City of Ramsey
Agenda
Regular Planning Commission
Thursday, June 7, 2018
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

1. Call to Order

2. Citizen Input

3. Approve Agenda

4. Approve Minutes

1. Approve the May 3, 2018 Planning Commission Meeting Minutes

5. Public Hearing

1. PUBLIC HEARING: Consider Home Occupation Permit for Commercial Kennel (Project #18-119); Case of Rebecca Bader

2. PUBLIC HEARING: Review Preliminary Plat Application for Cottages at the COR (Project 17-162); Case of Centra Homes, LLC

3. PUBLIC HEARING: Consider Revised Preliminary Plat for Riverstone; Case of Capstone Homes

6. Commission Business

1. Discussion Item: Review of City Code Section 117-351 - Home Occupations Ordinance

0. Discussion Item: Feedback on the Creation of a Neighborhood Business District

7. Comprehensive Plan Update Items

8. Commission/Staff Input

1. Zoning Bulletins

2. July Planning Commission Meeting Date

9. Adjournment

Regular Planning Commission **4. 1.**

Meeting Date: 06/07/2018

By: JoAnn Shaw, Community Development

Information

Title:

Approve the May 3, 2018 Planning Commission Meeting Minutes

Purpose/Background:

N/A

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

Minutes Dated May 3, 2018

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	06/01/2018 01:52 PM
Form Started By: JoAnn Shaw		Started On: 05/31/2018 11:55 AM
Final Approval Date: 06/01/2018		

PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey Planning Commission conducted a regular meeting on Thursday, May 3, 2018, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:	Chairperson Randy Bauer Commissioner Bruce Anderson Commissioner Cheri Gengler Commissioner Daniel Onyambu Commissioner Patrick Surma Commissioner Gary VanScoy
Members Absent:	Commission Matt Woestehoff
Also Present:	Community Development Director Timothy Gladhill City Planner Chris Anderson City Planner Chloe McGuire Brigl

1. CALL TO ORDER

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

2. CITIZEN INPUT

Several students from Elk River High School stepped forward and introduced themselves to the Commission noting they were in attendance for a government class.

3. APPROVAL OF AGENDA

Chairperson Bauer requested Item 6.03 under Commission business be moved up and discussed prior to Item 6.01.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Surma, Anderson, Gengler, and Onyambu. Voting No: None. Absent: Commissioner Woestehoff.

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated April 5, 2018

Motion by Commissioner Anderson, seconded by Commissioner Surma, to approve the following minutes as presented: Planning Commission Meeting Minutes dated April 5, 2018.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Surma, Gengler, Onyambu, and VanScoy. Voting No: None. Absent: Commissioner Woestehoff.

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Consider Variance Request to Permit the Use of a Private Septic System and Well as part of the Lavern Estates Subdivision at 7009 175th Avenue NW (Project No. 17-137); Case of Joshua Peterson

Public Hearing

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

Presentation

City Planner Anderson presented the staff report stating in September of 2017, the City Council approved a Plat known as Lavern Estates (the "Plat"), which subdivides the the property generally known as 7009 175th Ave NW (the "Subject Property") into two (2) lots, one of which would have the existing home on it. Joshua Peterson (the "Applicant") has indicated that he intends to construct a new single family residential home on the other lot. As part of the approvals in 2017, the City also approved a Zoning Amendment (from R-1 MUSA to R-1 Rural Developing) and a Comprehensive Plan Amendment (from Low Density Residential to Rural Developing), the latter of the two contingent upon approval by the Metropolitan Council.

City Planner Anderson explained as part of discussions with the Metropolitan Council pertaining to the Comprehensive Plan Update, Staff recommends this Variance step until such time the above referenced Comprehensive Plan Amendment can be included as part of the broader Comprehensive Plan Update, rather than a standalone Amendment. This will allow the City to react in a much quicker manner and permit the construction of one (1) single-family home as proposed. Staff recommends granting the variance to deviate from connecting to municipal services.

Citizen Input

There was no citizen input.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Gengler, Anderson, Onyambu, and Surma. Voting No: None. Absent: Commissioner Woestehoff.

Chairperson Bauer closed the public hearing closed at 7:07 p.m.

Commission Business

Motion by Commissioner Gengler, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #18-089 granting a variance to deviate from connecting to municipal services.

Further discussion

Commissioner VanScoy asked if the Findings of Fact had to be approved separately.

City Planner Anderson reported the Findings of Fact have been incorporated into the Resolution.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Gengler, Surma, Anderson, Onyambu, and VanScoy. Voting No: None. Absent: Commissioner Woestehoff.

5.02: Public Hearing: Consider Ordinance #18-09 Amending Conditional Uses in the H-1 Highway 10 Business District (Project No. 18-113); Case of Baker White, Inc.

Public Hearing

Chairperson Bauer called the public hearing to order at 7:09 p.m.

Presentation

City Planner McGuire Brigl presented the staff report stating the City of Ramsey has received an application for an ordinance amendment to allow light manufacturing as a conditional use in the H-1 Highway 10 Business District. Staff has intended to look at the permitted and conditional uses in this district as part of the larger Highway 10 corridor effort. This application has prompted moving this topic forward sooner than previously anticipated. After the Comprehensive Plan Update, Staff will still look at the corridor as a whole and consider permitted, conditional, and accessory uses.

Citizen Input

Commissioner VanScoy asked how the City defined light manufacturing within City Code.

Community Development Director Gladhill reported this was defined by industry code, noting light manufacturing was to take place indoors and enclosed. He indicated light manufacturing was not to create noise, vibrations or air pollution which would disturb neighboring properties.

Commissioner Anderson suggested the definition of light manufacturing be added to this Ordinance.

Chairperson Bauer questioned if outdoor storage would be allowed with this request.

City Planner McGuire Brigl indicated this could be a made a condition for approval to not allow outdoor storage.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Surma, Anderson, Gengler, and Onyambu. Voting No: None. Absent: Commissioner Woestehoff.

Chairperson Bauer closed the public hearing closed at 7:17 p.m.

Commission Business

Commissioner VanScoy asked if there were other light manufacturing businesses in the H-1 district.

Community Development Director Gladhill reported there were several businesses operating in the H-1 district as non-conforming uses along the Highway 10 corridor.

Motion by Commissioner Anderson, seconded by Commissioner Surma, to recommend that City Council adopt Ordinance #18-09.

Further discussion

Commissioner VanScoy recommended the light manufacturing be allowed with no outdoor storage.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Surma, Anderson, Gengler, Onyambu, and VanScoy. Voting No: None. Absent: Commissioner Woestehoff.

5.03: Public Hearing: Consider Request for a Conditional Use Permit for Light Manufacturing at the Property located at 6111 Highway 10 NW (Project No. 18-113); Case of Baker White Inc.

Public Hearing

Chairperson Bauer called the public hearing to order at 7:21 p.m.

Presentation

City Planner Anderson presented the staff report stating in late December, 2017, Baker White Inc. (the "Applicant") submitted a building permit application for tenant improvements at 6111 Highway 10 NW (the "Subject Property") to create a new product known as Sample Sticks. After multiple discussions with the City Attorney's office, it was determined that the improvements were

for a use that is classified as Light Manufacturing, which is not permitted in the H-1 Highway 10 Business District (the zoning district in which the Subject Property is located). Staff relayed this information to the Applicant, as well as the owner of the property, and after multiple conversations, as well as an update to the City Council, the Applicant proceeded to apply for both a Zoning (text) Amendment to permit Light Manufacturing as a Conditional Use and a Conditional Use Permit (CUP) for this use. Staff recommends approval of the Conditional Use Permit contingent upon adoption of the Zoning Text Amendment identifying Light Manufacturing as a Conditional Use in the H-1 Highway 10 Business District.

Citizen Input

Commissioner VanScoy requested further information on the number of suites involved in this light manufacturing work.

City Planner Anderson reviewed a site map of the building with the Commission noting two suites were used for the light manufacturing.

Commissioner Anderson asked if nicotine was the only hazardous material being used by this business.

City Planner Anderson commented this was his understanding after speaking with the Anoka County Inspector.

Commissioner Anderson questioned where the nicotine would be housed within the cleanroom.

Dan Baker, 6111 Highway 10 NW, reported the nicotine would be stored in a small controlled access freezer within Suite 600. He noted the nicotine was packaged very securely and were stored in sealed containers. He explained any spill within a cleanroom would be self-contained. He provided further comment on the standards he has to keep within his cleanroom and described how hazardous waste was regulated by the County.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Surma, Anderson, Gengler, and Onyambu. Voting No: None. Absent: Commissioner Woestehoff.

Chairperson Bauer closed the public hearing closed at 7:37 p.m.

Commission Business

Motion by Commissioner Anderson, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #18-090 approving a Conditional Use Permit to allow Light Manufacturing on the Subject Property, contingent upon adoption of a Zoning Text Amendment identifying Light Manufacturing as a Conditional Use.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Surma, Gengler, Onyambu, and VanScoy. Voting No: None. Absent: Commissioner Woestehoff.

5.04: Public Hearing: Review Draft Comprehensive Plan Update

Public Hearing

Chairperson Bauer called the public hearing to order at 7:38 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating staff is not asking for action on this draft at this time. Based on a number of requests that have come in since the April 9 Workshop, Staff requests additional time to update drafts. The Public Hearing was previously advertised, and Staff recommends taking this opportunity to take additional public comments on the current drafts. It was noted staff will be updating this case with updates to Chapters and additional materials to help the Planning Commission navigate this document. The focus has been organization and content. The document will be formatted into a final design prior to final approval. Staff provided the Commission with a broad overview on the draft Comprehensive Plan, along with the key implementation strategies and requested feedback.

Citizen Input

Commissioner VanScoy asked if staff had considered pursuing additional east-west roadways through the City.

Community Development Director Gladhill commented staff was aware that additional east-west roadway connections were needed in the community. He explained Green Valley may be a route the City could pursue in the future.

Patrick Lindmark, AKM Farms, requested the City extend the MUSA line into his property.

Community Development Director Gladhill reviewed the location of the existing MUSA line, noting lines currently ran halfway up Puma Street.

Commissioner Anderson asked if lines could be extended into Mr. Lindmark's property.

Community Development Director Gladhill reported the lines do have capacity to complete this task. He explained additional discussion would have to be held to see if this extension could be completed. He discussed the history of the Northfork property and indicated there were some staff members that believed this land should remain rural in nature.

Commissioner Anderson anticipated that Mr. Lindmark would have to have a conversation with the adjacent landowner in order for this MUSA extension to be considered. He believed this matter should be looked at further in order for direction to be included within the Comprehensive Plan.

Community Development Director Gladhill reported the Commission did not have to make a decision on this matter tonight but could provide staff with direction to pursue this matter further.

Commissioner Anderson asked if there were any plans to develop the property at this time.

Mr. Lindmark reported there were no immediate plans and noted this properties development would change if the site had municipal services.

Dave Nathey, 14453 Llama Street, explained he owns 174 acres and has lived at this location since 1971. He expressed concern that he would be losing his river frontage for a City trail. He explained that these would be the best lots for him if he was to subdivide his property. He stated he was not interested in having a park on his property and noted his neighbors do not have a park or trail running through their property. For this reason, he requested the City not take this land from him. He noted he would be willing to sell the land to the City if the City was interested in pursuing a river crossing.

Commissioner Anderson requested further information from staff on the proposed river crossing.

Community Development Director Gladhill reviewed with the Commission the location of the proposed river crossing.

Chairperson Bauer reported the proposed river crossing would run right down the middle of Mr. Nathey's property.

Mr. Nathey commented this was the case and noted this would put him out of business as he would no longer be able to farm his land.

Chairperson Bauer questioned how Mr. Nathey would like the river crossing to be.

Mr. Nathey stated he understood another river crossing was necessary. He noted he would be willing to sell his property.

Chairperson Bauer indicated realistically this may not happen before 2040 and stated it would be best to ensure houses were not built along the proposed roadway river crossing alignment.

Community Development Director Gladhill stated there were concepts that would be worked through with Mr. Nathey and the City of Dayton. He commented that the City would not be able to resolve this issue tonight but could continue to work with Mr. Nathey and the Parks Board.

Leslie Roering, 7463 161st Avenue, stated she served on the Comprehensive Plan Subcommittee and discussed a potential Rum River crossing.

Chairperson Bauer commented this maybe should be considered as a discussion item for the next 20 years. He noted the Council's focus at this time was on the Mississippi River crossing and did not want to divert their attention away from this project.

Community Development Director Gladhill indicated staff could support having some sort of narrative included in the Comp Plan with the understanding this type of crossing would involve the City of Andover. He noted Andover was not currently planning to create a crossing of the Rum River.

Commissioner Surma encouraged the City of Dayton to get their act together as he would like to see the river crossing completed. He explained this matter has been talked about since the 1960's and he would like to see it completed.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, VanScoy, Gengler, Onyambu, and Surma. Voting No: None. Absent: Commissioner Woestehoff.

Chairperson Bauer closed the public hearing closed at 8:33 p.m.

Chairperson Bauer reported this item would move forward to the City Council and would be addressed at their Tuesday, May 22nd meeting.

6. COMMISSION BUSINESS

6.03: Discussion Item: Feedback on Possible Lot Split at 16950 Neon Street NW

Presentation

City Planner Anderson presented the Staff Report stating City Staff received an inquiry a couple weeks ago from Jill Hauck (the "Property Owner") as to the steps to complete a simple lot split involving the property located at 16950 Neon St NW (the "Subject Property"). As Staff reviewed the information about the Subject Property, it was discovered that it was only 3.54 acres, which is deficient of the minimum required acreage for the Zoning District. Due to the cost associated with survey work that would be necessary for a Minor Plat, Staff thought it may be prudent to bring forth a brief discussion item for the Planning Commission, which may give the Property Owner more insight into the potential of a variance before incurring significant expenses.

Commission Business

Chairperson Bauer asked if this area was all private well and septic.

City Planner Anderson reported this was the case.

Commissioner Anderson stated he supported the request noting this would fit in with the neighbors.

Commissioner VanScoy agreed stating the request would be consistent with the neighborhood.

Jill Hauck, 16950 Neon Street NW, explained she was hoping to split her lot and sell her home so she could move to Michigan and provide a house for her grandson.

The Commission supported Ms. Hauck moving forward with her lot split.

6.01: Review Concept Plan for Greenway Terrace Phase 2 (Project #18-02); Case of Aeon

Presentation

City Planner McGuire Brigl presented the Staff Report stating the purpose of this case is to review a concept plan for Phase 2 of Greenway Terrace. The proposed apartment building has approximately 60 workforce housing units, ranging from 1 to 4 bedrooms. The proposed project has parking on the first sub-level, partially sub-grade, with units on levels 1 through 4. Each floor has approximately 15 units. The current site plan shows a community garden, a playground, and the building will mirror phase 1 in order to create a courtyard between the buildings.

City Planner McGuire Brigl commented the site is generally on the west half of the parcel north of E Ramsey Parkway, east of East Town Center Drive, south of 146th Ave NW and west of Traprock St. Phase 1, approved in 2017, is currently being built and is located east of this project. The site is zoned COR 4c, generally allowing a minimum density of 15 units per acre. The site is approximately 1.4 acres. The City of Ramsey Community Development Department wrote a letter of support for this project to the Minnesota Housing Finance Agency as Aeon attempts to secure financing for this workforce housing project. This project supports the goals of the City in relation to transit-oriented development, workforce housing near the COR and Northstar Station, and will help us reach the goals of our 2040 Comprehensive Plan. It was noted Aeon is looking for general feedback relating to this project.

Commission Business

Commissioner VanScoy stated he was excited to see this project move forward.

Leslie Roering, Aeon representative, explained her company would be applying for funding in June and hoped to break ground on this project next spring. She anticipated the new housing would be open to the public in 2020.

The Commission supported this item moving forward.

6.02: Review Resubmitted Concept of Shade Tree Cottages; Case of Shade Tree Communities

Presentation

Community Development Director Gladhill presented the Staff Report stating Shade Tree Communities has contacted the City and expressed a desire to resubmit a proposed plat known as Shade Tree Cottages. This is a project that went through City review approximately ten (10) years ago and received final plat and site plan approval as well as a zoning amendment to rezone the

parcel to Planned Unit Development (PUD). The project is a mix of small-lot single-family and detached townhomes (villas/detached single-family with HOA maintenance). While the final plat and site plan have expired, the zoning of PUD has not. The applicant has submitted a revised concept plan taking into account current zoning regulations.

Commission Business

Chairperson Bauer asked if additional greenspace could be added to the development at Lots 8 or 9.

Mark Strandlund, Shade Tree Communities, discussed the open space and trails that would run through the development. He explained that if Lots 8 and 9 could not be developed the development would have additional green space.

Commissioner VanScoy believed this would be a nice development.

The Commission encouraged the developer to proceed with his plans.

7. COMPREHENSIVE PLAN UPDATE ITEMS

There was nothing additional to report.

8. COMMISSION / STAFF INPUT

8.01: Receive Staff Update

The Staff Update was noted.

Commissioner Surma stated he would like to see the City working with Anoka County to lower the speed on Bunker Lake Boulevard.

8.02: Zoning Bulletins

Zoning Bulletins were noted.

9. ADJOURNMENT

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Gengler, Onyambu, Surma, and VanScoy. Voting No: None. Absent: Commissioner Woestehoff.

The regular meeting of the Planning Commission adjourned at 9:05 p.m.

Respectfully submitted,

_____
Tim Gladhill
Community Development Director

ATTEST:

_____
JoAnn Shaw
Community Development Assistant

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission **5. 1.**

Meeting Date: 06/07/2018

By: PeggySue Imihy, Community Development

Information

Title:

PUBLIC HEARING: Consider Home Occupation Permit for Commercial Kennel (Project #18-119); Case of Rebecca Bader

Purpose/Background:

The City of Ramsey has recieved an application from Rebecca Bader (the "Applicant") for a Home Occupation Permit for a Commercial Dog Kennel at 17860 Nowthen Blvd (the "Subject Property").

The Applicant is requesting a Conditional Use Permit to maintain up to 25 dogs on the Subject Property at any given time.

Notification:

City Staff attempted to notify all property owners within 350 feet of the Subject Property of the request via U.S. mail and published a notice of public hearing in the Anoka Union Herald, the City's official newspaper.

Observations/Alternatives:

The applicant has applied for a Conditional Use Permit for a home occupation of a Dog Kennel business at 17860 Nowthen Blvd NW, which is located in the R-1 Rural Developing District. The applicant and their employee will both reside on the property and together will run this home occupation. There will be no other employees or home occupations on the property. The acreage of the parcel of land is 37.91 acres, with approximately 32 acres of wetland.

The applicant has prior experience in running a home remodeling business and applicant is a professional accountant. The applicant has prior experience with caring for shelter and rescue dogs, including their own dogs, one who suffers from epilepsy and the other with severe allergies. The applicant has two years of volunteer experience with the Animal Humane Society.
There will be two dogs living on the property in the primary building, and will not be associated with the business.

Accessory Building

The business will be run exclusively in the existing accessory building and within a fence to be constructed on the property. The proposed kennel would hold a maximum of 25 dogs in 4’ x 8’ enclosures, each equipped with a dog bed and a water dish. The existing accessory building is 1,200 square feet, measuring 30’ x 40’. The applicant has plans to renovate the accessory building to have heating, air conditioning, ventilation, a small office/ check in area, 25 – 30 square foot dog kennels and insulation and sheetrock on the building walls.

The accessory building is in the rear yard of the property and is located more 1000 feet from the nearest dwelling to the southeast and more than 500 feet from the nearest dwelling to the northwest. This is the only accessory building on the parcel.

Fencing

The applicant is proposing a 6 foot, 4,200 square foot, chain link, enclosed fence, located in the rear yard for the dogs. Dogs will not be permitted to run at large. The applicant has discussed the wetland boundary with the Anoka Conservation District and verified that the proposed fenced area is not within the wetland. Documentation of this was not included in the application.

Traffic
The applicant indicates that no more than 5 round trips per day will be made from customers. There will be parking made available on the Subject Property for customers.

Additional permits needed if CUP is granted:

- Interior renovations to the accessory structure to provide HVAC, an office area and the construction of the dog enclosures
- Gravel driveway expansion – there is an existing driveway, applicant would like to extend this driveway to the accessory building. *Applicant would like the parking pad to be 35 feet at the accessory building which is greater than the 20 ft allowed by current zoning for traffic lanes*.
- 6 foot, 4,200 square foot fenced play area in the rear yard.
- One sign to be attached to the accessory building
- One sign which would be visible from Nowthen Blvd NW, this would require a variance that at this time staff would not support.

Alternative 1: Recommend City Council approve a Conditional Use Permit to allow a Commercial Dog Kennel on the Subject Property. Given that the Subject Property is nearly 40 acres and located a signficant distance away from nearest dwellings, the proposed dog kennel would not be a nuisance. Staff supports this alternative.

Alternative 2: Recommend City Council deny the request for a Conditional Use Permit to allow a Commercial Dog Kennel on the Subject Property. This action would prohibt the applicant from opening a Commerical Dog Kennel. Staff does not support this alternative as the property is of a sizeable acreage and given the great distance from the accessory building and nearby dwellings it would create a minimal impact on the neighborhood.

Funding Source:

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

Recommendation:

Staff recommends approval of the Commerical Dog Kennel on the Subject Property.

Action:

Motion to recommend City Council adopt Resolution #18-119 approving a Commercial Dog Kennel on the Subject Property.

