's zoning code.

DIGITAL PUBLISHING METHODS, SOFTWARE AND SERVICES

Below is a list of software applications and vendors that can implement the digital publishing methodologies described in this article. Software and technology evolve rapidly, and certain applications and services may be replaced or change names. When selecting software or services, first consider the methodology that aligns with the authoring goals and constraints described in the following section, and then research the applications and services that deliver this functionality.

METHOD	EXAMPLES
Scanned PDF & Static PDF	Adobe Acrobat, PDF Studio, Libre Office
Interactive PDF	Adobe Acrobat, Adobe InDesign, Quark Express, Affinity Publisher (in development), Page Plus
Cloud-Based, Software as a Service (SaaS)	EnCode Plus, Zoning Hub, Open Counter
E-book and EPUB	FlippingBook (Page-flipping/Flash/HTML5), Issuu, Anyflip, Pub HTML5, Flip HTML5, Pageflip, Uberflip, Calibre (EPUB), Sigil, LaTeX, Genebook
Document Processor	MadCap Flare, Adobe Framemaker & Robohelp, Help & Manual
HTML Editor	Wordpress, Wix, Squarespace, Urban Interactive Studio, Civic Plus, Corel Web Site Creator, Adobe Muse & Dreamweaver, Google Web Designer
Knowledge Base	Tangerine Documents, Knowledge Owl, Quip, Bloomfire

information. Instead of (or in addition to) the user navigating a long document, the content is contained in a database, with the author setting rules for how the information is returned. If knowledge bases gain wider use in the planning industry, it will be interesting to see how this impacts the way plans and codes are structured and administered.

SELECTING A DIGITAL PUBLISHING METHOD

Planning agencies should carefully consider how they will balance cost and complexity when selecting a digital publishing method and take into account factors like competing document management goals (e.g., features versus ease of use), operational context (e.g., large versus small department; number of amendments per year), and external constraints (e.g., budget; expertise; legal/IT considerations). Suggested evaluation criteria are provided below.

Long/Highly Structured Documents

Ensure that the solution is appropriate for long, complex documents. While it might be possible to efficiently generate a handful of pages using any web publishing method, consider that the layout and publishing tasks will be multiplied by dozens or hundreds of pages.

Existing Document Format

Is the document being written from scratch or converted from an existing file? Review the solution's importing capabilities to determine if it will accept existing file formats, and whether any pre-import formatting cleanup is needed.

Feature Comparison

As noted in the previous section, each publishing method has trade-offs, and it is important to understand the features and limitations of a given application or service. Beyond the baseline characteristics of modern digital documents identified in the previous section, there are a range of additional features that can further enhance a digital publication.

Authors should also understand whether a digital publishing service includes publication of the entire regulatory or policy document. This is particularly the case with the cloud-based, SaaS publishing method. Some digital publishing services may advertise a host of attractive online features, but in converting the existing zoning code or comprehensive plan, the service may only selectively repackage certain portions of the document for the final output (e.g., commonly referenced regulations like zoning district dimensional standards and allowed uses). If the published document—regardless

of features—depends on readers referring to a secondary document to access the full scope of applicable policies or regulations, an author should consider whether this represents an overall improvement in how relevant information is communicated.

Below are 20 useful features and document characteristics to consider when selecting a digital publication method.

- Source content control
- Table of contents
- Dynamic search
- Hyperlinks
- Responsive layout
- Styles and automatic numbering
- Cross-referencing
- Images
- Tables
- Autonomous server
- Templates
- Independent HTML and CSS
- GIS Integration
- Multichannel publishing
- Annotations
- Built-in calculators
- Support for all devices
- Video integration
- Tracked changes
- Hover-over and drop-down text

Time and Budget

Understand the agency's time and budget constraints, and pursue a methodology that will keep within these parameters.

Technical Capacity

A talented project manager may skillfully develop and maintain a digital publication, but what happens when that person leaves the organization? If an agency is considering a more complex digital publishing method, the agency should have the technical depth to maintain the document over the long term.

Frequency of Amendments

Frequency of amendments and turn-around time for revisions is often cited as a reason to opt for in-house control. The selection criteria are quite different for an agency performing frequent, substantial amendments to documents versus an agency whose documents undergo little or no change during a typical text amendment cycle.

Audience

Consider who will be using the digital publication and the desired level of sophistication. Do internal staff have specific feature requests? What level of technological sophistication does the community expect from its local government planning agency? It is also wise to consult the municipal attorney's office and IT department, and if possible, consult with the agency's executive team and elected officials.

LAUNCHING A DIGITAL PUBLISHING CAMPAIGN

A digital publishing campaign refers to the logistical and political considerations involved in generating support for, and becoming successful in, the significant task of publishing an online zoning code or comprehensive plan. In the public sector, deploying new software and converting a long, complex document can become a significant undertaking due to the number of stakeholders. It is important to ensure that sufficient support is in place to see the project to completion.

Get It on the Work Plan

Make sure that sufficient resources are committed to the task, including staff time,

departmental budget, and support from other departments. Understand the agency's budget cycle, and consider including the digital publishing proposal in the budget so that resources are formally committed.

Form a Strong Project Team

Digital publishing is not a one-person show. Enlist other staff in addition to the project manager to assist in areas such as reviewing draft work products, troubleshooting technical issues, or performing any time-intensive document preparation, formatting, or asset management. This includes ensuring image source files are properly cropped and sized and tables are appropriately structured. It is also wise to gain the support of a project champion such as a department head, city manager, or elected official.