Attachments

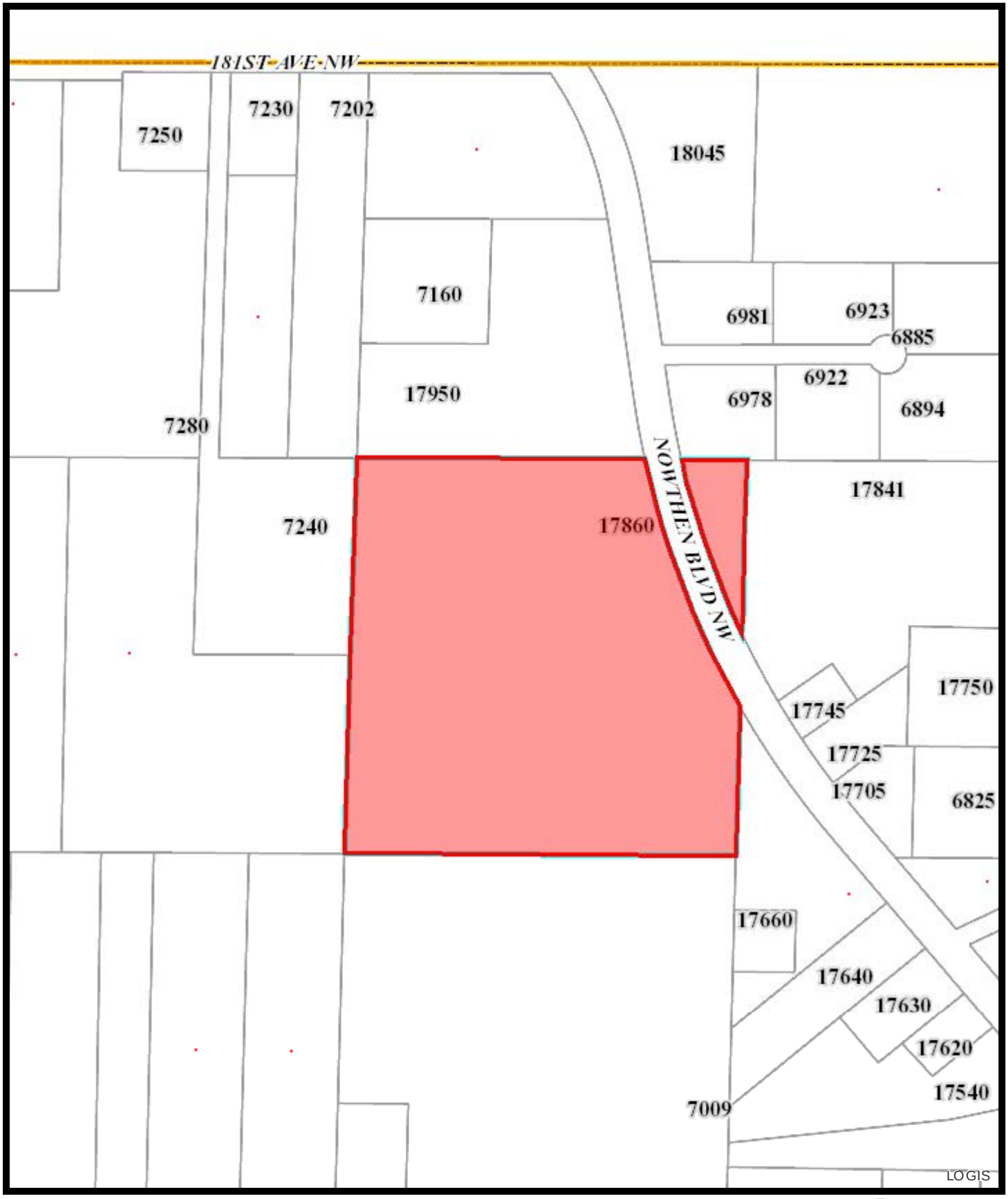
Site Location Map
Bader Application
Bader Proposed Site Plan
Resolution

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	06/01/2018 01:56 PM
JoAnn Shaw	Tim Gladhill	06/01/2018 01:56 PM
JoAnn Shaw	JoAnn Shaw	06/01/2018 02:11 PM
Form Started By: PeggySue Imihy		Started On: 06/01/2018 09:57 AM
Final Approval Date: 06/01/2018		

03-32-25-23-0001
17860 NOWTHEN BLVD NW

Site Location Map



Print Date: May 16, 2018

City of RAMSEY

Land Use Application

18-119

☐ Plat – Sketch Plan	☐ Plat – Preliminary Plat	☐ Plat – Final Plat
☐ Administrative Plat	☐ Site Plan Review	☐ Easement/ROW Vacation
☒ Conditional Use Permit	☐ Interim Use Permit	☐ Comprehensive Plan Amendment
☐ Zoning Amendment	☐ Home Occupation Permit	☐ Variance
☐ Dwelling Moving Permit	☐ Environmental Permit	☐ Registered Land Survey
☐ Non-Traditional Animal License	☐ Beekeeping License	☐ Private Kennel License

Applicant Contact Information

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

Name:	Rebecca Bader		
Street Address:	5353 47th Ave S		
City, State, ZIP:	Minneapolis MN 55417		
Home Phone:	262-339-0355	Work Phone:	262-339-0355
Email:	rcbader@gmail.com	Fax Number:	–
Name of Business (if applicable):	–		
Business Address (if applicable)	–		
Business City, State, ZIP	–		
Business Phone:	–	Business Fax:	–

Subject Property Information

(Location of Application)

Address	17860 Nowthen Blvd NW, Ramsey, MN
PIN	03-32-25-23-0001
Legal Description	The SW1/4 of NW1/4 of Sec 3 Twp 32 RGE 25, EX RD Subject to Ease of Rec
Zoning District	R-1

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

Property Owner Information

(If different than Applicant)

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

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

Detailed description and scaled site plan is attached.

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

Applicant Signature	Rebecca Bader	Co-Applicant Signature	Brandon McManigle
Printed Name	Rebecca Bader	Printed Name	Brandon McManigle
Title	-	Title	-
Date	5/2/18	Date	5/2/18

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

Property Owner Signature	Merlin Hunt	Property Owner Signature	
Printed Name	MERLIN HUNT	Printed Name	
Title		Title	
Date	5/3/2018	Date	

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

Home Occupation Supplemental Questionnaire

Does the home occupation owner live in the home on the property? Yes (●) -or- No ( ) Yes - will live

Does the home occupation owner rent or own the property? Yes ( ) -or- No ( ) Yes - will own

Will any part of the occupation be conducted in the home? Yes ( ) -or- No ( ) No

If so, what activities will be conducted in the home and in which room(s)?

There will be no activities conducted in the main residence. All activities will take place in the accessory building.

What is the gross living area of the home? approximately 3100 sq ft

How much of that area will be used for the occupation? 0 sq ft

Will an attached garage or any detached accessory building or garage be used for the occupation? Yes ( ) -or- No ( )

Yes

If so, explain:

The accessory building will be used to house the dogs. See attached description and Attachment C for more details.

Will there be at least 400 square feet of garage space reserved for indoor residential parking and storage related to the residential use on the property? Yes ( ) -or- No ( ) Yes

Will any structural additions or alterations to home or garages be required for this occupation?

Yes ( ) -or- No ( ) No

If so, explain:

There will be no structural additions or alterations to the home or garage. See attached description document for more details on other changes being made.

Will you employ persons that do not live in the home on the property? Yes ( ) -or- No ( )

No

If yes, how many non-resident employees will work on the site? N/A

How many non-resident employees will work off-site? N/A

Will it be necessary employees working off-site to come to the home? N/A

If so, explain:
N/A

Will customers or clients come to the property? Yes ◯ -or- No ◯ Yes

How many vehicle trips per day do you anticipate entering and leaving the property in a typical 24 hour period? (this includes employees, customers, deliveries, etc.)?

It is expected that there will be approx. 5 visits in the morning and 5 visits in the evening. See description document for more specifics.

Will any vehicles, other than your private car(s), be used in connection with the home occupation? Yes ◯ -or- No ◯ No

If so, provide number, size and type of vehicles:
N/A

Do you intend to store supplies and/or materials on the site? Yes ◯ -or- No ◯ No

Please describe items to be stored and where?
N/A

Are any of the home occupation processes or materials subject to review and permitting by Anoka County Environmental Services? Yes ◯ -or- No ◯ No

If so, explain and/or provide necessary documents.
N/A

Conditional Use Permit for Dog Kennel at 17860 Nowthen Blvd NW, Ramsey MN – Rebecca Bader and Brandon McManigle

Contact information:

By phone: 262-339-0355 (preferred)

By email: rcbader@gmail.com

Overview

Our Dog Kennel business for this property will be for boarding dogs. The intent of this business is to be family-friendly and convenient, and to allow individualized attention and care of dogs on a smaller scale while dog owners are away. Our vision is to minimize impact to the surrounding properties and the community, while providing a service to the city of Ramsey. There will be no breeding of dogs with the business. Boarding will be offered 365 days per year, using the accessory building located on the property. We will insulate, heat, and cool the building. We will install a large fenced in area for dogs to play.

The dogs will have play time outside and rest time inside the building. The dogs will always be supervised when outside of the building. The dogs will be restrained on a leash when not in the building and when not in the fenced in play area. The dogs will be contained inside the building through the night, between the hours of 9 pm and 7 am. Playtime for the dogs will be in 2 hour time periods approximately twice a day, in the morning and in the afternoon. The dogs will be supervised throughout this play time. Noises will be minimized to the extent possible with the building and the fenced in area. Any dogs that bark or howl to a large extent when outdoors will not be allowed outside for play time, but will be supervised outside with enough time to meet their elimination needs. Dogs will not be permitted to run at large.

Changes to the property

The following are the changes to the property that will be made with this business:

- Accessory building will have:
    - Heat
    - Air conditioning
    - Ventilation
    - a small office/check-in area
    - up to 25 separate dog runs/dog enclosures, at least 30 sq ft each, to hold one dog each
        - each enclosure will meet requirements of Ramsey city code Chapter 10 *proper enclosure* definition
        - the layout for the building is shown on Attachment C
    - sheetrock and a door separating office from dog enclosures
    - Insulation and sheetrock on building walls
- Gravel driveway expansion (as shown on Attachment B)

    - The gravel will not add an access point to the property from Nowthen Blvd. It will improve the existing access point that is currently half paved and half unpaved.
        - The permit for this driveway expansion will be obtained separately through the city of Ramsey
- Approximately 4200 sq ft fenced area
    - fence to be 6 ft in height
- One sign will be visible from the street (see Attachment A)
- One sign will be placed on the accessory building (see Attachment A)
    - Note that all signs will meet requirements of Ramsey city code. The applicants will obtain a permit separate from this application for signs on the property.

Dog behavior requirements

Dangerous dogs and nuisance dogs as defined in the Ramsey city code, Chapter 10, will not be permitted to board at this business. Dogs will be required to have vaccinations as defined in the Ramsey city code, Chapter 10, in order to board at this business. Before boarding, dog owners will be required to provide vaccination information and verify with signature, that the dog is not a dangerous dog. Dogs will be not be permitted to *disturb the peace* as defined in Ramsey city code, Section 10. Dogs that are found to be disruptive to other dogs while in the play area will be kept separate from the other dogs, and allowed outside individually.

Dog enclosure cleanliness

The dog enclosures and fenced in area will be continuously maintained in a clean manner. Dog excrement will be cleaned up and placed in a disposal container in a reasonable timeframe (less than 12 hours). The excrement will be removed by the property's waste removal service – Ace Solid Waste, Inc. The amount of waste generated as a result of this business will not require a dumpster but rather can be handled through property's waste removal service.

Dog comfort

Dogs will be provided meals 1-2 times per day. Additional meals and medication will be provided as directed by the dog owner. Dogs will be provided water within the dog enclosure unless otherwise directed by the owner. The accessory building will be maintained at a temperature above 60 deg F and below 80 deg F. Dogs will be provided a blanket and/or a bed depending on the owner's preference.

Emergency Vet

An emergency vet service, Affiliated Emergency Vet Service, in Blaine, MN will be used for any emergent dog care. Dog owners will be required to provide their regular veterinarian information. The regular vet will be contacted as well if needed.

Business Operation

There will be no employees for this business. The business will be operated by the applicants only, Rebecca Bader and Brandon McManigle, both of whom will live on the property.

The business will be conducted only in the accessory building and not in the main residence. There will be two family dogs that will reside in the main residence and will not be associated with the business.

Noise prevention

In order to minimize impact to the neighboring properties, the fenced in area for the dogs will be located south of the accessory building, west of the main residence, and north and east of the wetland boundary. This location was chosen in order to minimize any noises that could carry to neighboring properties. This location is screened by a number of trees as well as an upward slope in the east direction. Google Maps was used to find approximate distances to neighboring properties, and it was found that each residence is over 500 ft away from the accessory building.

Doors and windows inside the accessory building will not be kept open in order to minimize any noise from the dogs while they are indoors. There will be adequate ventilation through the heating and cooling systems to be installed.

Wetland boundary

There will be no part of this business that will be located within the wetland boundary. The wetland boundary was discussed with the Anoka Conservation District, and it was verified that the proposed fenced area as shown on Attachment A, as well as the accessory building, and the driveway, are not within the wetland.

Parking

There will be a 35 foot width of gravel in front of the accessory building for four parking spots (see attached marked up aerial view, Attachment A). These spots are not expected to be filled to capacity but will be available. There will be enough room for cars to turn around near the accessory building without backing all the way to Nowthen Blvd.

Traffic impacts

This business is expected to have little impact to Nowthen Blvd traffic. The number of visits to the site per day is expected to be an average of 5 visits in the morning and 5 visits in the evening, once the business is established. People who board dogs typically board the dogs for at least 2 nights. Many people board dogs for 7 days or longer. The business will expect an average of 15 dogs per day, with the ability to board more dogs to fill the accessory building (up to 25 dogs) during busy times such as holidays including Thanksgiving, Christmas, New Year's, July 4th, Memorial and Labor day, and spring break/Easter. Initially the business is not expected to approach full capacity, with the exception of during holidays.

Additionally, the business will require dog owners to reserve a time slot in advance for drop off and pick up of the dogs. This reservation system will be used to minimize the amount of customers on the property at one time, which subsequently reduces traffic impacts.

The section of Nowthen Blvd that this property is located on is not on a significant curve. Pictures were taken from a position standing at the driveway entrance to the property, looking in the north direction and in the south direction. These pictures are included below. The pictures support that there is not a large curve in Nowthen Blvd in this location.

Picture 1 – View facing north

Picture 2 – View facing south

Additional photos:

Picture 3 – Accessory building

Picture 4 – Area to be fenced for play area – see Attachment A

Picture 5 - Area to be fenced for play area – see Attachment A

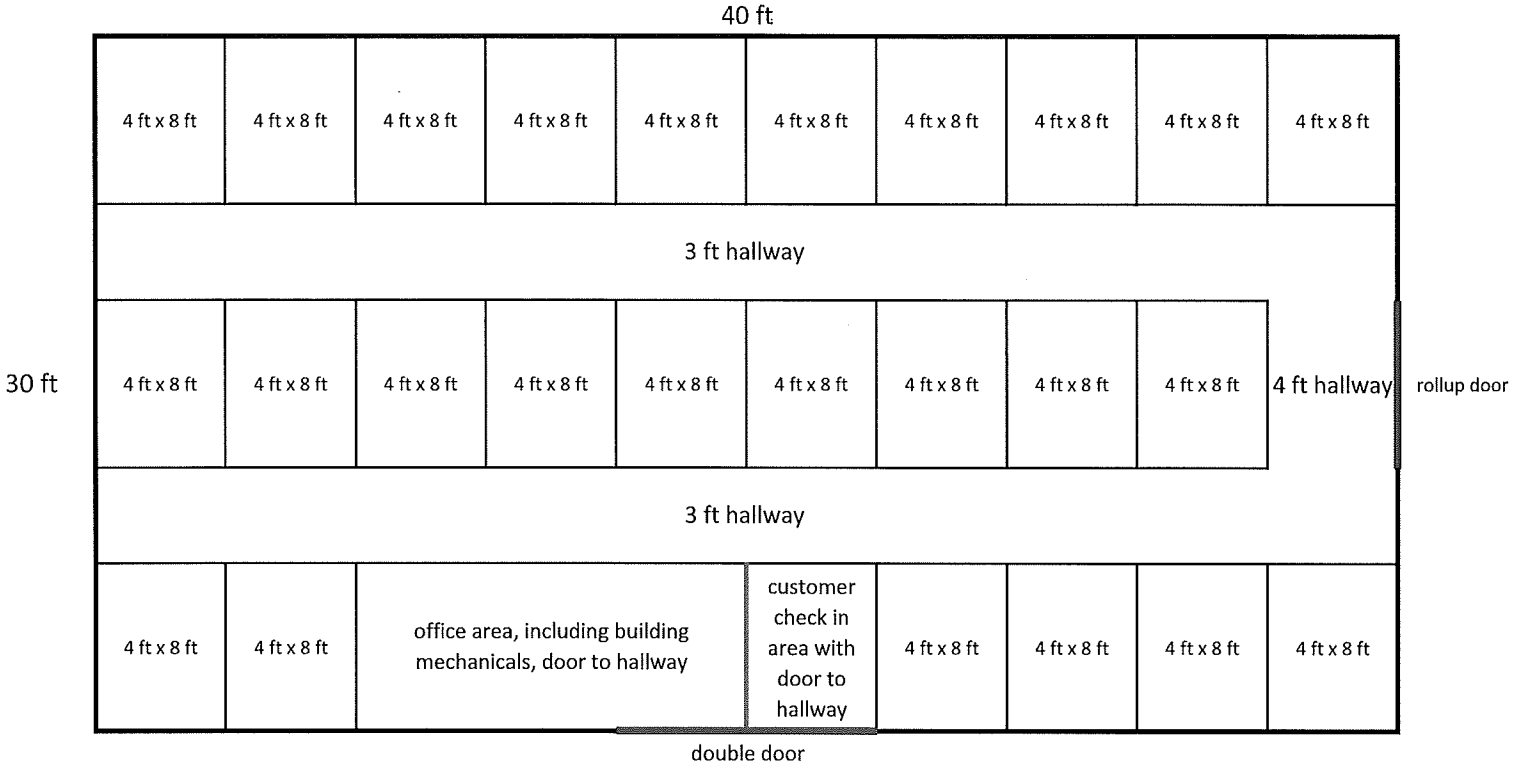
Attachment B

6981
6923
6885
180TH AVE NW
17950
6978
6922
6894
N.W. THEIN BLVD NW
17841
7310
7242
7210
17860
17745
17729
17705
6825
6805
7234
7224
7009
17690
17640
17630
6810

Attachment C

Proposed accessory building general layout

*dimensions are not to scale



25 dog enclosures - 4 ft x 8 ft each, equipped with a dog bed and water dish

Attachment A - Scaled Site Drawing

Councilmember introduced the following resolution and moved for its adoption:

RESOLUTION #18-119

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW A COMMERICAL DOG KENNEL ON THE PROPERTY GENERALLY KNOWN AS 17860 NOWTHEN BLVD NW AND DECLARING TERMS OF SAME

RECITALS

1. Rebecca Bader, hereinafter referred to as the "Permittee", has properly applied for a Conditional Use Permit to conduct a commercial dog kennel on the property generally known as 17860 Nowthen Blvd NW and legally described as follows:

   The Southwest Quarter of the Northwest Quarter of Section 3, Township 32, Range 25, except road subject to easement of record, Anoka County, Minnesota

   (the "Subject Property")

2. That Merlin W. Hunt is the owner of the Subject Property.

3. The City of Ramsey received an application for a Conditional Use Permit for a Commercial Dog Kennel on the Subject Property on May 8th, 2018.

4. That the Subject Property is located within the R-1 Residential Rural Developing as are the properties to the north, east and west, while the properties to the south are R-1 Residential MUSA; the Subject Property is bisected by Nowthen Blvd on the east.

5. The Subject Property is 37.91 acres, with approximately 32 acres of wetland. Given the large proportion of wetland on the property it would be difficult to expand buildings on the Subject Property

6. That the Permittee and one other employee who will also reside on the property will be the sole employees of the home occupation.

7. That no other home occupations will operated on the Subject Property.

8. That boarding will be allowed 365 days a year with dogs remaining indoors between the hours of 9pm and 7am.

9. That the Commercial Dog Kennel will hold a maximum of 25 dogs in 4' x 8' enclosures each equipped with a dog bed and a water dish.

10. That there is an existing accessory building in the rear yard of the Subject Property measuring 30' x 40'. The Permittee plans to renovate the accessory building to have

heating, air conditioning, ventilation, a small office/ check in area, 25 – 30 square foot dog kennels and insulation and sheetrock on the building walls.

11. That the Permittee is not proposing a new access point on to the Subject Property from Nowthen Blvd.

12. That the Permittee expects no more than 5 round trips per day from customers with the exception of major holidays.

13. That the existing accessory building is located approximately 500 feet from the nearest dwelling to the northwest, approximately 1000 feet from the nearest dwelling to the east and approximately 1200 feet from the nearest dwelling to the southeast.

14. That the Permittee intends to install a 6ft, 4200 square foot, chain link, enclosed fence, located in the rear yard of the subject property. The Permittee has indicated that dogs will not be allowed to run at large.

15. That the proposed Commercial Dog Kennel use would not produce noise, vibrations, air pollution, fire hazard, or noxious emissions that will disturb or endanger neighboring properties.

FINDINGS OF FACT

1. That the Commercial Dog Kennel use will/will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfare.

2. That the Commercial Dog Kennel use will/will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.

3. That the Commercial Dog Kennel use will/will not be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

4. That the Commercial Dog Kennel use will/not not be hazardous to existing or future neighboring uses.

5. That the Commercial Dog Kennel use will/will not impact essential public facilities and services, such as highways, streets, police and fire protection.

6. That the Commercial Dog Kennel use will/will not create excessive additinoal requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the Commercial Dog Kennel use will/will not involve uses, activities and equipment that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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

That the Ramsey City Council hereby grants approval of a Conditional Use Permit (the "Permit") for a Commercial Dog Kennel on the Subject Property contingent upon the following conditions:

CONDITIONS

1. That this **Permit** allows for a Commercial Dog Kennel on the **Subject Property**.

2. That the **Permittee** shall obtain all necessary permits, including a building permit and a zoning permit, prior to any modifications to the building on the **Subject Property**.

3. That the **Permittee** shall comply with all applicable local, state, and federal regulations.

4. That this **Permit** 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 **Permit**.

6. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.

7. That this **Permit** shall automatically expire if the use is not initiated by June 26th, 2019 and adoption of the Zoning Text Amendment by the Ramsey City Council and issuance of a Building Permit for the tenant improvements shall be considered as initiating the use.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 26th of June, 2018

PERMITTEE

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

By:_____ Its:_____

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

On this _____ day of _____, ____, before me, a Notary Public, personally appeared _____, Rebecca Bader, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

_____
Notary Public

PROPERTY OWNER

Merlin W. Hunt hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By:_____ Its:_____

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

On this _____ day of _____, ____, before me, a Notary Public, personally appeared Merlin w. Hunt, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

_____
Notary Public

CITY OF RAMSEY:

By:_____ By:_____
Acting Mayor City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

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

_____
Notary Public

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

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

Regular Planning Commission **5. 2.**

Meeting Date: 06/07/2018

By: Chloe McGuire Brigl, Community Development

Information

Title:

PUBLIC HEARING: Review Preliminary Plat Application for Cottages at the COR (Project 17-162); Case of Centra Homes, LLC

Purpose/Background:

Centra Homes, LLC has a Purchase Agreement in place with the City to acquire the land located at the southwest corner of Ramsey Blvd and Bunker Lake Blvd (the "Subject Property") for a residential subdivision. The proposed subdivision is in the COR4 Neighborhood District and would include forty (40), 2-story townhomes with association-maintained private roads. The Subject Property is approximately 4.29 acres.

Notification:

Staff attempted to notify all Property Owners within 700 feet of the proposed development via Standard US Mail of the public hearing.

Observations/Alternatives:

Zoning

The area is zoned COR 4B (Neighborhood) and allows for a range of housing types. The Preliminary Plat presented to the City generally appears to adhere to the COR Development Guidelines for the 4B subdistrict. The allowable density range in this district is 4 - 15 units/acre. The proposed density is approximately 9.3 units per acre (40 units on 4.29 acres).

Streets and Roads

The preliminary plat application shows private, association-maintained roads. The road connects to the private road on the west but does not connect to the private roads on the southeastern portion of the subdivision. There is public access from the corner of Olivine St NW and 146th Ave NW. The proposed homes are slab-on-grade, two story homes. Homes are oriented towards Ramsey Blvd and Bunker Lake Blvd; internal, private roads will have garage access and the backs of homes. If possible, public safety would like to see Olivine Terrace be connected to the southern subdivision for better access and manueverabilty for safety vehicles/equipment.

The applicant has noted they have been unsuccessful in attempting to connect Olivine Terrace; if the road is not connected, a turnaround must be completed in line with City of Ramsey code.

Staff is concerned about the number of visitor parking spaces. Staff would like the applicant to consider a few parallel parking spaces on Olivine St NW.

Parks and Trails

With the removal of the infiltration basins, staff recommends converting the infiltration basin to a green space with pedestrian-oriented trail conecting Ramsey Blvd to Olivine Street.

Setbacks and Standards

The proposed preliminary plat meets the COR 4 Requirements.

Landscaping and Tree Preservation

The submittal is deficient of a Landscape Plan and the Tree Preservation Plan requires revisions. It would have

been desirable to preserve evergreen trees at the northeast corner of the Subejct Property, which would provide a moderate buffer for the units closest to the intersection of Bunker Lake Blvd and Ramsey Blvd, to headlights and noise that may be commonplace at that intersection. However, based on proposed grading for those units, the existing trees would have to be removed and/or would suffer too great of root damage to survive.

Engagement
City Staff held a public workshop on 02/01/2018 for adjacent property owners to have an opportunity to voice opinions on three variations of the proposed development. The sketch plan was approved by the Planning Commission in March 2018.

Funding Source:

All costs associated with the application are the responsibility of the Applicant.

Recommendation:

Staff recommends the Planning Commission recommend approval of the Preliminary Plat to City Council.

Action:

Motion to recommend approval of the Preliminary Plat.

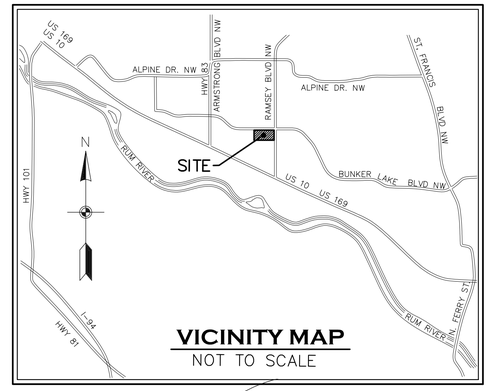
Attachments

Cover Sheet
Existing Conditions
Preliminary Plat
Example Homes
Site and Grading Plan
Grading Plan
Landscape and Tree Preservation Review
Planning Technical Review

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	05/31/2018 04:17 PM
Tim Gladhill	Tim Gladhill	06/01/2018 08:34 AM
Form Started By: Chloe McGuire Brigl		Started On: 05/24/2018 09:35 AM
Final Approval Date: 06/01/2018		

COTTAGES AT THE COR
RAMSEY, MINNESOTA



SHEET INDEX

1. COVER
2. EXISTING CONDITIONS
3. PRELIMINARY PLAT INDEX
4. PRELIMINARY SITE & UTILITY PLAN
5. PRELIMINARY GRADING & EROSION CONTROL PLANS
6. DETAILS

N

0 15 30 60
(IN FEET)

BENCHMARK

1. Minnesota Department of Transportation Geodetic Monument named 0202 B (GSID Station #93781). Elev.= 865.02 (NAVD 88)
2. Minnesota Department of Transportation Geodetic Monument named HYATT MNDT (GSID Station #808). Elev.= 878.97 (NAVD 88)

CALL BEFORE YOU DIG

811

Know what's **below.** **Call** before you dig.

The subsurface utility information shown on this plan is utility Quality Level D. This quality level was determined according to the guidelines of CI/ASCE 38-02, entitled "Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data."

Carlson McCain
• environmental
• engineering
• surveying

3890 Pheasant Ridge Drive NE, Suite 100
Blaine, MN 55449
Phone: (763) 489-7900
Fax: (763) 489-7959
www.carlsonmccain.com

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

Print Name: Brian F. Kallio, P.E.
Signature:
Date: 5/8/18 License #: 25817

Drawn: LOC
Designed: BFK
Date: 5/8/18

Revisions:
1.

CENTRA HOMES, LLC
11460 Robinson Drive N.W.
Minneapolis, MN 55433

COTTAGES AT THE COR
Ramsey, Minnesota

COVER SHEET

Save Date: 05/08/18 F:\Jobs\7341 - 7360\7351 - ramsey town square\cad c3d\engineering\preliminary\7351_cvr.dwg

BUNKER LAKE BLVD. NW
(C.S.A.H. NO. 116)

RIM=875.7

Sidewalk

Access Restriction, per the plat of RAMSEY TOWN CENTER 2ND ADDITION

S89°42'54"E
683.64

North line of Outlot B, RAMSEY TOWN CENTER 2ND ADDITION

spillway

Existing Building

PID: 28-32-25-14-40C

N00°00'00"W
247.47

COMMON INTEREST COMMUNITY NUMBER 211
SIXTH SUPPLEMENTAL
FIRST SUPPLEMENTAL

Easterly line of COMMON INTEREST COMMUNITY NUMBER 211, also the Easterly line of Block 1, RAMSEY TOWN CENTER 7TH ADDITION

RAMSEY TOWN CENTER 2ND ADDITION

VACANT LAND

OUTLOT B

Tree Line

Permanent 12.00 foot Drainage and Utility Easement, per Doc. No. 1948167, Doc.

304.07
S00°02'49"E

Access Restriction, per the plat of RAMSEY TOWN CENTER 2ND ADDITION

ANOKA COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 18
BUNKER LAKE BLVD. NW
RAMSEY C.S.A.H. NO. 56)

Drainage and utility easement, per the plat RAMSEY TOWN CENTER 2ND ADDITION (to be vacated)

N90°00'00"E
122.80

N90°00'00"E
183.71

N90°00'00"E
47.00

N90°00'00"E
19.80

363.31
S90°00'00"W

Drainage and utility easement, per the plat RAMSEY TOWN CENTER 2ND ADDITION (to be vacated)

148TH AVENUE NW

PERIDOT STREET NW

OLIVINE STREET NW

N00°00'00"W
60.00

RLS 18418

320.56
S90°00'00"W

OLIVINE WAY NW

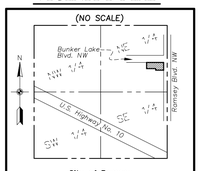
OWNER:
THE GABLES TERRACE HOMEOWNERS ASSOC.
PID: 28-32-25-14-0055

Existing Building

COMMON INTEREST COMMUNITY NUMBER 211

VICINITY MAP

(NO SCALE)



City of Ramsey
Anoka County, MN
Section 28, Township 32, Range 25

PARCEL DESCRIPTION:

(Per Title Commitment LT File No. 56919B)

All that part of Outlot B, RAMSEY TOWN CENTER 2ND ADDITION, Anoka County, Minnesota which lies easterly of the easterly line of Block 1, RAMSEY TOWN CENTER 7TH ADDITION, and its southerly extension.

(Abstract Property)

GENERAL NOTES:

1) The field work for this survey was completed on May 7, 2018.

2) Bearings shown are based on the North line of Outlot B, RAMSEY TOWN CENTER 2ND ADDITION, according to the recorded plat thereof, Anoka County, Minnesota, which is assumed to bear S89°42'54"E.

3) Surveyed property address – unassigned, Ramsey, MN.

4) Above ground utilities have been field located as shown. All underground locations shown hereon are APPROXIMATE. Prior to any excavations or digging, contact Gopher State One Call for an on-site location (651-454-0002).

LEGEND

- ● – Denotes Found Iron Monument or chiseled "X", as noted
- ○ – Denotes 5/8 inch by 14 inch rebar, marked with RLS 40361, or PK Nail as noted
- ☼ – Denotes Light Pole
- SAN – Denotes Sanitary Manhole
- ▭ – Denotes Miscellaneous Sign
- 0000.0 – Denotes Existing Spot Elevation
- – Denotes Existing Tree
- – Denotes Fire Hydrant
- GV – Denotes Gate Valve
- – Denotes Catch Basin
- – Denotes Telephone Box
- HH – Denotes Hand Hole
- ○ – Denotes Miscellaneous Manhole
- STMH – Denotes Storm Manhole
- ut — ut — Denotes Underground Telephone
- utv — utv — Denotes Underground Television
- — Denotes Watermain
- — Denotes Sanitary Sewer
- ug — ug — Denotes Underground Gas
- — Denotes Storm Sewer
- — Denotes Controlled Access shown on the plat of RAMSEY TOWN CENTER 2ND ADDITION
- x — x — Denotes Existing Fence as noted
- — Denotes Concrete Surface
- — Denotes Bituminous Surface
- — Denotes Existing Contour

BENCHMARK

1. Minnesota Department of Transportation Geodetic Monument named 0202 B (GSID Station #937781). Elev.= 865.02 (NAV) 88)
2. Minnesota Department of Transportation Geodetic Monument named HYATT MNDT (GSID Station #808). Elev.= 878.97 (NAV) 88)

N

0 15 30 60

(SCALE IN FEET)

CALL BEFORE YOU DIG

811 Know what's below. Call before you dig.

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• environmental
• engineering
• surveying

3890 Pheasant Ridge Drive NE, Suite 100
Blaine, MN 55449
Phone: (763) 489-7900
Fax: (763) 489-7959
www.carlsonmccain.com

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 Land Surveyor under the laws of the State of Minnesota

Print Name: Thomas R. Balluff, L.S.
Signature:
Date: 5/08/2018 License #: 40361

DRAWN BY: KCM
ISSUE DATE: 5/08/18
FILE NO: 1342

Revisions:

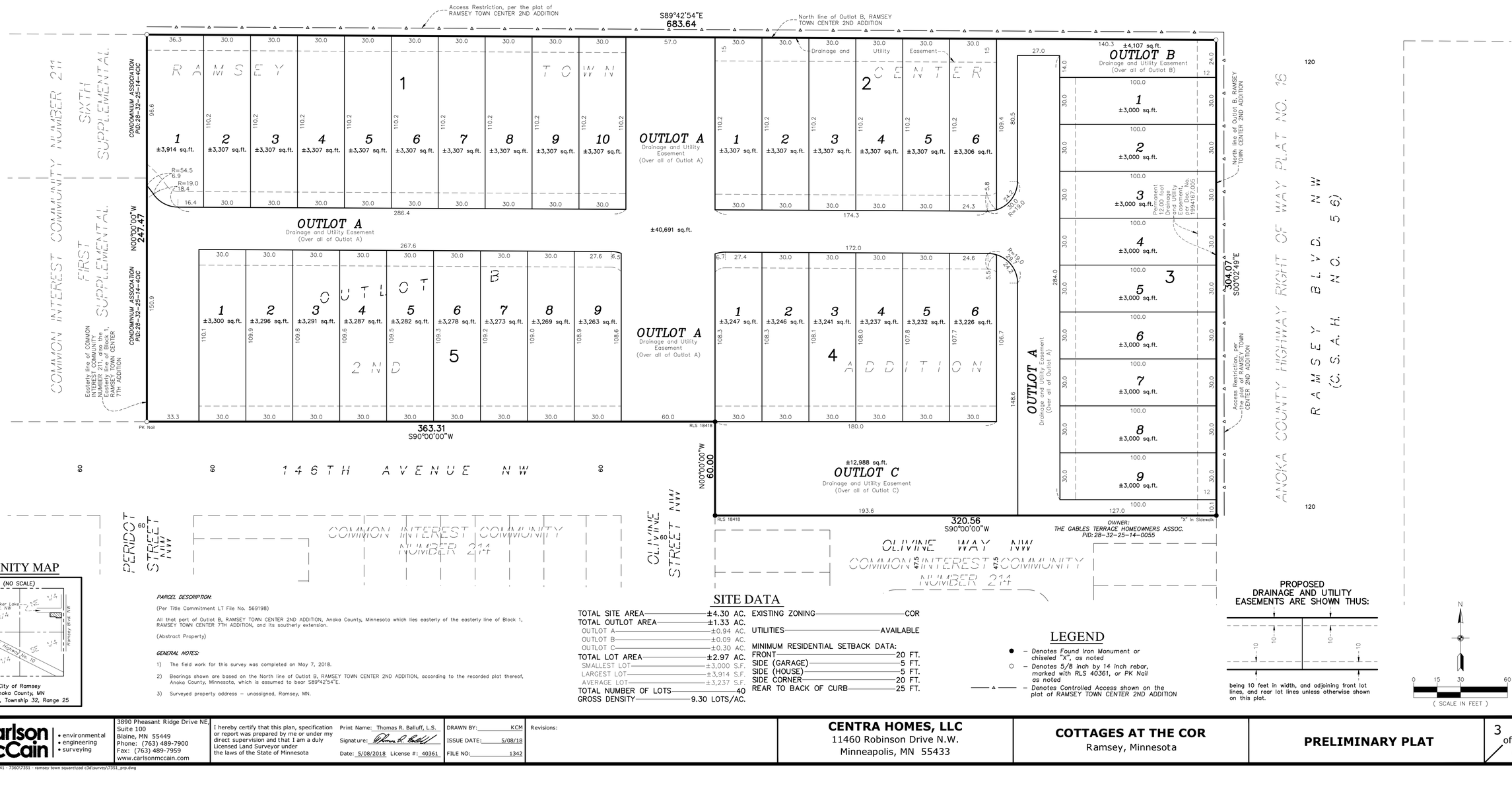
CENTRA HOMES, LLC
11460 Robinson Drive N.W.
Minneapolis, MN 55433

COTTAGES AT THE COR
Ramsey, Minnesota

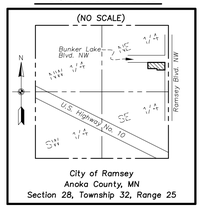
EXISTING CONDITIONS

[Save Date: 05/08/18] F:\jobs\7341 - 7360\7351 - ramsey town square\cad c3d\survey\7351_excon.dwg

COTTAGES AT THE COR



VICINITY MAP



PARCEL DESCRIPTION:

(Per Title Commitment LT File No. 569198)

All that part of Outlot B, RAMSEY TOWN CENTER 2ND ADDITION, Anoka County, Minnesota which lies easterly of the easterly line of Block 1, RAMSEY TOWN CENTER 7TH ADDITION, and its southerly extension.

(Abstract Property)

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3) Surveyed property address – unassigned, Ramsey, MN.

SITE DATA

TOTAL SITE AREA	±4.30 AC.
TOTAL OUTLOT AREA	±1.33 AC.
OUTLOT A	±0.94 AC.
OUTLOT B	±0.09 AC.
OUTLOT C	±0.30 AC.
TOTAL LOT AREA	±2.97 AC.
SMALLEST LOT	±3,000 S.F.
LARGEST LOT	±3,914 S.F.
AVERAGE LOT	±3,237 S.F.
TOTAL NUMBER OF LOTS	40
GROSS DENSITY	9.30 LOTS/AC.
EXISTING ZONING	COR
UTILITIES	AVAILABLE

MINIMUM RESIDENTIAL SETBACK DATA:

FRONT	20 FT.
SIDE (GARAGE)	5 FT.
SIDE (HOUSE)	5 FT.
SIDE CORNER	20 FT.
REAR TO BACK OF CURB	25 FT.

LEGEND

- ● – Denotes Found Iron Monument or chiseled "X", as noted
- ○ – Denotes 5/8 inch by 14 inch rebar, marked with RLS 40361, or PK Nail as noted
- ——△—— – Denotes Controlled Access shown on the plat of RAMSEY TOWN CENTER 2ND ADDITION

PROPOSED DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

being 10 feet in width, and adjoining front lot lines, and rear lot lines unless otherwise shown on this plat.

Carlson McCain
• environmental
• engineering
• surveying

3890 Pheasant Ridge Drive NE, Suite 100
Blaine, MN 55449
Phone: (763) 489-7900
Fax: (763) 489-7959
www.carlsonmccain.com

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 Land Surveyor under the laws of the State of Minnesota

Print Name: Thomas R. Balluff, L.S.
Signature:
Date: 5/08/2018 License #: 40361

DRAWN BY: KCM
ISSUE DATE: 5/08/18
FILE NO: 1342

Revisions:

CENTRA HOMES, LLC
11460 Robinson Drive N.W.
Minneapolis, MN 55433

COTTAGES AT THE COR
Ramsey, Minnesota

PRELIMINARY PLAT

3 of 6

Save Date: 05/08/18 F:\jobs\7341 - 7360\7351 - ramsey town square\cad c3d\survey\7351_prp.dwg

B - MODERN FARM
PLAN 1

A - TRADITIONAL
PLAN 3

B - MODERN FARM
PLAN 2

A - TRADITIONAL
PLAN 1

B - MODERN FARM
PLAN 3

A - TRADITIONAL
PLAN 2

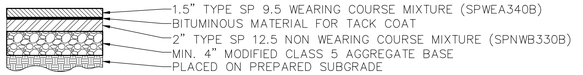
CENTRA HOMES - RAMSEY

2018.05.02

CONCEPTUAL FRONT ELEVATIONS

Godden | Sudik
ARCHITECTS

STREET SECTION



SITE PLAN LEGEND

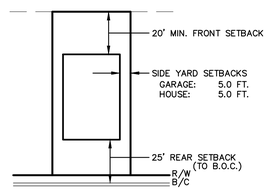
	EXISTING	PROPOSED
LIGHT POLE	☼	
SANITARY MANHOLE	SMH	●
MISCELLANEOUS SIGN		
EXISTING SPOT ELEVATION	x0000.0	
EXISTING TREE		
TELEVISION BOX	TV BOX	
FIRE HYDRANT	HYD	
GATE VALVE	GV	
CLEANOUT	CO	◉
ELECTRIC BOX	EB	
GAS METER	GM	
CATCH BASIN	or	or
RAIN GUARDIAN		RG
ELECTRIC METER	EM	
TELEPHONE BOX	TB	
UTILITY POLE	PP	
FLARED END SECTION	FES HW	▲
STORM MANHOLE	STMH	●
SERVICE	SRV	
SOIL BORING/TEST HOLE	TH	

	MODULAR	ROCK
RETAINING WALL		
WATERMAIN		
SANITARY SEWER		
FORCEMAIN	FM	FM
STORM SEWER		
PROPERTY LINE		
SETBACK LINE		
CURB		
WETLAND		
DITCH		
UNDERGROUND TELEPHONE	ut	ut
UNDERGROUND ELECTRIC	ue	ue
UNDERGROUND GAS	ug	ug
UNDERGROUND FIBEROPTIC	ufo	ufo
FENCE	x	x
OVERHEAD ELECTRIC	ohe	ohe
CONCRETE SURFACE		
BITUMINOUS SURFACE		

BUNKER LAKE BLVD. NW
(C.S.A.H. 116)

MATCH EXISTING SIDEWALK
EX. CONC. SIDEWALK
EX. CONC. SIDEWALK
8' CONCRETE SIDEWALK
CONNECT SIDEWALK TO EXISTING PED. RAMP
RM=875.7
MH
TB
UT
STORM SEWER
5' CONCRETE SIDEWALK
INFILTRATION BASIN
OUTLOT A
OUTLOT B
RE 875.95
IE 864.95 OUTLOT B
20' FRONT SETBACK LINE
25' REAR SETBACK LINE (TO B.O.C.)
1 2 3 4 5 6 7 8 9 10
1 2 3 4 5 6
1 2 3
146TH LN. NW
CONNECT TO EX. WM
(VERIFY W/AS-BUILTS
FROM CITY)
CURB CUTS
W/RAIN
GUARDIAN
4 STALLS
20'RAD.
(TYP.)
27'
OUTLOT
25'
B-B
10'
TYP.
8" DIP WM
8" PVC SAN SWR
8" DIP WM
8" PVC SAN SWR
8' CONCRETE SIDEWALK
RE 874.95
IE 862.55 N,S
IE 862.45 W
146TH LANE NW
RE 873.10
IE 863.00
RE 873.00
IE 858.66-12" S
IE 860.55-8" E,W
35'
OUTLOT
33'
B-B
8" DIP WM
12" PVC SAN SWR
STORM SEWER
CONNECT TO EX. STUB
EX. IE 858.45
(FIELD VERIFY)
CONNECT TO EX. WM
REMOVE & DISPOSE OF EX. SIDEWALK AS
NECESSARY FOR PROPOSED STORM SEWER
5' CONCRETE SIDEWALK
CUT INTO AND CONNECT
TO EXISTING CATCH BASIN
PERIDOT ST. NW
OLIVINE TERRACE NW
OUTLOT A
OUTLOT C
RAMSEY BLVD NW
(C.S.A.H. 65)
RM=870.9
INV=860.1
RM=871.0
INV=865.4
RM=870.4
INV=865.2
N INV=865.5
S INV=865.2
RM=870.2
INV=865.0
RM=872.6
REMOVE EXISTING 30"
RCP STUB & CONNECT
NEW 15" RCP TO
EXISTING CBMH.
RM=870.1
RM=868.7
INV=864.3
RM=868.8
NO INV UNDER ICE
RM=870.0
RM=870.1
RM=870.5
INV=865.0
12" PVC
EX.12"SAN. SWR
EX. WATERMAIN
MATCH EXISTING
SIDEWALK
INFILTRATION
BASIN
CURB CUT
W/RAIN GUARDIAN
5' CONCRETE
SIDEWALK
RE 873.35
IE 863.35
CONNECT TO EX. WM
(VERIFY W/AS-BUILTS
FROM CITY)
MATCH EXISTING
SIDEWALK
EX. CONC. SIDEWALK
146TH AVE. NW
OLIVINE ST. NW
OLIVINE WAY NW
OLIVINE TERRACE NW
30" RCP
18" RCP
21" RCP
8" WTR
6" WTR
SMH

30' LOT DETAIL



TYPICAL SERVICES SHALL BE:
WATER: 1" COPPER TYPE K
SEWER: 4" PVC SDR 26
CURB STOP TO BE PLACED 10' BEHIND THE CURB.

N

0 15 30 60
(IN FEET)

BENCHMARK

1. Minnesota Department of Transportation Geodetic Monument named 0202 B (GSID Station #93781). Elev.= 865.02 (NAVD 88)
2. Minnesota Department of Transportation Geodetic Monument named HYATT MNDT (GSID Station #508). Elev.= 878.97 (NAVD 88)

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

Print Name: Brian F. Kallio, P.E.
Signature:
Date: 5/8/18 License #: 25817

Drawn: LOC
Designed: BFK
Date: 5/8/18

Revisions:
1.

CENTRA HOMES, LLC
11460 Robinson Drive N.W.
Minneapolis, MN 55433

COTTAGES AT THE COR
Ramsey, Minnesota

PRELIMINARY SITE & UTILITY PLAN

[Save Date: 05/08/18] F:\jobs\7341 - 7360\7351 - ramsey town square\cad c3d\engineering\preliminary\7351_site.dwg

BUNKER LAKE BLVD. NW
(C.S.A.H. 116)

146TH LN. NW

146TH LANE NW

OUTLOT A

OUTLOT B

OUTLOT C

PERIDOT ST. NW

OLIVINE ST. NW

OLIVINE TERRACE NW

OLIVINE WAY NW

RAMSEY BLVD NW
(C.S.A.H. 65)

146TH AVE. NW

100 YR HWL = 872.4

100 YR HWL = 871.0

GRAVEL CONSTRUCTION ENTRANCE

INFILTRATION BASIN
OUTLET EL =870.7
BOTTOM EL =870.3
(INSTALL SILT FENCE AFTER GRADING) (TYP.)

G.B. 1+00
EL. 874.20

FM 3+25
EL. 872.95
(50' V.C.)

G.B. 5+25
EL. 874.15

N

0 15 30 60
(IN FEET)

BENCHMARK

1. Minnesota Department of Transportation Geodetic Monument named 0202 B (GSID Station #93781). Elev.= 865.02 (NAVD 88)
2. Minnesota Department of Transportation Geodetic Monument named HYATT MNDT (GSID Station #808). Elev.= 878.97 (NAVD 88)

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Revisions:
1.