Manage the Project and Provide Status Updates

Although a complex digital publishing task does take significant time, the author should establish a realistic scope, schedule, and budget to ensure the publishing effort stays on track. Careful up-front consideration of the major milestones—for example, creating a test output, completing an entire section, and completing a full review draft—will help identify the critical path to completion. In addition, the project manager should communicate progress (as well as any setbacks) and keep key stakeholders informed. Should it be necessary, project champions will be more willing to grant additional time for project completion or accept changes in scope when progress updates are regularly provided.

TESTING, EVALUATION, AND IMPLEMENTATION

This section summarizes the mechanics of deploying, testing, and maintaining new software and work products. Consider the following recommendations to ensure a smooth conversion effort and successful ongoing maintenance strategy.

The Project Manager Might Need to Work Late
A digital publishing effort may incorporate the use of new software and may involve the

conversion of dozens or hundreds of pages into a digital format. Successful project managers tend to be independent problem solvers who prepare for success and are willing to invest extra time to resolve unexpected technical glitches.

Download Free Trials and Seek Product Demonstrations

Pursue software applications and cloud-based services that offer free trials or product demonstrations. Free trials are an excellent opportunity to confirm that the software will perform as expected prior to making significant financial commitments. In addition, live product demos help establish rapport with vendor sales and technical teams who may be willing to tailor services to the agency's specific scope and budget and quickly help resolve future issues.

Invest in a Robust Maintenance Plan

Pursue software applications and cloud-based services that offer a guaranteed maintenance plan. These plans can take various forms; for example, some vendors will offer a fixed number of inquiries or updates that can be issued in a given time period. Another model is a pay-for-priority maintenance agreement allowing the customer to place an increasing number of service calls and receive higher priority in the customer service queue in exchange for additional maintenance fees. Project managers should investigate these packages and also explore the extent to which free software documentation is available online, either in the form of a help manual, knowledgebase, YouTube channel, or user forum.

Premium maintenance packages are well worth the investment. This is especially true when deploying new software or embarking on a major digital conversion, particularly within the first several years of maintaining a new digital publication.

While the agency's IT department may be supportive of the digital publishing effort, they may not have expertise with the specific software or service, meaning technical help from the vendor and internet community should be leveraged to the full extent possible.

Document Issues and Establish Written Protocols

Project managers should anticipate that issues will emerge during the conversion effort. They should be diligent about documenting technical issues and noting how they are resolved, as it can be easy to forget how arcane technical issues were resolved weeks or months prior. In addition, better documentation helps build capacity in the organization by ensuring knowledge transfer and allowing for contingency scenarios should the project manager be reassigned to other duties or leave the organization.

Maintaining Amendments

As part of a major digital conversion effort, the project manager should continually ask, "Can I (or another team member) intuitively and efficiently replicate the publishing workflow, and are the procedures sufficiently documented?" A negative answer could translate into inefficient or sloppy document maintenance, and slowly degrade the quality of the publication over the course of multiple amendments.

If a large number of amendments are expected, the agency may be nearing the stage in which a full-scale rewrite of the zoning code or comprehensive plan is needed. In this case, it may be best to delay the digital publishing effort until after the comprehensive rewrite is complete. Further, as planners consider the next major update to a zoning code or comprehensive plan, it is wise to consider in advance which digital publishing method will be pursued. This detail is often considered at the end of the updating process, but thinking through the format at the outset can save considerable time and money.

Following a major rewrite, a good practice is to schedule periodic regulatory or policy "cleanups," in which a package of miscellaneous edits to the zoning code or comprehensive plan is brought to the planning commission and city council for technical correction (which may include formatting corrections to the digital document).

While the omnibus clean-up approach does require a separate legislative process, it increases the likelihood that a sweeping set of minor text and formatting edits will be

supported because the changes are decoupled from other substantive (and perhaps controversial) regulatory or policy amendment proposals.

CONCLUSION

Given the sophisticated nature of modern digital publishing methods, some readers may wonder whether in-house publishing is achievable without dedicated website development or design staff. It is not necessary to know how to code to publish a modern digital publication, as many applications automate the generation of HTML and other programming languages.

Nevertheless, digital publishing is inherently technical in nature, and project managers should have a basic understanding of the following technical and publishing-related concepts:

- Formatting techniques specific to long, structured documents, for example tables of content, styles, headers and footers, cross-references, automatic numbering, and multilevel lists
- File formats, such as document files (DOCX, PDF, HTML) and image files (JPG, PNG)
- Basic image editing, such as cropping, resizing, and adjustments
- Graphic design principles, such as layout, hierarchy, font and color, and white space
- Fundamental website concepts, such as a server, domain, and File Transfer Protocol (FTP)
- General familiarity with markup and programming languages, such as HTML, CSS, and JavaScript

There are many free online tutorials that address these topics, as well as paid services with high-quality training libraries such as Lynda.com. Additionally, project team members less interested in technical details can still play a crucial role in the digital publishing process, either as an advisor, reviewer, or project champion. Team members should reflect on their skills and interests, and the team should thoughtfully assign roles. Like all urban planning projects, digital publishing is a team effort.

ABOUT THE AUTHOR

Peter Sullivan, AICP, is development coordination supervisor in the Development Services Center in Durham, North Carolina. He has produced digital publications as a planner in the public and private sector, emphasizing the balance of efficiency, quality, and ease of maintenance. Prior to joining Durham's City-County Planning Department, he was a consultant with Clarion Associates, where he specialized in zoning and land-use regulation. Sullivan is currently cochair of the Communications and Public Affairs Committee of the North Carolina Chapter of the American Planning Association and a regular contributor to Planetizen.com.

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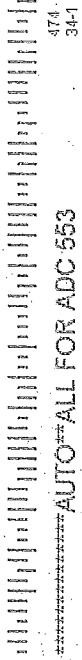
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WHAT ARE THE OPTIONS
FOR DIGITIZING YOUR
ZONING CODE?

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