CENTRA HOMES, LLC
11460 Robinson Drive N.W.
Minneapolis, MN 55433

COTTAGES AT THE COR
Ramsey, Minnesota

PRELIMINARY GRADING & EROSION CONTROL PLAN

5 of 6

[Save Date: 05/08/18] F:\jobs\7341 - 7360\7351 - ramsey town square\cad c3d\engineering\preliminary\7351_gr.dwg

CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE

DATE	MAY 31, 2018	**PROJECT ADDRESS**	TBD
PROJECT. TITLE	COTTAGES AT THE COR		
ESCROW #	116188		
DEPARTMENT:	Community Development: Planning Division (Landscape Plan & Environmental Resources)		
TECHNICAL REVIEWER:	Name: Chris Anderson, City Planner Phone: 763-433-9817 Email: canderson@cityoframsey.com		

The project is located within The COR, which has specific design standards relating to streetscape improvements, including sidewalk widths, boulevard widths, and boulevard plantings, which are outlined in Table 6 of the Sub-District Framework – COR4 Neighborhood in The COR Design Framework.

The submittal is deficient of a Landscape Plan and corrections are required on the Tree Inventory and Preservation Plan. A Landscape Plan must be submitted for review and compliance with The COR Design Framework prior to scheduling review of the Preliminary Plat by City Council. The following elements shall be addressed in the Landscape Plan and the following corrections are required on the Tree Inventory and Preservation Plan:

Landscape Plan

- Sidewalk width and boulevard width shall be six (6) feet along all local roads. These shall be clearly labeled on plan sheets.
- Along Arterial Roads (Bunker Lake Blvd and Ramsey Blvd), boulevards are not required and sidewalk width shall be ten (10) feet. However, since there is existing sidewalks that will be connected to along both streets, sidewalk width shall match the preexisting condition.
- Deciduous trees shall be planted with the boulevards of local roads. Acceptable tree species are outlined in The COR Design Framework.
- Trees along local roads shall be spaced thirty-five (35) feet on-center, adjust as needed to avoid conflicts with driveways, street lights, hydrants, and the Vision Clearance Triangle.
- All areas, including boulevards and other pervious areas within the rights-of-way, not otherwise improved with impervious surfaces shall receive four (4) inches of topsoil meeting the City's topsoil specification. Copies of the load tickets shall be provided to the City and a topsoil inspection shall be completed prior to installation of any landscaping.
- Sidewalks shall have alternating brush strokes per panel (see City specification).
- A Tree Installation Detail shall be included with the Landscape Plan and shall specify, among other things, that the first set of primary roots shall be at finished grade.
- Boulevard trees shall have branching beginning no lower than six (6) feet above grade.

- Add a Landscape Note that states the City requires a pre-planting meeting to review expectations for all street tree installations.
- Add note stating that any deviation from the approved Planting Schedule shall require approval of the City prior to installation.
- Any proposed shrubs shall be at least twenty-four (24) inches in height or width, depending on species characteristics, at the time of planting.
- If an in-ground irrigation system is installed, it must include *both* a rain sensor and a water efficient technology such as a smart controller, soil moisture sensor(s), ET sensor, etc. and shall be noted on the plan set.

Tree Inventory and Preservation Plan (Sheet TP1)

- Inventory of all existing Significant Trees, which are defined as any oak or evergreen that has a Diameter at Breast Height (DBH) of four (4) inches or greater and any other deciduous tree with a DBH of eight (8) inches or greater.
- Inventory (table) shall include common and scientific name, condition, whether the tree is being preserved or removed, and if removed, indicate the reason (e.g. storm water pond, general grading, etc.).
- Each Significant Tree shall be individually tagged and shall be shown on the Tree Preservation Plan as well as on the Grading Plan.
- The City's Environmental Policy Board had hoped that the existing evergreens in the northeast corner of the site could be preserved if at all possible. This would help provide some screening of headlights and noise from the adjacent intersection.
- Revise plan to specify actual species (e.g. cannot simply state elm or ash, must identify individual species (e.g. Siberian elm, green ash, etc.).
- Under Tree Removal/Replacement Summary, revise to state that forty percent (40%) of trees must be preserved (up to 60% of significant trees can be removed).

CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE

DATE	5/25/2018	**PROJECT SITE**	PID: 28-32-25-14-0094 AREA SOUTH OF BUNKER LAKE BLVD NW AND WEST OF RAMSEY BLVD NW
PROJECT TITLE	COTTAGES AT THE COR (CASE OF CENTRA HOMES), PRELIMINARY PLAT REVIEW		
ESCROW #	116168		
DEPARTMENT:	Community Development: Planning Division (Zoning Code)		
TECHNICAL REVIEWER:	Name: Chloe McGuire, City Planner Phone: (763) 433-9821 Email: CMcGuire@ci.ramsey.mn.us		

Preliminary Plat Plan Review

We offer the following comments regarding the Preliminary Plat submittal for Cottages at the COR as it relates to the City's Zoning Code.

Summary of revisions needed on Preliminary Plat:

1. Show 10 foot wide sidewalks along Bunker Lake Blvd NW and Ramsey Blvd NW.
2. Remove infiltration basins onsite and contribute to the Infiltration Mitigation Fund. Contact Engineering Department for more information.
3. Add vehicle turnaround at south end of Olivine Terrace.
4. Provide written proof from Anoka County authorizing work within the County right-of-way.
5. A legend is required on every sheet showing all linetypes and symbols used on the sheet.
6. Provide a site-specific typical section.
7. Provide MnDOT 6 sheet set of details for pedestrian ramps.
8. Total project site acreage must be noted on preliminary plat sheet.
9. Show trail connection from Olivine Street NW to Ramsey Blvd NW.

Planning Staff provides the following comments that require revision for the Preliminary Plat:

Revisions/Comments Per Sheet:
Sheet 4 – Site

1. Add two valves on 146th Ln NW and Olivine St NW intersection – one for west main and one for south main
2. Add three values at intersection of 146th Ln NW and Olivine Terrace – south, north, and west main cluster in intersection
3. Engineering Comment: Site is within 10-year well capture zone, no infiltration on-site. No infiltration is permitted onsite. Developer must contribute to Infiltration Mitigation Fund administered by City. Contact Engineering Department for more information.
4. Provide turnaround at south end of Olivine Terrace if cannot connect to existing street. It is Public Safety's preference that roadways connect.
5. Plan and profile sheets will be required for all utilities in the Final Plat submittal.
6. Submit calculations supporting picking up drainage from County Highway Ditch.

Sheet 5 – Grade

1. County must grant permission to grade in the County right-of-way along Ramsey Blvd NW.
2. The entire 100 year storm elevation must be contained within drainage easement.
3. Anoka County must provide written permission to work within County right-of-way.
4. Add legend with linetypes and symbols for the sheet.

Sheet 6 – Details

1. No infiltration onsite.
2. MnDOT 6 sheet set of details must be included in final plans. Custom detail is required for each pedestrian ramp with spot elevations and slopes on all surfaces.
3. Provide a site-specific street typical section.

Planning Staff provides the following comments for general review of applications:

General: The Preliminary Plat is located at PID 28-32-25-14-0094, generally south of Bunker Lake Blvd and West of Ramsey Blvd NW. Centra Homes, LLC is purchasing the property from the City of Ramsey for the residential subdivision. Site contains private, association-maintained roads, and slab-on-grade townhomes.

Zoning: The Preliminary Plat is being reviewed under the COR 4B (Neighborhood District) regulations.

Setbacks and Dimensional Standards.

COR 4B (Neighborhood) Development Standards	
Required	**Proposed**
Build To Lines:	
Front Yard: 30 feet (Arterial Street- Bunker, Ramsey): 30 feet	20 feet
Front Yard: 30 feet (all other streets): 20 feet	20 feet
Side Yard: N/A	N/A
Rear Yard: N/A	N/A
Minimum lot size: N/A	N/A
Minimum lot width: 20 feet	30 feet
Minimum lot depth: 80 feet	90+ (Bunker) 100 (Ramsey) 110 (146th)
Minimum Driveway Length: 25 feet	25 feet
Allowable Density: 4 – 15 DU/Acre	9.3 DU/Acre
Wetland/Stormwater Pond: 16.5 feet	N/A
Sidewalk Width: 10 feet	**5 - 9 feet**

Density: COR 4B allows for 4 to 15 units/acre. The proposed density is approximately 9.3 units per acre. (40 units on 4.29 acres)

Architectural Standards:

1. **Location of Main Entrance:** Building must include a front porch or covered balcony/patio at all main entrances that face a street. Main entrance must face the street.
2. **Porches:** Porches must be covered by a solid roof, no more than 12 feet above the floor of the porch. Minimum porch size is 6 by 6 feet. The covered area provided by the porch must be at least 48 square feet and a minimum of 8 feet wide.
3. **Building Height:** Between 1 and 4 stories allowed. Proposed are 2 story homes.

Floodplains: There are no floodplains in the project area.

Wetlands: Site contains no wetlands.

Landscaping: *See landscape and environmental resources for specific comments about landscaping and tree removal.*

Density Transitioning: As proposed, the development is not subject to the density transitioning standards based on the zoning of the adjacent properties.

Streets and Access: The proposed Preliminary Plat shows three private, internal roads including the extension of Olivine Street, 146th Lane NW running east-west, and Olivine Terrace NW running north-south. Olivine Terrace will require a cul-de-sac or turnaround on the south end if roads do not connect. Design of cul-de-sac must meet minimum standards for radius, width, and right of way as per sec 117-614.

Sidewalks: Sidewalk will be required along the south side of Bunker Lake Blvd and the west side of Ramsey Blvd NW adjacent to the site. Sidewalks must be 10 feet wide.

Utilities and Municipal Services: All new lots will be serviced with municipal utilities.

Grading and Drainage Plans: The area is part of the 10-year well capture zone, which means there is no infiltration onsite. The applicant must contribute to the Infiltration Mitigation Fund.

Parks and Trails: With the removal of the infiltration basin, staff recommends a trail from Ramsey Blvd to Olivine Street NW through Outlot C.

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

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

Regular Planning Commission **5. 3.**

Meeting Date: 06/07/2018

By: Tim Gladhill, Community Development

Information

Title:

PUBLIC HEARING: Consider Revised Preliminary Plat for Riverstone; Case of Capstone Homes

Purpose/Background:

The purpose of this case is to consider a revised Preliminary Plat for Riverstone, a 293 lot residential subdivision. Primarily, the intent of this revision is to satisfy contingencies of original Preliminary Plat approval. Of note, plans for pedestrian crossings at Alpine Drive are included. Secondarily, the Developer (Capstone Homes) desires to slightly revise lot widths on two (2) blocks to slightly widen lots, resulting in the net reduction of approximately two (2) lots. Overall, the project is significantly the same as originally approved. Finally, the Developer proposes a slight modification to topsoil standards to address stormwater and drainage.

Notification:

Staff attempted to notify all Property Owners within 700 feet of the Subject Property. The Public Hearing was also published in the Anoka County UnionHerald.

Observations/Alternatives:

Specific details are included in the Staff Review Letter.

Funding Source:

All costs associated with processing the request are the responsibility of the Applicant. There are no City funds associated with this current request (it is noted that the City previously participated in the cost of upgrading infrastructure for Puma Street to facilitate this and other adjacent projects).

Recommendation:

Staff recommends approval of the revised Preliminary Plat.

Action:

Motion to recommend that the City Council approve the revised Preliminary Plat.

Attachments

Plan Set

Staff Review Letter

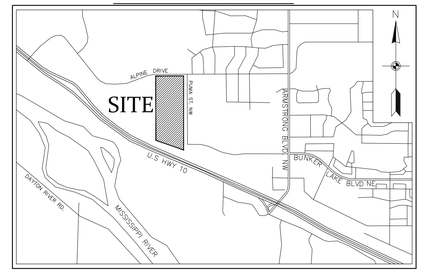
Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	06/01/2018 03:47 PM
Form Started By: Tim Gladhill		Started On: 06/01/2018 08:53 AM
Final Approval Date: 06/01/2018		

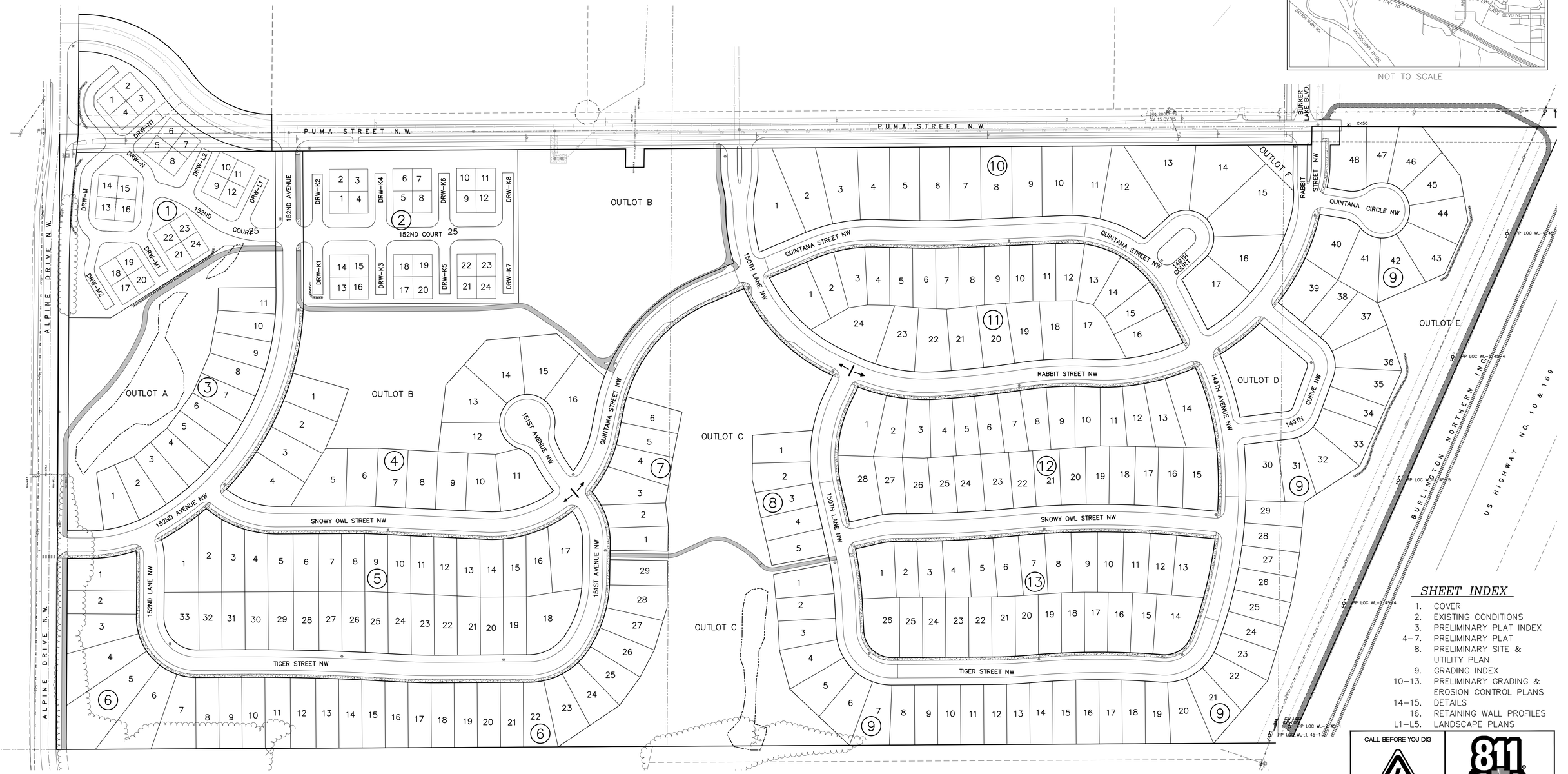
RIVERSTONE

RAMSEY, MINNESOTA

VICINITY MAP



NOT TO SCALE



SHEET INDEX

1. COVER
2. EXISTING CONDITIONS
3. PRELIMINARY PLAT INDEX
4–7. PRELIMINARY PLAT
8. PRELIMINARY SITE & UTILITY PLAN
9. GRADING INDEX
10–13. PRELIMINARY GRADING & EROSION CONTROL PLANS
14–15. DETAILS
16. RETAINING WALL PROFILES
L1–L5. LANDSCAPE PLANS

CALL BEFORE YOU DIG

811 Know what's **below.** **Call** before you dig.

The subsurface utility information shown on this plan is utility Quality Level D. This quality level was determined according to the guidelines of CI/ASCE 38-02, entitled "Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data."

BENCHMARK

1. Anoka County Benchmark No. 3076
   Elev.= 890.186 (NAVD 88)
2. Anoka County Benchmark No. 2078
   Elev.= 899.499 (NAVD 88)

N

0 50 100 200

(IN FEET)

Carlson McCain
• environmental
• engineering
• surveying

3890 Pheasant Ridge Drive NE, Suite 100
Blaine, MN 55449
Phone: (763) 489-7900
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I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Brian J. Krystofiak, P.E.
Signature:
Date: 3/08/17 License #: 25063

Drawn: ADB
Designed: BJK
Date: 3/08/17

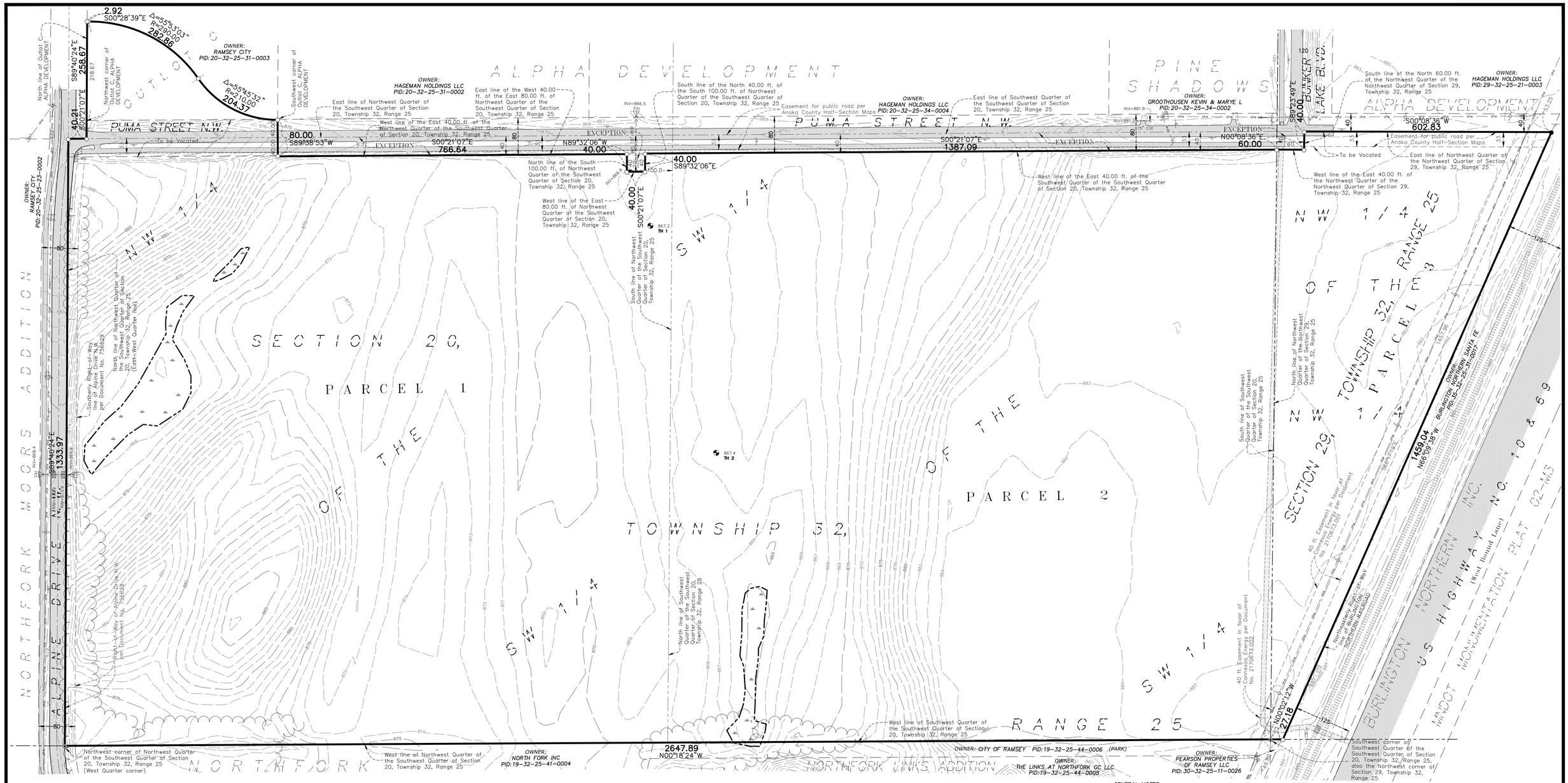
Revisions:
1. 5/24/17 Per City Comments
2. 6/23/17 Per City Comments
3. 4/13/18 Revise Street names, B12L15-28 & B13L1-13 & add NE Trail

RIVERSTONE DEVELOPMENT, LLC.
14015 Sunfish Lake B, Suite 400
Ramsey, MN 55303

RIVERSTONE
Ramsey, MN

COVER SHEET

Save Date: 04/13/18 F:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\engineering\preliminary\6435_cover.dwg



Parcel Description:
(Per Schedule A of Title Commitment No. 1273, with a commitment date of October 12th, 2016 at 7:30 A.M., prepared by Old Republic National Title Insurance Company)

Parcel 1:
The Northwest Quarter of Southwest Quarter of Section 20, Township 32, Range 25, Anoka County, Minnesota, EXCEPT the East 40.00 feet of said Northwest Quarter of Southwest Quarter lying southerly of the southerly right of way line of Alpine Drive as described in Document No. 756629.
AND ALSO EXCEPT the North 40.00 feet of the South 100.00 feet of the West 40.00 feet of the East 80.00 feet of said Northwest Quarter of Southwest Quarter.

Parcel 2:
The Southwest Quarter of Southwest Quarter of Section 20, Township 32, Range 25, Anoka County, Minnesota, EXCEPT the East 40.00 feet thereof.

Parcel 3:
The Northwest Quarter of Northwest Quarter of Section 29, Township 32, Range 25, Anoka County, Minnesota, lying northeasterly of the northeasterly right of way line of Burlington Northern Railroad, EXCEPT the North 60.00 feet of the East 40.00 feet of said Northwest Quarter of Northwest Quarter.

(Proposed Legal Description, subject to City approved parcel subdivision)
That part of Outlot C, ALPHA DEVELOPMENT, according to the recorded plat thereof, Anoka County, Minnesota lying westerly and northwesterly of the following described line:

Commencing at the Northwest corner of said Outlot C; thence South 89 degrees 40 minutes 24 seconds East, assumed bearing, along the North line of said Outlot C, a distance of 218.67 feet to the point of beginning of the line to be described; thence South 00 degrees 28 minutes 39 seconds East, 2.92 feet; thence southwesterly 282.86 feet along a tangential curve concave to the northwest, having a radius of 290.00 feet and a central angle of 55 degrees 53 minutes 03 seconds to a point of reverse curvature; thence continuing southwesterly 204.37 feet along a reverse curve concave to the southeast, having a radius of 210.00 feet and a central angle of 55 degrees 45 minutes 32 seconds to the Southwest corner of said Outlot C and said line there terminating.

(Proposed Legal Description, subject to City approved Right-of-Way Vacation)
That part of Puma Street Northwest, as created and dedicated in the plat of ALPHA DEVELOPMENT, according to the recorded plat thereof, Anoka County, Minnesota, lying southerly of the westerly extension of the north line of Outlot C, said plat, and lying northerly of the following described line:

Beginning at the southwest corner of said Outlot C; thence South 89 degrees 38 minutes 53 seconds West, 80.00 feet, assuming the North line of said Outlot C has a bearing of South 89 degrees 40 minutes 24 seconds East, and said line there terminating.

And

That part of the East 40.00 feet of the Northwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25, Anoka County, Minnesota, lying southerly of the southerly right of way line of Alpine Drive NW as described in Doc. No. 756629 and lying northerly of the following described line:

Beginning at the southwest corner of said Outlot C; thence South 89 degrees 38 minutes 53 seconds West, 80.00 feet, assuming the North line of said Outlot C has a bearing of South 89 degrees 40 minutes 24 seconds East, and said line there terminating.

LEGEND

- ◉ – Denotes Anoka County Cast Iron Monument
- ● – Denotes Found Iron Monument
- ○ – Denotes Set Iron Pipe, Marked with RLS 40361
- –o– – Denotes Miscellaneous Sign
- E – Denotes Electric Box
- CB or CBMH – Denotes Catch Basin
- EM – Denotes Electric Meter
- T – Denotes Telephone Box
- SPE – Denotes Utility Pole
- FES – Denotes Flared End Section
- HH – Denotes Hand Hole
- OHE – Denotes Overhead Electric
- SSE – Denotes Storm Sewer
- x — x — Denotes Existing Fence as noted
- WL – Denotes Wetland delineated by Kjolhaug Environmental Services Company in 2016
- Denotes Gravel Surface
- Denotes Bituminous Surface
- Denotes Existing 1 Ft. Contour
- Denotes Existing 5 Ft. Contour

GENERAL NOTES:

1. The field work for this survey was completed on November 28th, 2016.
2. Bearings shown hereon are based on the North line of Outlot C, ALPHA DEVELOPMENT, according to the recorded plat thereof, Anoka County, Minnesota, which is assumed to bear South 89 degrees 40 minutes 24 seconds East.
3. BENCHMARK: Anoka County Benchmark No. 3076 Elevation= 890.186 (NAVD 88)
4. Surveyed property contains ±3,934,125 sq.ft. (±90.32 acres).
5. Wetlands shown hereon were delineated by Kjolhaug Environmental Services Company in 2016.
6. Above ground utilities have been field located as shown. Underground utilities shown hereon are those which were field marked by utility companies responding to Gopher State One Call, Ticket No. 162941258 and 162941314, dated 10/20/2016 or were taken from utility plans provided by the City of Ramsey. All underground locations shown hereon are APPROXIMATE. Prior to any excavations or digging, contact Gopher State One Call for an on-site location (651-454-0002).

0 50 100 200 (IN FEET)

Carlson McCain | • environmental • engineering • surveying
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Blaine, MN 55449
Phone: (763) 489-7900
Fax: (763) 489-7959
www.carlsonmccain.com

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 Land Surveyor under the laws of the State of Minnesota

Print Name: Thomas R. Balluff, L.S.
Signature: Thomas R. Balluff
Date: 3/8/2017 License #: 40361

DRAWN BY: JAB
ISSUE DATE: 3/8/2017
FILE NO: 1308

Revisions:
1. 5/24/2017-Per City Comments
2. 6/23/2017-Per City Comments

RIVERSTONE DEVELOPMENT, LLC
14015 Sunfish Lake B, Suite 400
Ramsey, MN, 55303

RIVERSTONE
Ramsey, Minnesota

EXISTING CONDITIONS

Save Date: 06/28/17 F:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\survey\6435_excon.dwg

RIVERSTONE

SITE DATA

TOTAL SITE AREA	±90.32 AC.	TOTAL MULTI-FAMILY AREA	±7.38 AC.
TOTAL ROW AREA	±16.77 AC.	NUMBER OF LOTS	48
TOTAL OUTLOT AREA	±20.64 AC.	NUMBER OF COMMON AREA LOTS	2
OUTLOT A	±2.73 AC.	MULTI-FAMILY LOT SIZE	±2,016 S.F.
OUTLOT B	±6.20 AC.	TOTAL SINGLE FAMILY AREA	±45.53 AC.
OUTLOT C	±6.36 AC.	NUMBER OF LOTS	243
OUTLOT D	±0.66 AC.	SMALLEST LOT	±6,056 S.F.
OUTLOT E	±4.58 AC.	LARGEST LOT	±19,592 S.F.
OUTLOT F	±0.11 AC.	AVERAGE LOT	±8,161 S.F.
TOTAL LOT AREA	±52.88 AC.	EXISTING ZONING	R-1, R-2, R-3, B-2
TOTAL NUMBER OF LOTS	291	PROPOSED ZONING	PUD
(SINGLE FAMILY AND MULTI-FAMILY LOTS)		UTILITIES	AVAILABLE
		GROSS DENSITY	3.22 (LOTS/AC.)
		(SINGLE FAMILY + MULTI-FAMILY LOTS/ TOTAL SITE AREA)	

PROPOSED DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

being 5 feet in width, and adjoining side lot lines, and 10 feet in width and adjoining right of way lines and rear lot lines unless otherwise shown on this plat.

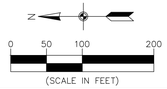
BENCHMARK

1. *Anoka County Benchmark No. 3076 Elev.= 890.186 (NAVD 88)*
2. *Anoka County Benchmark No. 2078 Elev.= 899.499 (NAVD 88)*

Bearings shown hereon are based on the North line of Outlot C, ALPHA DEVELOPMENT, according to the recorded plat thereof, Anoka County, Minnesota, which is assumed to bear South 89 degrees 40 minutes 24 seconds East.

LEGEND

- ◉ – Denotes Anoka County Monument
- ● – Denotes Found Iron Monument
- ○ – Denotes 5/8 inch by 14 inch rebar, marked with RLS 40361



LEGAL DESCRIPTION

Parcel Description:
(Per Schedule A of Title Commitment No. 1273, with a commitment date of October 12th, 2016 at 7:30 A.M., prepared by Old Republic National Title Insurance Company)

Parcel 1:
The Northwest Quarter of Southwest Quarter of Section 20, Township 32, Range 25, Anoka County, Minnesota. EXCEPT the East 40.00 feet of said Northwest Quarter of Southwest Quarter lying southerly of the southerly right of way line of Alpine Drive as described in Document No. 756629.
AND ALSO EXCEPT the North 40.00 feet of the South 100.00 feet of the West 40.00 feet of the East 80.00 feet of said Northwest Quarter of Southwest Quarter.

Parcel 2:
The Southwest Quarter of Southwest Quarter of Section 20, Township 32, Range 25, Anoka County, Minnesota, EXCEPT the East 40.00 feet thereof.

Parcel 3:
The Northwest Quarter of Northwest Quarter of Section 29, Township 32, Range 25, Anoka County, Minnesota, lying northeasterly of the northeasterly right of way line of Burlington Northern Railroad, EXCEPT the North 60.00 feet of the East 40.00 feet of said Northwest Quarter of Northwest Quarter.

(Proposed Legal Description, which may be subject to City approved parcel subdivision)
That part of Outlot C, ALPHA DEVELOPMENT, according to the recorded plat thereof, Anoka County, Minnesota lying westerly and northwesterly of the following described line:

Commencing at the Northwest corner of said Outlot C; thence South 89 degrees 40 minutes 24 seconds East, assumed bearing, along the North line of said Outlot C, a distance of 218.67 feet to the point of beginning of the line to be described; thence South 00 degrees 28 minutes 39 seconds East, 2.92 feet; thence southwesterly 282.86 feet along a tangential curve concave to the northwest, having a radius of 290.00 feet and a central angle of 55 degrees 53 minutes 03 seconds to a point of reverse curvature; thence continuing southwesterly 204.37 feet along a reverse curve concave to the southeast, having a radius of 210.00 feet and a central angle of 55 degrees 45 minutes 32 seconds to the Southwest corner of said Outlot C and said line there terminating.

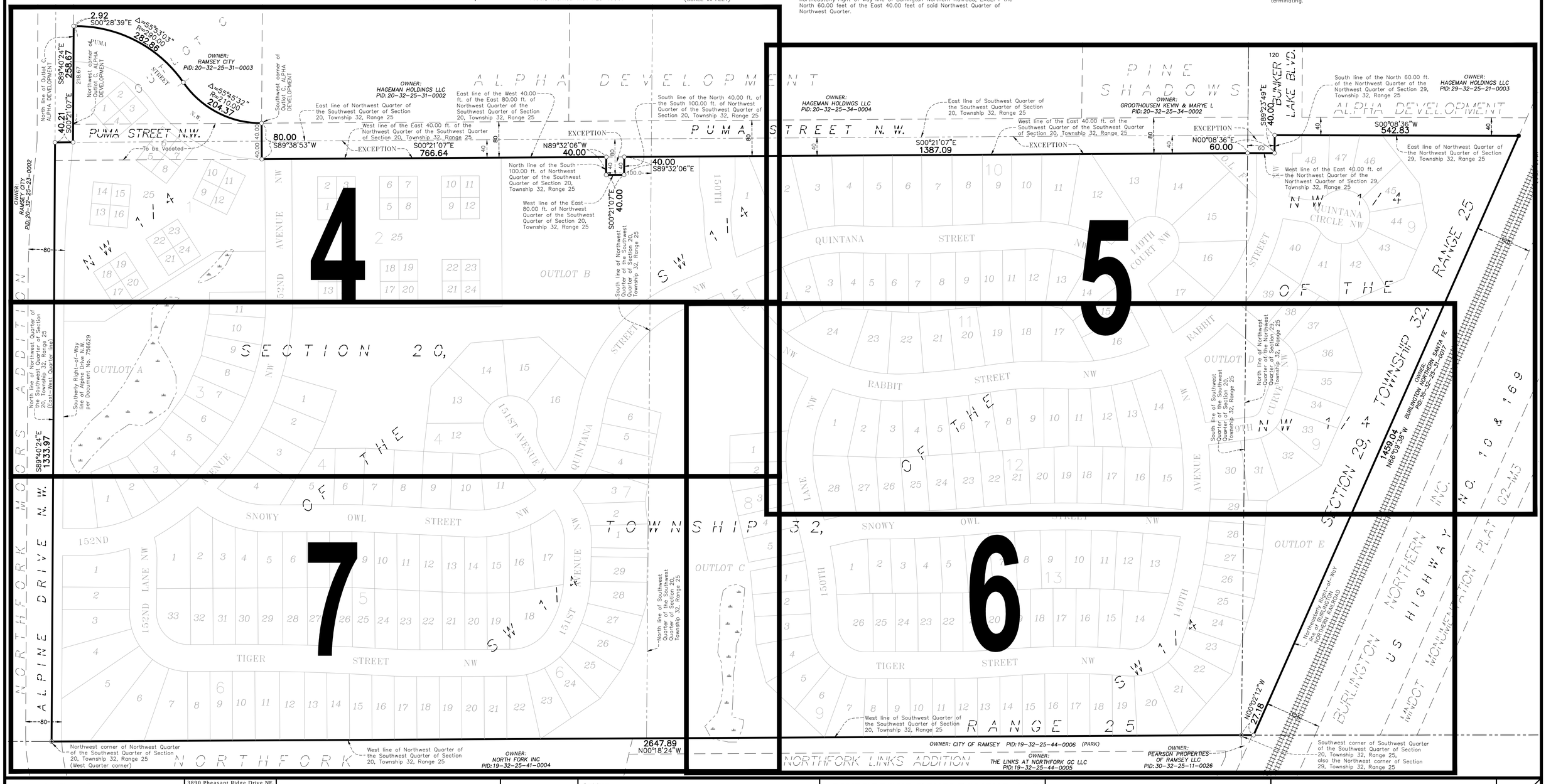
(Proposed Legal Description, which may be subject to City approved parcel subdivision)
That part of Puma Street Northwest, as created and dedicated in the plat of ALPHA DEVELOPMENT, according to the recorded plat thereof, Anoka County, Minnesota, lying southerly of the westerly extension of the north line of Outlot C, said plat, and lying northerly of the following described line:

Beginning at the southwest corner of said Outlot C; thence South 89 degrees 38 minutes 53 seconds West, 80.00 feet, assuming the North line of said Outlot C has a bearing of South 89 degrees 40 minutes 24 seconds East, and said line there terminating.

AND

That part of the East 40.00 feet of the Northwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25, Anoka County, Minnesota, lying southerly of the southerly right of way line of Alpine Drive NW as described in Doc. No. 756629 and lying northerly of the following described line:

Beginning at the southwest corner of said Outlot C; thence South 89 degrees 38 minutes 53 seconds West, 80.00 feet, assuming the North line of said Outlot C has a bearing of South 89 degrees 40 minutes 24 seconds East, and said line there terminating.



Carlson McCann • environmental • engineering • surveying	3890 Pheasant Ridge Drive NE, Suite 100 Blaine, MN 55449 Phone: (763) 489-7900 Fax: (763) 489-7959 www.carlsonmccain.com	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 Land Surveyor under the laws of the State of Minnesota Print Name: Thomas R. Balluff, L.S. Signature: Date: 03/08/2017 License #: 40361	DRAWN BY: JAB ISSUE DATE: 03/08/2017 FILE NO: 1308	Revisions: 1. 5/24/2017-Per City Commens 2. 6/23/2017-Per City Comments 3. 3/26/2018-Layout Change 4. 4/13/2018-Revise Street Names	RIVERSTONE DEVELOPMENT, LLC 14015 Sunfish Lake B, Suite 400 Ramsey, MN, 55303	RIVERSTONE Ramsey, MN	PRELIMINARY PLAT INDEX	3 of 16

[Save Date: 04/16/18] F:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\survey\6435_ppp-index.dwg

LEGEND

- ◉ – Denotes Anoka County Monument
- ● – Denotes Found Iron Monument
- ○ – Denotes 5/8 inch by 14 inch rebar, marked with RLS 40361

Bearings shown hereon are based on the North line of Outlot C, ALPHA DEVELOPMENT, according to the recorded plat thereof, Anoka County, Minnesota, which is assumed to bear South 89 degrees 40 minutes 24 seconds East.

N

0 25 50 100

(SCALE IN FEET)

ALPHA DEVELOPMENT

PUMA STREET N.W.

OWNER: RAMSEY CITY PID: 20-32-25-31-0003

OWNER: HAGEMAN HOLDINGS LLC PID: 20-32-25-31-0002

OWNER: RAMSEY CITY PID: 20-32-25-23-0002

THORK MOORS ADDITION

ALPINE DRIVE N.W.

152ND AVENUE NW

150TH LANE NW

151ST LANE NW

QUINTANA STREET

RAVEN STREET

SECTION 20, TOWNSHIP 32,

SEE SHEET 5

SEE SHEET 7

OUTLOT A
±118,973 sq.ft.
Drainage & Utility Easement
(Over all of Outlot A)

OUTLOT B
±269,973 sq.ft.
Drainage & Utility Easement
(Over all of Outlot B)

25
±118,251 sq.ft.
Drainage & Utility Easement
(Over all of Lot 25, Block 1)

25
±106,330 sq.ft.
Drainage & Utility Easement
(Over all of Lot 25, Block 2)

EXCEPTION
North line of the South 100.00 ft. of Northwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25
West line of the East 80.00 ft. of Northwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25
S89°32'06"E 40.00
N89°32'06"W 40.00
S00°21'07"E 40.00

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RIVERSTONE DEVELOPMENT, LLC
14015 Sunfish Lake B, Suite 400
Ramsey, MN, 55303

RIVERSTONE
Ramsey, MN

PRELIMINARY PLAT

4 of 16

[Save Date: 04/16/18] C:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\survey\6435_prp.dwg

LEGEND

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0 25 50 100 (SCALE IN FEET)

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ALPHA DEVELOPMENT
OWNER: HAGEMAN HOLDINGS LLC
PID: 20-32-25-34-0004

PINE SHADOWS
OWNER: GROOTHOUSEN KEVIN & MARYE L
PID: 20-32-25-34-0002

ALPHA DEVELOPMENT
OWNER: HAGEMAN HOLDINGS LLC
PID: 29-32-25-21-0003

BUNKER LAKE BLVD.

PUMA STREET N.W.
S00°21'07"E 1387.09
East line of Southwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25
West line of the East 40.00 ft. of the Southwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25
EXCEPTION
West line of the East 40.00 ft. of the Northwest Quarter of the Northwest Quarter of Section 29, Township 32, Range 25
EXCEPTION N00°08'36"E 60.00
S89°23'49"E 40.00
South line of the North 60.00 ft. of the Northwest Quarter of the Northwest Quarter of Section 29, Township 32, Range 25
PUMA STREET N.W. S00°08'36"W 542.83
East line of Northwest Quarter of the Northwest Quarter of Section 29, Township 32, Range 25
Easement for public road per Anoka County Half-Section Maps (To be Vacated)

QUINTANA STREET NW
QUINTANA CIRCLE NW
149TH COURT
149TH CURVE NW
RABBIT LANE NW
RABBIT STREET NW
SNOWY OWL STREET NW
OWL LANE NW
OWL CIRCUIT
OWL AVENUE NW
PUMA STREET NW

OUTLOT D ±28,544 sq.ft.
OUTLOT E ±199,714 sq.ft. Drainage & Utility Easement (Over all of Outlot E)
OUTLOT F ±4,941 sq.ft.

Utility Easement per Document No. 2170073.001

SEE SHEET 4
SEE SHEET 6

T32N R25W SECTION 29
BURLINGTON NORTHERN SANTA FE OWNER: PID 35-32-25-31-0017
BURLINGTON NORTHERN INC.
U.S. HIGHWAY 169
MNDOT MONUMENTATION PLAT 02-M5
1459.04 N66°39'38"W

Carlson McCain • environmental • engineering • surveying	3890 Pheasant Ridge Drive NE, Suite 100 Blaine, MN 55449 Phone: (763) 489-7900 Fax: (763) 489-7959 www.carlsonmccain.com	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 Land Surveyor under the laws of the State of Minnesota	Print Name: Thomas R. Balluff, L.S. Signature: Date: 03/08/2017 License #: 40361	DRAWN BY: JAB ISSUE DATE: 03/08/2017 FILE NO: 1308	Revisions: 1. 5/24/2017-Per City Comments 2. 6/23/2017-Per City Comments 3. 3/26/2018-Layout Change 4. 4/13/2018-Revise Street Names	RIVERSTONE DEVELOPMENT, LLC 14015 Sunfish Lake B, Suite 400 Ramsey, MN, 55303	RIVERSTONE Ramsey, MN	PRELIMINARY PLAT	5 of 16

[Save Date: 04/16/18] F:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\survey\6435_pp.dwg

TOWNSHIP 32, RANGE 25

SEE SHEET 5

SEE SHEET 7

RABBIT STREET NW

SNOWY OWL STREET NW

TIGER STREET NW

149TH LANE NW

150TH LANE NW

149TH AVENUE NW

OUTLOT C
±276,979 sq.ft.
Drainage & Utility Easement
(Over all of Outlot C)

OUTLOT D
±28,544 sq.ft.

OUTLOT E
±199,714 sq.ft.
Drainage & Utility Easement
(Over all of Outlot E)

South line of Southwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25

North line of Southwest Quarter of the Northwest Quarter of Section 29, Township 32, Range 25

North line of Southwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25

West line of Southwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25

Southwest corner of Southwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25, also the Northwest corner of Section 29, Township 32, Range 25

Utility Easement per Document No. 2770673.0001

Utility Easement per Document No. 2770673.0002

Northeasterly Right-of-Way line of BURLINGTON NORTHERN RAILROAD

OWNER:
CITY OF RAMSEY
PID:19-32-25-44-0006
(PARK)

OWNER:
THE LINKS AT NORTHFORK GC LLC
PID:19-32-25-44-0005

OWNER:
PEARSON PROPERTIES OF RAMSEY, LLC
PID:30-32-25-11-0026

2647.89
N00°18'24"W

2718
N00°02'12"W

LEGEND

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- ● – Denotes Found Iron Monument
- ○ – Denotes 5/8 inch by 14 inch rebar, marked with RLS 40361

0 25 50 100
(SCALE IN FEET)

Bearings shown hereon are based on the North line of Outlot C, ALPHA DEVELOPMENT, according to the recorded plat thereof, Anoka County, Minnesota, which is assumed to bear South 89 degrees 40 minutes 24 seconds East.

NORTHFORK LINKS ADDITION

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• environmental
• engineering
• surveying

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Signature:
Date: 03/08/2017 License #: 40361

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ISSUE DATE: 03/08/2017
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RIVERSTONE DEVELOPMENT, LLC
14015 Sunfish Lake B, Suite 400
Ramsey, MN, 55303

RIVERSTONE
Ramsey, MN

PRELIMINARY PLAT

6 of 16

[Save Date: 04/16/18] J:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\survey\6435_pp.dwg

SEE SHEET 4

NORTHFORK MOORS

ALPINE DRIVE N.W.

North line of Northwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25 (East-West Quarter line)

S89°40'24"E 1333.97

ALPINE DRIVE N.W. 889.6

461.8

Southerly Right-of-Way line of Alpine Drive N.W. per Document No. 7586629

90.9

OUTLOT A
±118,973 sq.ft.
Drainage & Utility Easement (Over all of Outlot A)

151ND AVENUE NW

SNOWY OWL STREET NW

TIGER STREET NW

152ND LANE NW

151ST AVENUE NW

QUINTANA STREET

TOWNSHIP 32,

OUTLOT C
±276,979 sq.ft.
Drainage & Utility Easement (Over all of Outlot C)

SEE SHEET 6

North line of Southwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25

South line of Northwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25

2647.89
N00°18'24"W

Northwest corner of Northwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25 (West Quarter corner)

West line of Northwest Quarter of the Southwest Quarter of Section 20, Township 32, Range 25

NORTHFORK

OWNER:
NORTH FORK INC
PID: 19-32-25-41-0004

LEGEND

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(SCALE IN FEET)

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Ramsey, MN

PRELIMINARY PLAT

7 of 16

[Save Date: 04/16/18] F:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\survey\6435_ppp.dwg

BENCHMARK

1. Anoka County Benchmark No. 3076
   Elev.= 890.186 (NAVD 88)
2. Anoka County Benchmark No. 2078
   Elev.= 899.499 (NAVD 88)

0 50 100 200

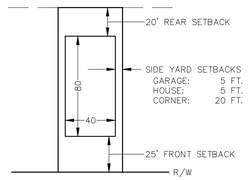
SITE PLAN LEGEND

	EXISTING	PROPOSED
LIGHT POLE	☼	●
SANITARY MANHOLE	SAN	
MISCELLANEOUS SIGN		
EXISTING SPOT ELEVATION	×0000.0	
EXISTING TREE		
TELEVISION BOX	TV	
FIRE HYDRANT		
GATE VALVE		
CLEANOUT	CO	
ELECTRIC BOX	EB	
GAS METER	GM	
CATCH BASIN	or	or
RAIN GUARDIAN		RG
ELECTRIC METER	EM	
TELEPHONE BOX	TB	
UTILITY POLE		
FLARED END SECTION	FES	▲
STORM MANHOLE	STMH	●
SERVICE	SRV	
SOIL BORING/TEST HOLE		

	MODULAR	ROCK
RETAINING WALL		
WATERMAIN		
SANITARY SEWER		
FORCEMAIN	FM	FM
STORM SEWER		
PROPERTY LINE		
SETBACK LINE		
CURB		
WETLAND		
DITCH		
UNDERGROUND TELEPHONE	ut	ut
UNDERGROUND ELECTRIC	ue	ue
UNDERGROUND GAS	ug	ug
UNDERGROUND FIBEROPTIC	ufo	ufo
FENCE	x	x
OVERHEAD ELECTRIC	ohe	ohe
CONCRETE SURFACE		
BITUMINOUS SURFACE		

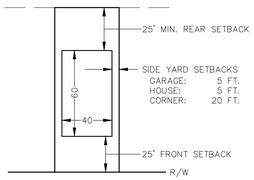
PEDESTRIAN CROSSING ADVANCED WARNING SIGNAL. (FINAL LOCATION/DESIGN TO BE SUBMITTED & REVISED W/FINAL PLANS PRIOR TO INSTALLATION.

50' VILLA LOT DETAIL



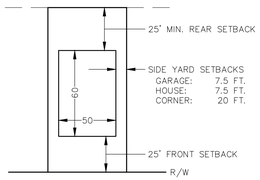
TYPICAL SERVICES SHALL BE:
WATER: 1" COPPER TYPE K
SEWER: 4" PVC SDR 26
CURB STOP TO BE PLACED AT THE R/W

50' LOT DETAIL



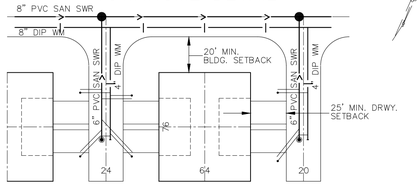
TYPICAL SERVICES SHALL BE:
WATER: 1" COPPER TYPE K
SEWER: 4" PVC SDR 26
CURB STOP TO BE PLACED AT THE R/W

65' LOT DETAIL



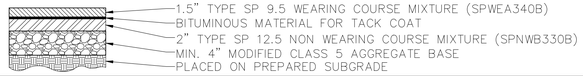
TYPICAL SERVICES SHALL BE:
WATER: 1" COPPER TYPE K
SEWER: 4" PVC SDR 26
CURB STOP TO BE PLACED AT THE R/W

TOWNHOME DETAIL



TYPICAL SERVICES SHALL BE:
WATER: 1" COPPER TYPE K
SEWER: 4" PVC SDR 26
CURB STOP TO BE PLACED 10' BEHIND THE CURB.

STREET SECTION



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3890 Pheasant Ridge Drive NE, Suite 100
Blaine, MN 55449
Phone: (763) 489-7900
Fax: (763) 489-7959
www.carlsonmccain.com

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Signature:
Date: 3/08/17 License #: 25063

Drawn: ADB
Designed: BJK
Date: 3/08/17

Revisions:
1. 5/24/17 Per City Comments
2. 6/23/17 Per City Comments
3. 4/13/18 Revise Street names, B12L15-28 & B13L1-13 & add NE Trail

RIVERSTONE DEVELOPMENT, LLC.
14015 Sunfish Lake B, Suite 400
Ramsey, MN 55303

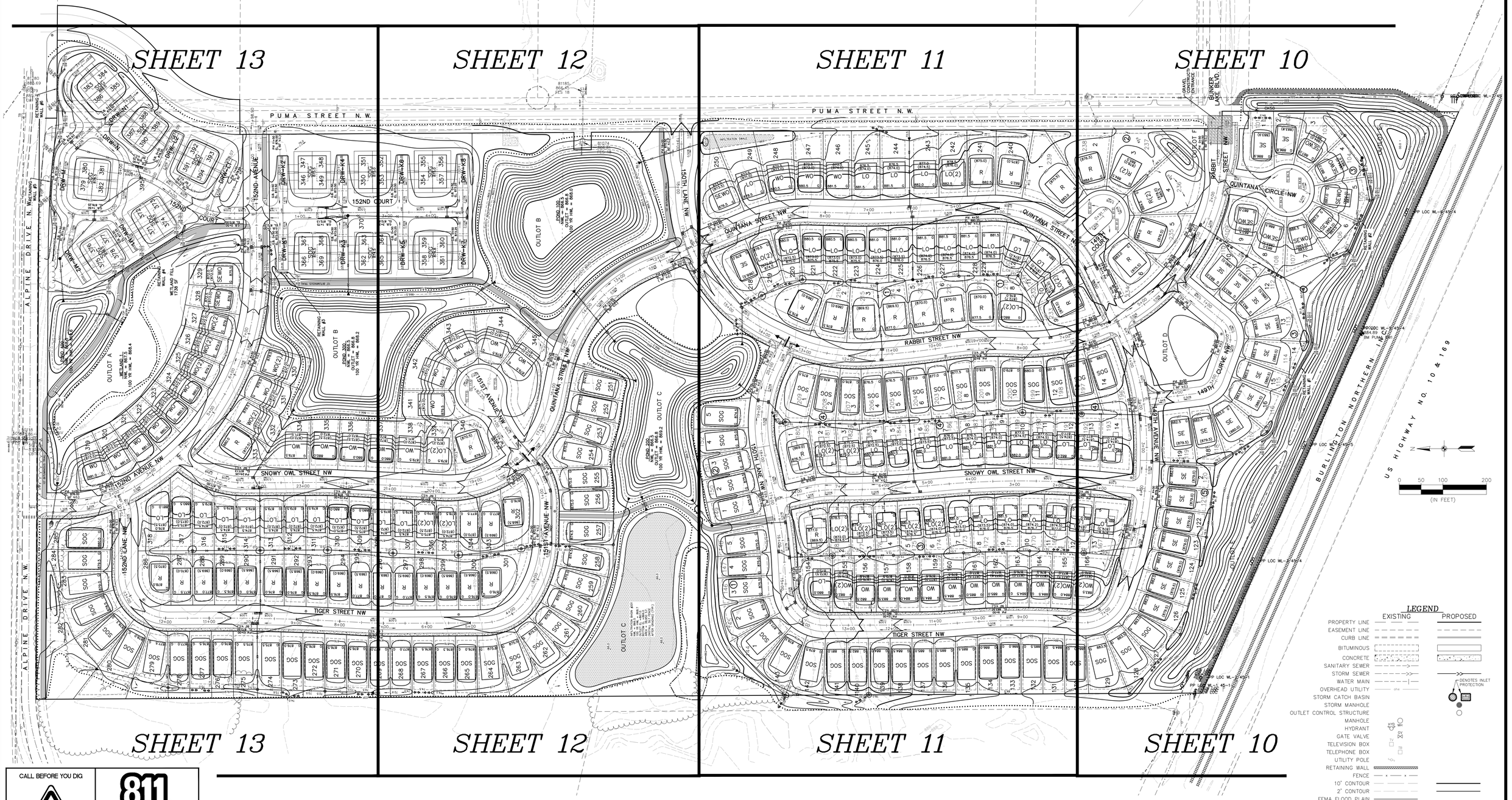
RIVERSTONE
Ramsey, MN

PRELIMINARY SITE & UTILITY PLAN

8 of 16

Save Date: 04/13/18 | F:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\engineering\preliminary\6435_site.dwg

SHEET 13 | SHEET 12 | SHEET 11 | SHEET 10



LEGEND

	EXISTING	PROPOSED
PROPERTY LINE		
EASEMENT LINE		
CURB LINE		
BITUMINOUS		
CONCRETE		
SANITARY SEWER		
STORM SEWER		
WATER MAIN		
OVERHEAD UTILITY		
STORM CATCH BASIN		
STORM MANHOLE		
OUTLET CONTROL STRUCTURE		
MANHOLE		
HYDRANT		
GATE VALVE		
TELEVISION BOX		
TELEPHONE BOX		
UTILITY POLE		
RETAINING WALL		
FENCE		
10' CONTOUR		
2' CONTOUR		
FEMA FLOOD PLAIN		
WETLAND LINE		
SPOT ELEVATION		
EMERGENCY OVERFLOW		
SILT FENCE		
TREE FENCE		
GRADING LIMITS		
TREELINE		
SOIL BORING		

DENOTES INLET PROTECTION

WETLAND SUMMARY

WETLAND FILL = 1738 SF

NOTE: WETLAND FILL TOTAL IS LESS THAN THE DEMINIMUS AMOUNT; NO WETLAND REPLACEMENT WILL BE REQUIRED

CALL BEFORE YOU DIG

811 Know what's **below.** **Call** before you dig.

The subsurface utility information shown on this plan is utility Quality Level D. This quality level was determined according to the guidelines of CI/ASCE 38-02, entitled "Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data."

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GRADING INDEX

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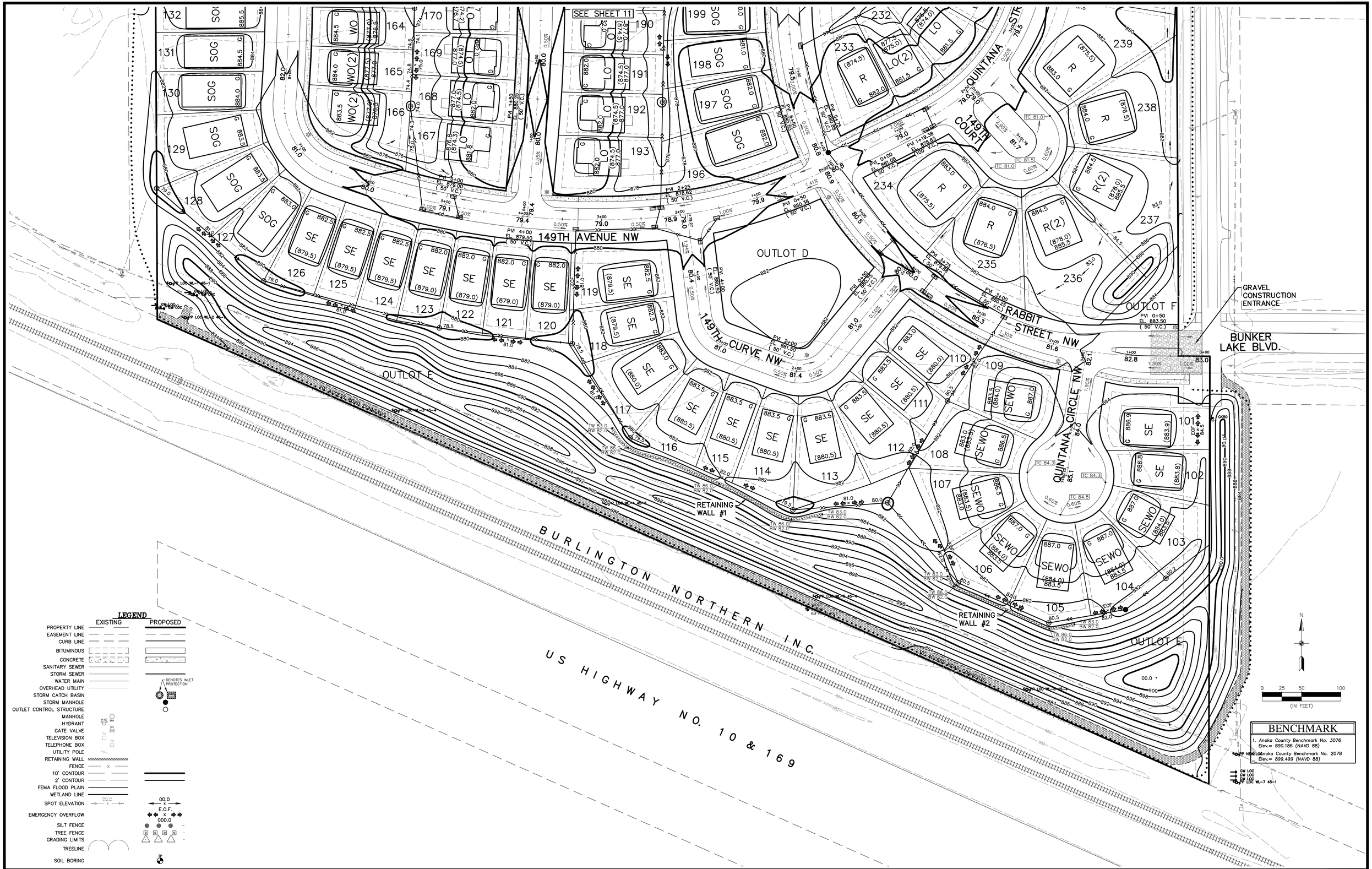

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PRELIMINARY GRADING
& EROSION CONTROL PLAN

10 of 16

[Save Date: 04/13/18] F:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\engineering\preliminary\6435_gr.dwg

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE		
EASEMENT LINE		
CURB LINE		
BITUMINOUS		
CONCRETE		
SANITARY SEWER		
STORM SEWER		
WATER MAIN		
OVERHEAD UTILITY		
STORM CATCH BASIN		DENOTES INLET PROTECTION
STORM MANHOLE		
OUTLET CONTROL STRUCTURE		
MANHOLE	MH	
HYDRANT		
GATE VALVE	GV	
TELEVISION BOX	TV	
TELEPHONE BOX	TB	
UTILITY POLE		
RETAINING WALL		
FENCE	x x x	
10' CONTOUR		
2' CONTOUR		
FEMA FLOOD PLAIN		
WETLAND LINE		
SPOT ELEVATION	00.0	00.0
EMERGENCY OVERFLOW		E.O.F. 000.0
SILT FENCE		
TREE FENCE		
GRADING LIMITS		
TREELINE		
SOIL BORING		

N

0 25 50 100
(IN FEET)

BENCHMARK

1. Anoka County Benchmark No. 3076
   Elev.= 890.186 (NAVD 88)
2. Anoka County Benchmark No. 2078
   Elev.= 899.499 (NAVD 88)

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PRELIMINARY GRADING & EROSION CONTROL PLAN

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SEE SHEET 13

TIGER STREET NW

SNOWY OWL STREET NW

PUMA STREET N.W.

151ST AVENUE NW

QUINTANA STREET NW

150TH LANE NW

152ND COURT

OUTLOT B

POND 300
NWL = 866.5
OUTLET = 866.8
100 YR HWL = 868.2

RETAINING WALL #3

DRW-K1 G.B. 0+50 EL. 873.00

DRW-K2 G.B. 0+50 EL. 873.50

DRW-K3 G.B. 0+50 EL. 873.00

DRW-K4 G.B. 0+50 EL. 873.50

DRW-K5 G.B. 0+50 EL. 873.25

DRW-K6 G.B. 0+50 EL. 873.50

DRW-K7 G.B. 0+50 EL. 873.25

DRW-K8 G.B. 0+50 EL. 873.25

10' BITUMINOUS TRAIL

SAFETY BENCH

OUTLOT B

POND 100
NWL = 866.5
OUTLET = 866.8
100 YR HWL = 868.0

OUTLOT C

INFILTRATION BASIN #201
NWL = 866.5
100 YR HWL = 868.7
OUTLET EL =867.0
BOTTOM EL =866.0
AREA = 38,950 S.F.
(INSTALL SILT FENCE
AFTER GROUNDING) (TYP.)

POND 200
NWL = 866.5
OUTLET = 866.8
100 YR HWL = 869.2

OUTLOT C

INFILTRATION SWALE

SEE SHEET 11

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE		
EASEMENT LINE		
CURB LINE		
BITUMINOUS		
CONCRETE		
SANITARY SEWER		
STORM SEWER		
WATER MAIN		
OVERHEAD UTILITY		
STORM CATCH BASIN		DENOTES INLET PROTECTION
STORM MANHOLE		
OUTLET CONTROL STRUCTURE		
MANHOLE		
HYDRANT		
GATE VALVE		
TELEVISION BOX		
TELEPHONE BOX		
UTILITY POLE		
RETAINING WALL		
FENCE		
10' CONTOUR		
2' CONTOUR		
FEMA FLOOD PLAIN		
WETLAND LINE		
SPOT ELEVATION		00.0
EMERGENCY OVERFLOW		E.O.F. 000.0
SILT FENCE		
TREE FENCE		
GRADING LIMITS		
TREELINE		
SOIL BORING		

0 25 50 100
(IN FEET)

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12 of 16

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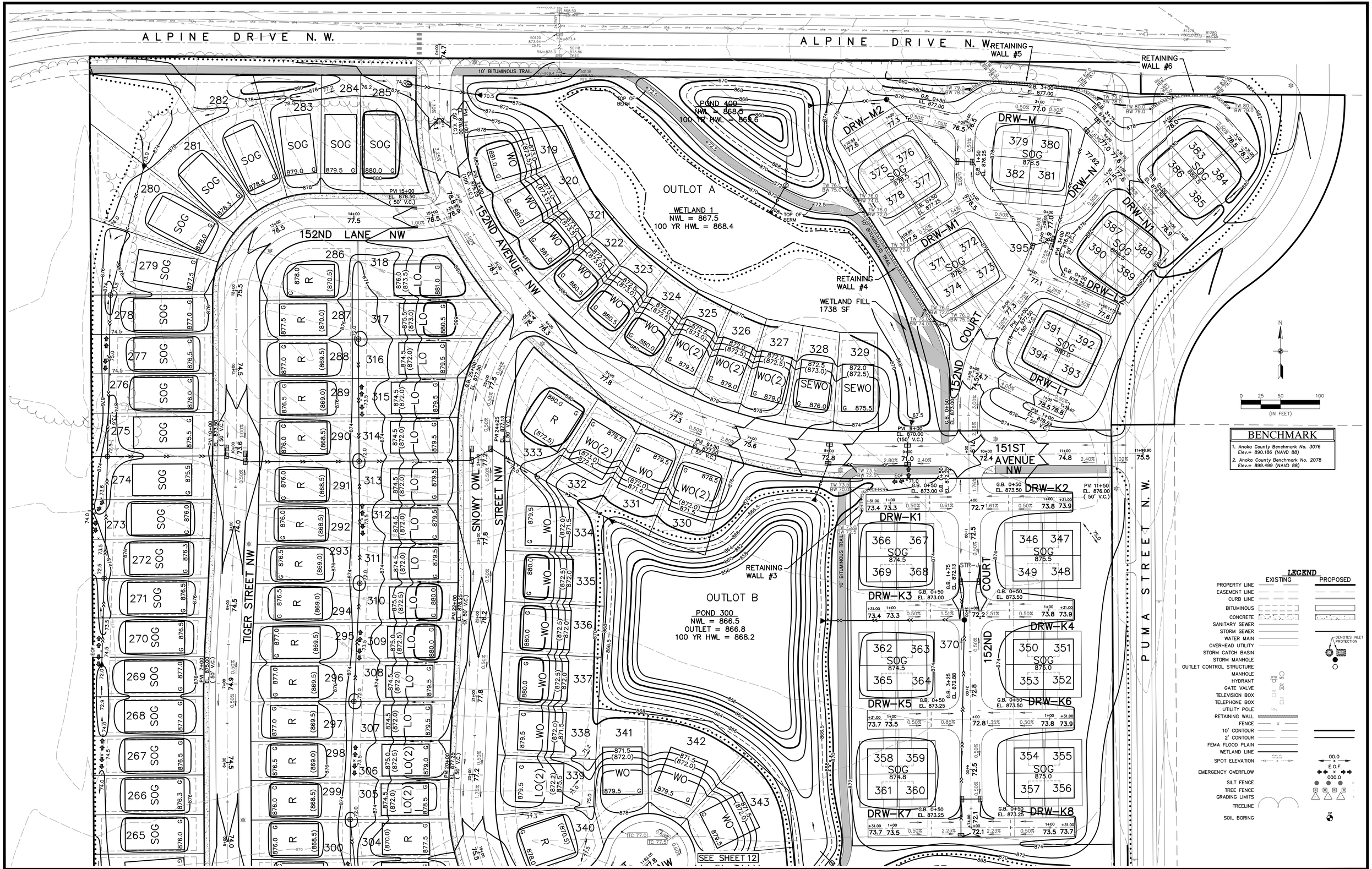

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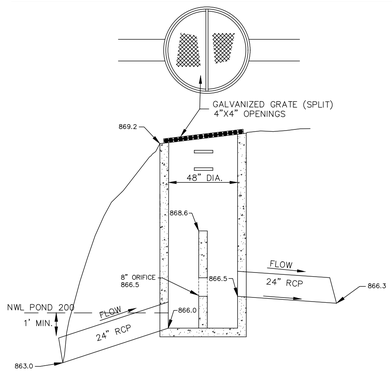
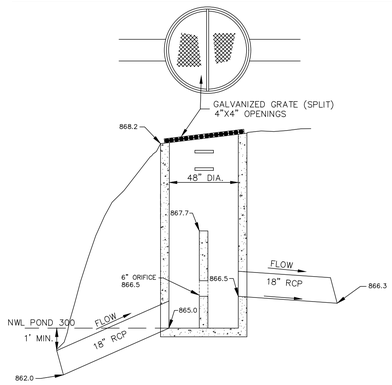
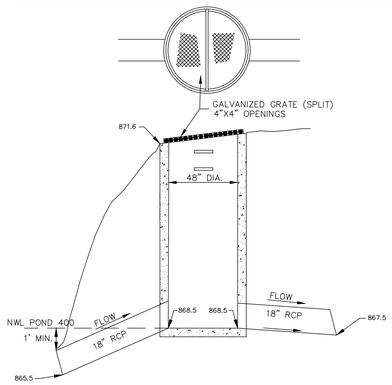
OUTLET CONTROL STRUCTURE POND 200



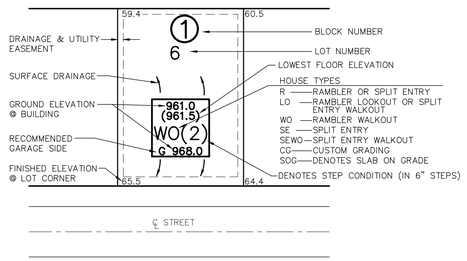
OUTLET CONTROL STRUCTURE POND 300



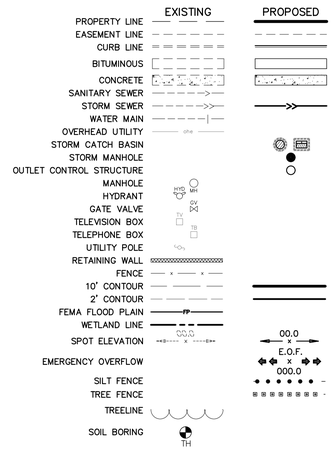
OUTLET CONTROL STRUCTURE POND 400



GRADING PLAN LOT KEY

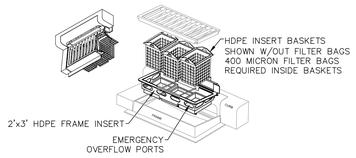


LEGEND



INFRASAFE – 2'x3' DEBRIS COLLECTION DEVICE

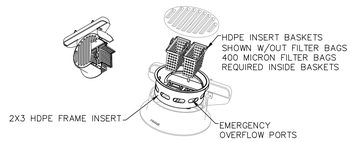
AS MANUFACTURED BY ROYAL ENVIRONMENTAL SYSTEMS



– MEETS MN/DOT SPECIFICATION 3891.F
"STORM DRAIN INLET PROTECTION – FILTER BAG INSERT"
– DESIGNED FOR NEENAH R–3067 OR R–3290 SERIES

INFRASAFE – 27" DEBRIS COLLECTION DEVICE

AS MANUFACTURED BY ROYAL ENVIRONMENTAL SERVICES



– MEETS MN/DOT SPECIFICATION 3891.F
"STORM DRAIN INLET PROTECTION – FILTER BAG INSERT"
– DESIGNED FOR NEENAH R–3250–A OR R–3250–1 (MNDOT 801) FRAME CASTING

TABLE A
MODIFIED CLASS 5 SPECIFICATIONS

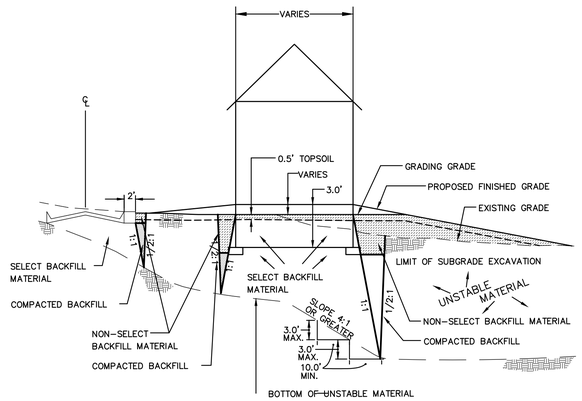
% PASSING

1"	100
3/4"	90 – 100
3/8"	50 – 80
No.4	35 – 70
No.10	20 – 60
No.40	10 – 35
No.200	5 – 10

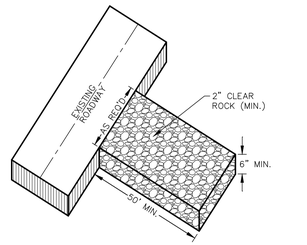
NOTES:
1. THE AGGREGATE BASE CONSTRUCTION WILL BE ACCEPTED FOR PAYMENT IN ACCORDANCE WITH THE PROVISIONS IN TABLE A.
2. IF THE AGGREGATE BASE FAILS TO MEET THE REQUIREMENTS OF TABLE A THE MATERIAL CAN BE CORRECTED IN PLACE OR REMOVED AND REPLACED WITH MATERIAL THAT MEET THE REQUIREMENTS OF TABLE A.
3. IN THE EVENT THAT RECYCLED MATERIAL IS USE IT MUST MEET MNDOT REQUIREMENTS FOR RECYCLED BASE.

APPROVED:		STANDARD DETAILS:
2 – 2003	City of RAMSEY	MODIFIED CLASS 5 SPECIFICATIONS
		CITY PLATE No. STR–26

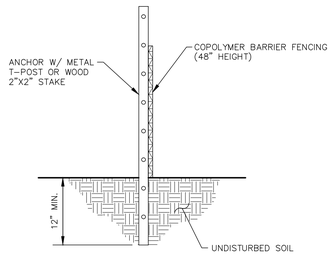
SUBGRADE CORRECTION



ROCK CONSTRUCTION ENTRANCE



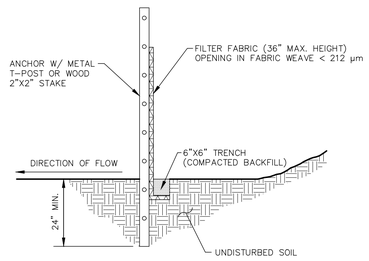
TREE FENCE



NOTES:

1. TREE FENCING SHALL BE PLACED A MINIMUM OF 1 FOOT PER CALIPER INCH OF TREE DIAMETER FROM TREE(S) THAT IS/ARE TO BE SAVED.
2. ANCHOR POST MAY BE SPACED UP TO 10 FEET APART.
3. SECURELY ATTACH TREE FENCE TO ANCHOR POSTS W/ MINIMUM OF TWO ATTACHMENTS PER POST.
4. SEE MNDOT SPECIFICATION 2572.

SILT FENCE



NOTES:

1. DIG A 6"X6" TRENCH ALONG THE INTENDED SILT FENCE LINE.
2. DRIVE ALL ANCHOR POSTS INTO THE GROUND AT THE DOWNHILL SIDE OF THE TRENCH.
3. POSTS SHALL BE SPACED A MAXIMUM OF 6 FEET APART.
4. LAY OUT SILT FENCE ALONG THE UPHILL SIDE OF THE ANCHOR POSTS AND BACK FILL 6"X6" TRENCH.
5. SECURELY ATTACH SILT FENCE TO ANCHOR POSTS W/ MINIMUM OF THREE ATTACHMENTS PER POST.
6. SEE MNDOT SPECIFICATIONS 2573 & 3886.

TURF ESTABLISHMENT

TURF ESTABLISHMENT SHALL APPLY TO ALL DISTURBED AREAS AND SHALL BE ACCORDING TO MnDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION (LATEST EDITION) EXCEPT AS MODIFIED BELOW.

TURF ESTABLISHMENT SHALL OCCUR AS SOON AS POSSIBLE BUT IN NO CASE MORE THAN 7 DAYS.

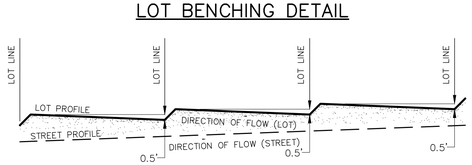
SEED: MnDOT MIXTURE 25–141 AT 60 POUNDS PER ACRE.

DORMANT SEED: SHALL BE APPLIED AT TWICE THE NORMAL RATE AFTER NOVEMBER 1ST.

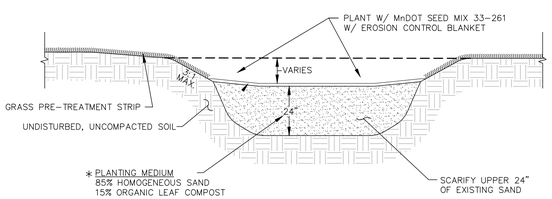
MULCH: TYPE 1 AT 2 TONS PER ACRE (DISK ANCHORED).

FERTILIZER: TYPE 1 10–10–10 AT 200 POUNDS PER ACRE.

LOT BENCHING DETAIL



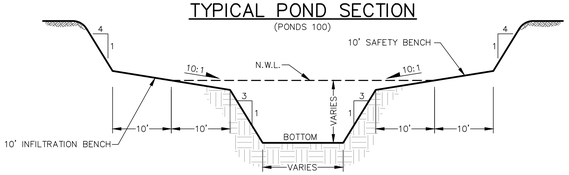
INFILTRATION BASIN



* ONSITE TO BE UTILIZED TO THE EXTENT POSSIBLE. VERIFY W/ GEOTECHNICAL ENGINEER.

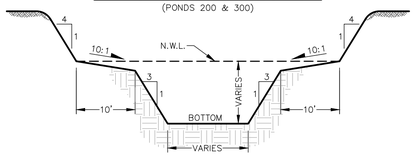
TYPICAL POND SECTION

(PONDS 100)



TYPICAL POND SECTION

(PONDS 200 & 300)



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DETAILS

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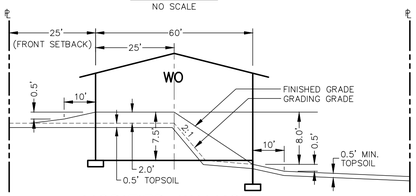
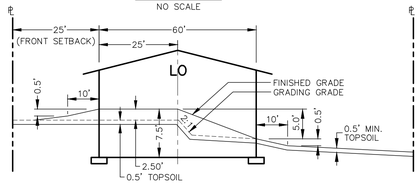
65' LOTS

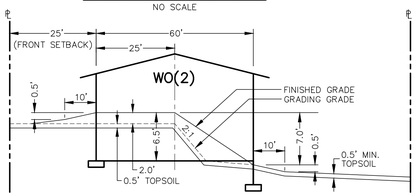
WALKOUT
NO SCALE



LOOKOUT
NO SCALE



MODIFIED WALKOUT
NO SCALE



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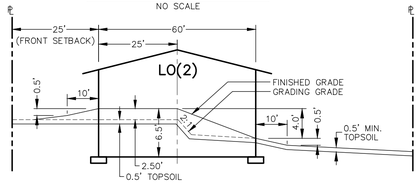

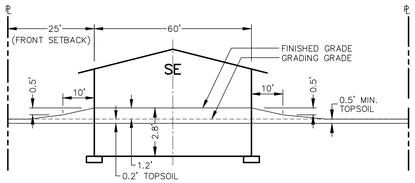

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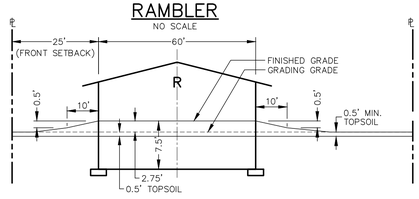

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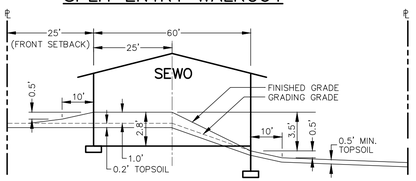
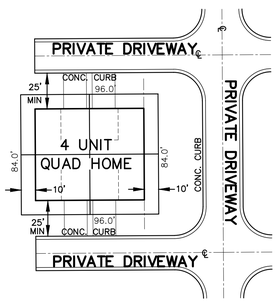
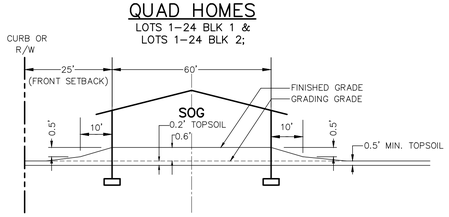


50' VILLAS
SINGLE FAMILY HOLDOWNS
LOTS 1–28, BLK 6; LOTS 1–7, BLK 7;
LOTS 1–5 BLK 8; & LOTS 1–22 BLK 9



QUAD HOMES
LOTS 1–24 BLK 1 &
LOTS 1–24 BLK 2;



50' LOTS

WALKOUT
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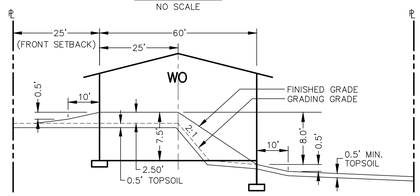

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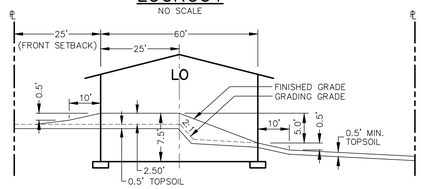

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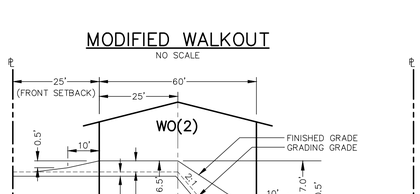

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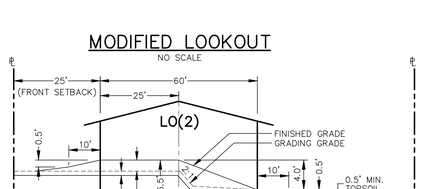

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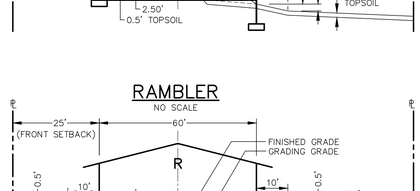

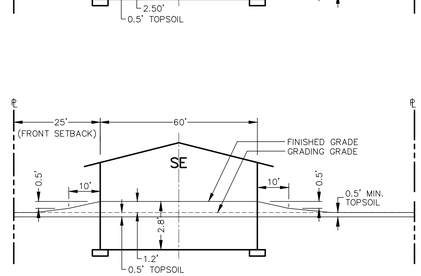

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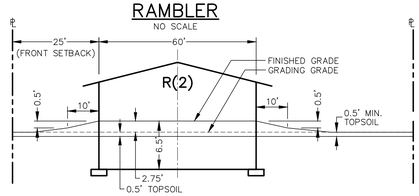

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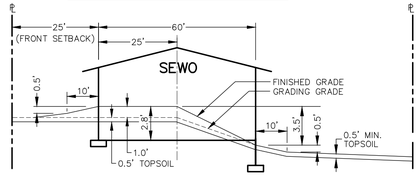

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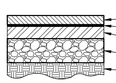
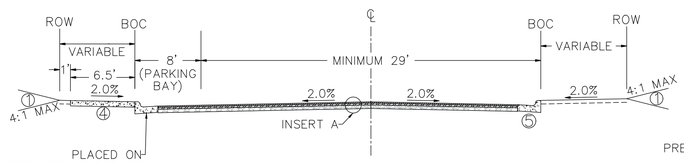


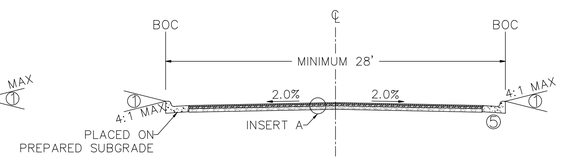
REFERENCE NOTES:

1. GRADE TO MATCH EXISTING SURFACE MINIMUM 4" COMMON TOPSOIL BORROW IN BOULEVARDS. SEE CITY PLATE No. ERO–6
2. CLASS 5 GRADATION IS MODIFIED PER CITY PLATE No. STR–26
3. CONTRACTOR SHALL SCARIFY AND COMPACT, ACCORDING TO THE SPECIFIED DENSITY METHOD, THE TOP 12 INCHES OF MATERIAL PRIOR TO PLACING ANY FILL MATERIALS OR CLASS 5 AGGREGATE BASE.
4. ALL SIDEWALKS SHALL BE 6" THICK, 6' WIDE, PLACED ON PREPARED SUBGRADE.
5. CONCRETE CURB AND GUTTER PER PLAN. SEE CITY PLATE No. STR–1.

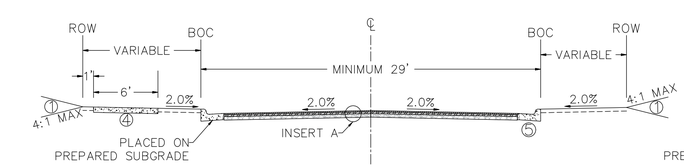
29' – URBAN STREET
W/ PARKING BAY
NOTE: NOT TO SCALE



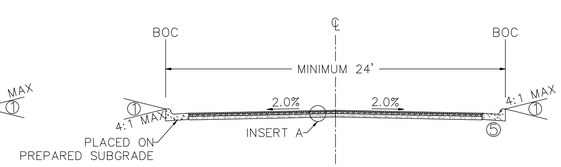
28' – PRIVATE STREET
NOTE: NOT TO SCALE



29' – URBAN STREET
NOTE: NOT TO SCALE



24' – PRIVATE STREET
NOTE: NOT TO SCALE



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

Print Name: Brian J. Krystofiak, P.E.
Signature:
Date: 3/08/17 License #: 25063

Drawn: ADB
Designed: BJK
Date: 3/08/17

Revisions:
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2. 6/23/17 Per City Comments
3. 4/13/18 Revise Street names, B12L15-28 & B13L1-13 & add NE Trail

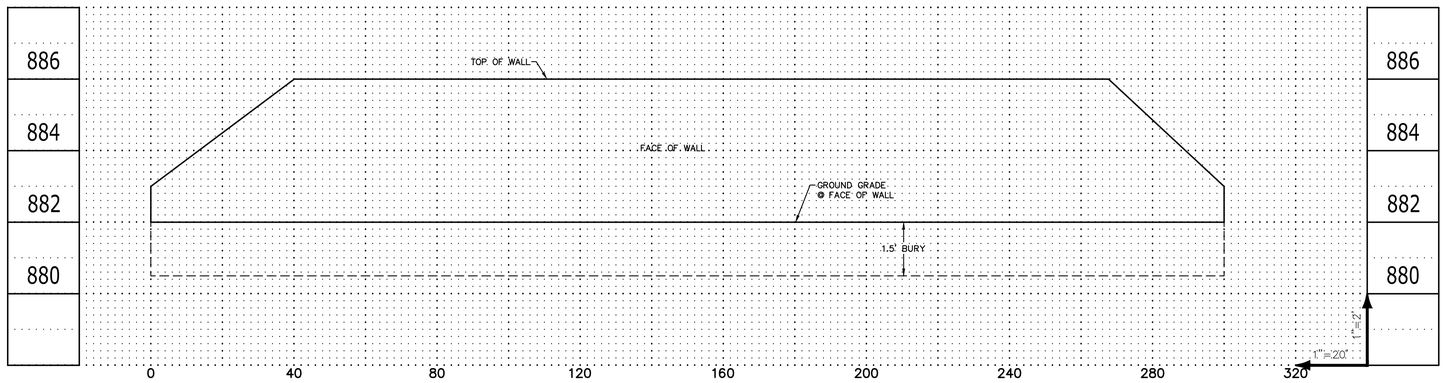
RIVERSTONE DEVELOPMENT, LLC.
14015 Sunfish Lake B, Suite 400
Ramsey, MN 55303

RIVERSTONE
Ramsey, MN

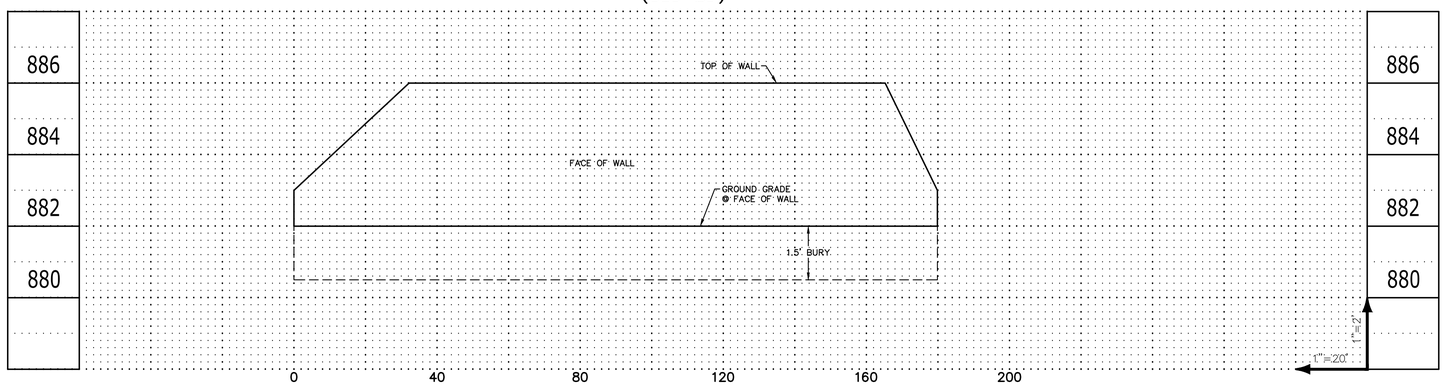
DETAILS

[Save Date: 04/12/18] F:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\engineering\preliminary\6435_details.dwg

MODULAR RETAINING WALL #1
(1542 SF)



MODULAR RETAINING WALL #2
(919 SF)



MODULAR RETAINING WALL #3
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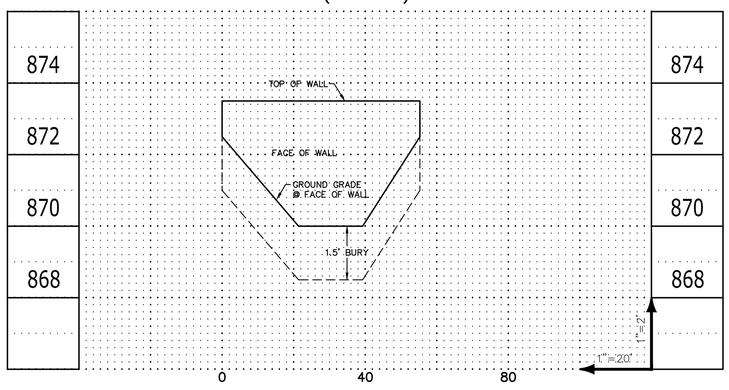

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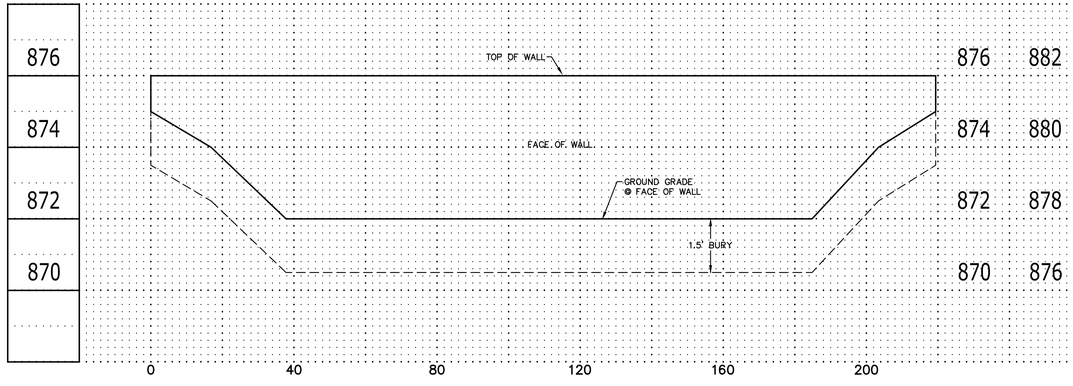

MODULAR RETAINING WALL #5
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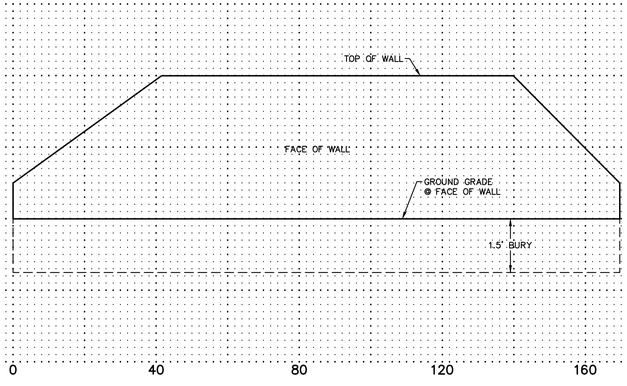

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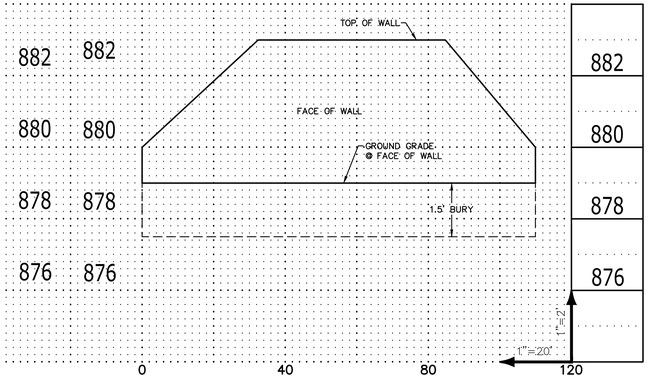
(525 SF)



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Ramsey, MN

RETAINING WALL PROFILES

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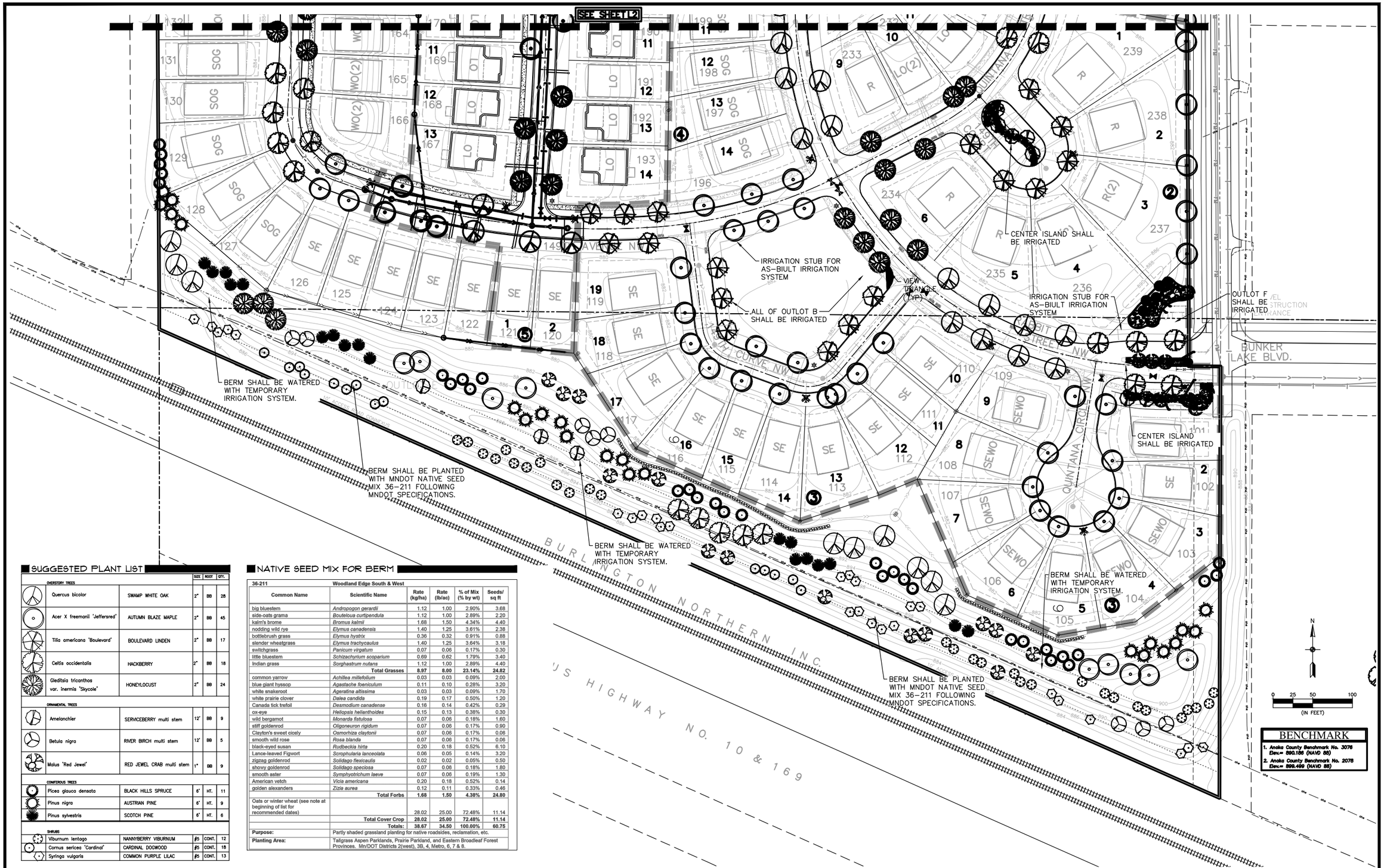

SUGGESTED PLANT LIST

			SIZE	ROOT	QTY.
	OVERSTORY TREES				
	Quercus bicolor	SWAMP WHITE OAK	2"	BB	28
	Acer X freemanii 'Jeffersred'	AUTUMN BLAZE MAPLE	2"	BB	45
	Tilia americana 'Boulevard'	BOULEVARD LINDEN	2"	BB	17
	Celtis occidentalis	HACKBERRY	2"	BB	18
	Gleditsia tricanthos var. inermis 'Skycole'	HONEYLOCUST	2"	BB	24
	ORNAMENTAL TREES				
	Amelanchier	SERVICEBERRY multi stem	12'	BB	9
	Betula nigra	RIVER BIRCH multi stem	12'	BB	5
	Malus 'Red Jewel'	RED JEWEL CRAB multi stem	1"	BB	9
	CONIFEROUS TREES				
	Picea glauca densata	BLACK HILLS SPRUCE	6'	HT.	11
	Pinus nigra	AUSTRIAN PINE	6'	HT.	9
	Pinus sylvestris	SCOTCH PINE	6'	HT.	6
	SHRUBS				
	Viburnum lentago	NANNYBERRY VIBURNUM	#5	CONT.	12
	Cornus sericea 'Cardinal'	CARDINAL DOGWOOD	#5	CONT.	18
	Syringa vulgaris	COMMON PURPLE LILAC	#5	CONT.	13

NATIVE SEED MIX FOR BERM

36-211	Woodland Edge South & West				
Common Name	**Scientific Name**	**Rate (kg/ha)**	**Rate (lb/ac)**	**% of Mix (% by wt)**	**Seeds/ sq ft**
big bluestem	*Andropogon gerardii*	1.12	1.00	2.90%	3.68
side-oats grama	*Bouteloua curtipendula*	1.12	1.00	2.89%	2.20
kalm's brome	*Bromus kalmii*	1.68	1.50	4.34%	4.40
nodding wild rye	*Elymus canadensis*	1.40	1.25	3.61%	2.38
bottlebrush grass	*Elymus hystrix*	0.36	0.32	0.91%	0.88
slender wheatgrass	*Elymus trachycaulus*	1.40	1.25	3.64%	3.18
switchgrass	*Panicum virgatum*	0.07	0.06	0.17%	0.30
little bluestem	*Schizachyrium scoparium*	0.69	0.62	1.79%	3.40
Indian grass	*Sorghastrum nutans*	1.12	1.00	2.89%	4.40
	Total Grasses	**8.97**	**8.00**	**23.14%**	**24.82**
common yarrow	*Achillea millefolium*	0.03	0.03	0.09%	2.00
blue giant hyssop	*Agastache foeniculum*	0.11	0.10	0.28%	3.20
white snakeroot	*Ageratina altissima*	0.03	0.03	0.09%	1.70
white prairie clover	*Dalea candida*	0.19	0.17	0.50%	1.20
Canada tick trefoil	*Desmodium canadense*	0.16	0.14	0.42%	0.29
ox-eye	*Heliopsis helianthoides*	0.15	0.13	0.38%	0.30
wild bergamot	*Monarda fistulosa*	0.07	0.06	0.18%	1.60
stiff goldenrod	*Oligoneuron rigidum*	0.07	0.06	0.17%	0.90
Clayton's sweet cicely	*Osmorhiza claytonii*	0.07	0.06	0.17%	0.06
smooth wild rose	*Rosa blanda*	0.07	0.06	0.17%	0.06
black-eyed susan	*Rudbeckia hirta*	0.20	0.18	0.52%	6.10
Lance-leaved Figwort	*Scrophularia lanceolata*	0.06	0.05	0.14%	3.20
zigzag goldenrod	*Solidago flexicaulis*	0.02	0.02	0.05%	0.50
showy goldenrod	*Solidago speciosa*	0.07	0.06	0.18%	1.80
smooth aster	*Symphyotrichum laeve*	0.07	0.06	0.19%	1.30
American vetch	*Vicia americana*	0.20	0.18	0.52%	0.14
golden alexanders	*Zizia aurea*	0.12	0.11	0.33%	0.46
	Total Forbs	**1.68**	**1.50**	**4.38%**	**24.80**
Oats or winter wheat (see note at beginning of list for recommended dates)		28.02	25.00	72.48%	11.14
	Total Cover Crop	**28.02**	**25.00**	**72.48%**	**11.14**
	Totals:	**38.67**	**34.50**	**100.00%**	**60.75**
Purpose:	Partly shaded grassland planting for native roadsides, reclamation, etc.				
Planting Area:	Tallgrass Aspen Parklands, Prairie Parkland, and Eastern Broadleaf Forest Provinces. MnDOT Districts 2(west), 3B, 4, Metro, 6, 7 & 8.				

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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 Landscape Architect under the laws of the State of Minnesota

Print Name: James A. Kalkes
Signature: James A. Kalkes
Date: 04/13/18 License #: 45071

Drawn: SDB
Designed: SDB
Date: 04/13/18

Revisions:
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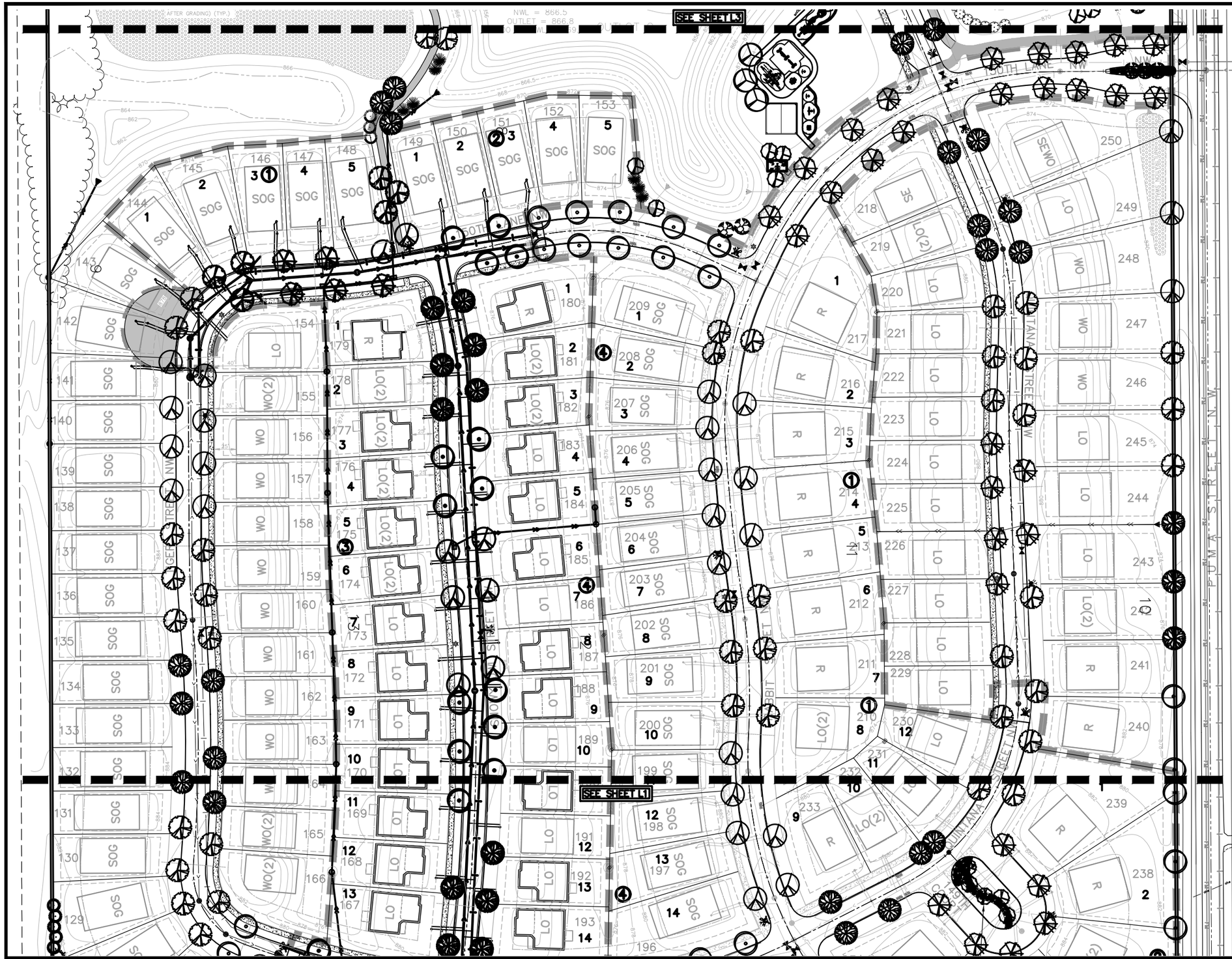
LANDSCAPE PLAN

L1 of 5

[Revised Date: 04/13/18] [T:\jobs\6421 - 6440\6435 - ramsey site\cad c3d\engineering\preliminary\l6435_lscp.dwg]



LANDSCAPE SCHEDULE

			SIZE	ROOT	QTY.
OVERSTORY TREES					
	Quercus bicolor	SWAMP WHITE OAK	2"	BB	31
	Acer X freemanii 'Jeffersred'	AUTUMN BLAZE MAPLE	2"	BB	24
	Tilia americana 'Boulevard'	BOULEVARD LINDEN	2"	BB	29
	Celtis occidentalis	HACKBERRY	2"	BB	39
	Gleditsia tricanthos var. inermis 'Skycole'	HONEYLOCUST	2"	BB	24
ORNAMENTAL TREES					
	Amelanchier	SERVICEBERRY multi stem	12'	BB	5
	Betula nigra	RIVER BIRCH multi stem	12'	BB	–
	Malus 'Red Jewel'	RED JEWEL CRAB multi stem	1"	BB	2
CONIFEROUS TREES					
	Picea glauca densata	BLACK HILLS SPRUCE	6'	Ht.	3
	Pinus nigra	AUSTRIAN PINE	6'	Ht.	–
	Pinus sylvestris	SCOTCH PINE	6'	Ht.	5
SHRUBS					
	Viburnum lentago	NANNYBERRY VIBURNUM	#5	CONT.	–
	Cornus sericea 'Cardinal'	CARDINAL DOGWOOD	#5	CONT.	–
	Syringa vulgaris	COMMON PURPLE LILAC	#5	CONT.	–

N

0 25 50 100
(IN FEET)

BENCHMARK

1. Anoka County Benchmark No. 3076
   Elev.= 890.186 (NAVD 88)
2. Anoka County Benchmark No. 2078
   Elev.= 899.489 (NAVD 88)

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Ramsey, MN

LANDSCAPE PLAN

L2 of 5

Issue Date: 04/13/18 F:\jobs\6421 - 6440\6435 - ramsey blvd\cad c3d\engineering\preliminary\6435_lscp.dwg

LANDSCAPE SCHEDULE

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	Celtis occidentalis	HACKBERRY	2"	BB	22
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ORNAMENTAL TREES					
	Amelanchier	SERVICEBERRY multi stem	12'	BB	12
	Betula nigra	RIVER BIRCH multi stem	12'	BB	3
	Malus 'Red Jewel'	RED JEWEL CRAB multi stem	1"	BB	3
CONIFEROUS TREES					
	Picea glauca densata	BLACK HILLS SPRUCE	6'	HT.	6
	Pinus nigra	AUSTRIAN PINE	6'	HT.	8
	Pinus sylvestris	SCOTCH PINE	6'	HT.	11
SHRUBS					
	Viburnum lentago	NANNYBERRY VIBURNUM	#5	CONT.	7
	Cornus sericea 'Cardinal'	CARDINAL DOGWOOD	#5	CONT.	7
	Syringa vulgaris	COMMON PURPLE LILAC	#5	CONT.	14

BENCHMARK

1. Anoka County Benchmark No. 3076
   Elev.= 880.186 (NAVD 88)
2. Anoka County Benchmark No. 2078
   Elev.= 899.469 (NAVD 88)

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• surveying

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Signature: James A. Kalkes
Date: 04/13/18 License #: 45071

Drawn: SDB
Designed: SDB
Date: 04/13/18

Revisions:
1. 5/24/17 Per City Comments
2. 6/23/17 Per City Comments
3. 4/13/18 Revise Street names, B12L15-28 & B13L1-13 & add NE Trail

RIVERSTONE DEVELOPMENT, LLC.
14015 Sunfish Lake B, Suite 400
Ramsey, MN 55303

RIVERSTONE
Ramsey, MN

PRELIMINARY LANDSCAPE PLAN

L3 of 5

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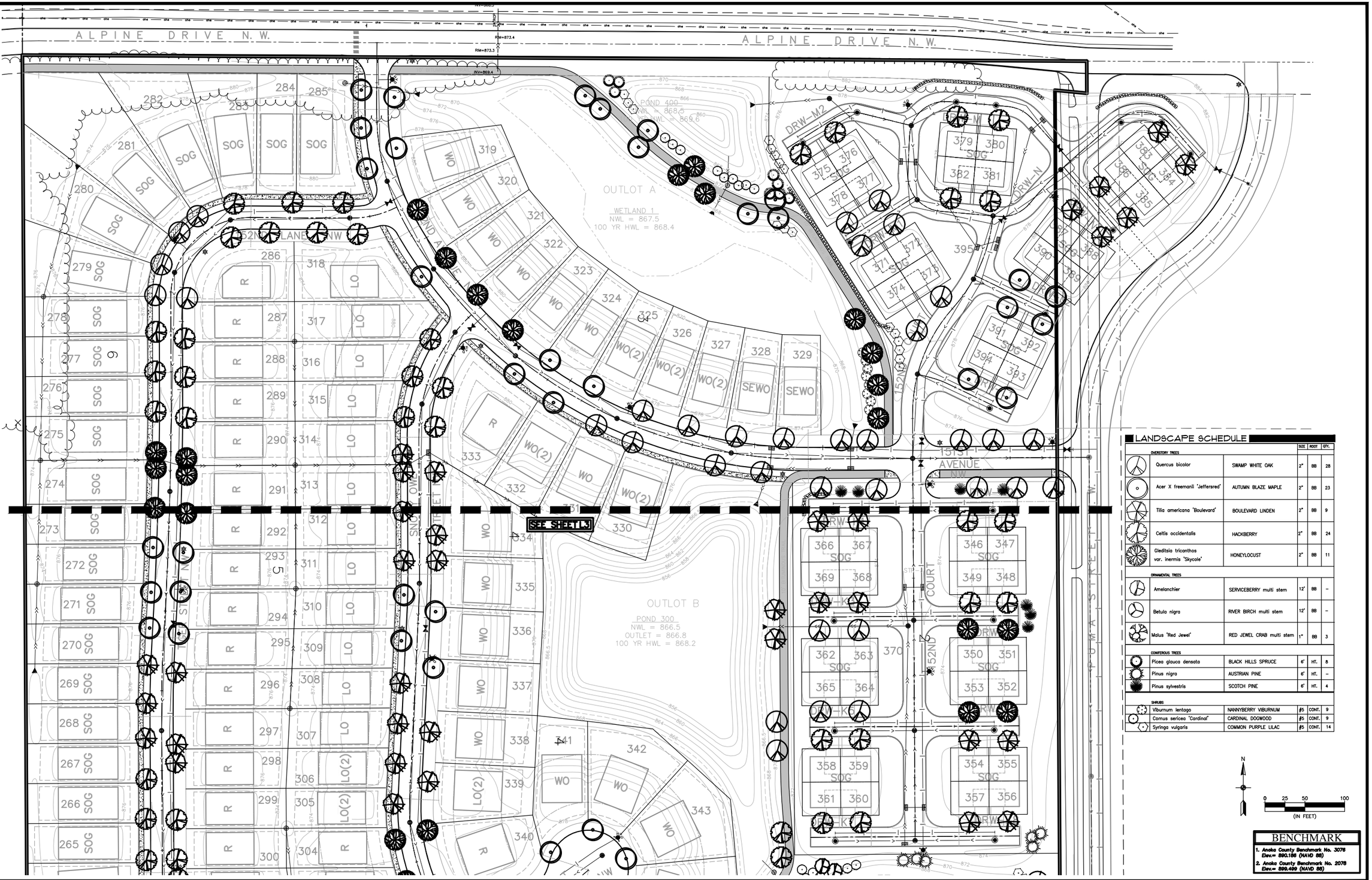

LANDSCAPE SCHEDULE

			SIZE	ROOT	QTY.
	OVERSTORY TREES				
	Quercus bicolor	SWAMP WHITE OAK	2"	BB	28
	Acer X freemanii 'Jeffersred'	AUTUMN BLAZE MAPLE	2"	BB	23
	Tilia americana 'Boulevard'	BOULEVARD LINDEN	2"	BB	9
	Celtis occidentalis	HACKBERRY	2"	BB	24
	Gleditsia tricanthos var. inermis 'Skycole'	HONEYLOCUST	2"	BB	11
	ORNAMENTAL TREES				
	Amelanchier	SERVICEBERRY multi stem	12'	BB	–
	Betula nigra	RIVER BIRCH multi stem	12'	BB	–
	Malus 'Red Jewel'	RED JEWEL CRAB multi stem	1"	BB	3
	CONIFEROUS TREES				
	Picea glauca densata	BLACK HILLS SPRUCE	6'	HT.	8
	Pinus nigra	AUSTRIAN PINE	6'	HT.	–
	Pinus sylvestris	SCOTCH PINE	6'	HT.	4
	SHRUBS				
	Viburnum lentago	NANNYBERRY VIBURNUM	#5	CONT.	9
	Cornus sericea 'Cardinal'	CARDINAL DOGWOOD	#5	CONT.	9
	Syringa vulgaris	COMMON PURPLE LILAC	#5	CONT.	14

N

0 25 50 100
(IN FEET)

BENCHMARK

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   Elev.= 890.186 (NAVD 88)
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PRELIMINARY LANDSCAPE PLAN

L4 of 5

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CITY OF RAMSEY REQUESTED NOTES:

1. CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE CALENDAR YEARS FROM THE DATE OF LANDSCAPE ARCHITECT ACCEPTANCE WITH ALL REPLACEMENTS TO BE PROVIDED AT NO ADDITIONAL COST TO THE OWNER. THE CITY IS REQUIRING AN ADDITIONAL TWO YEARS (3 TOTAL) FOR ALL TREES AT NO ADDITIONAL COST TO THE OWNER.
2. TREES SHALL NOT BE PLANTED WITHIN THE VISION TRIANGLE AS DEFINED IN CITY CODE 117-348
3. ALL TREES IN ISLANDS/CENTER MEDIAN SHALL BE PRIVATELY MAINTAINED PER THE PER THE HOME OWNERS ASSOCIATION DOCTRINE
4. TOPSOIL MEETING THE CITY'S SPECIFICATION SHALL BE REQUIRED PER EACH LOT. COPIES OF THE LOAD TICKET SHALL BE PROVIDED AND CITY INSPECTION IS REQUIRED PRIOR TO INSTALLATION OF SOD.
5. NO TOPSOIL (OR OTHER FILL) SHALL BE PLACED WITHIN ANY WETLAND OR WETLAND SETBACK AREA.
6. IRRIGATION SYSTEM SHALL BE DESIGN BUILT BY THE CONTRACTOR AND SHALL UTILIZE MATCH PRECIPITATION HEADS, HEAD TO HEAD COVERAGE AND WEATHER COMPENSATING SMART CONTROLLER.

GENERAL NOTES:

1. LANDSCAPE CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS ON THE PROPERTY WITH THE GENERAL CONTRACTOR AND BY GOPHER STATE ONE CALL PRIOR TO STAKING PLANT LOCATIONS.
2. COORDINATE THE PHASES OF CONSTRUCTION AND PLANTING INSTALLATION WITH OTHER CONTRACTORS WORKING ON THE SITE.
3. WHERE EXISTING TREES AND/OR SIGNIFICANT SHRUB MASSINGS ARE FOUND ON THE SITE WHETHER SHOWN ON THE DRAWINGS OR NOT, THEY SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED AND/OR ARE WITHIN THE GRADING LIMITS. ANY QUESTION REGARDING WHETHER PLANT MATERIAL SHOULD OR SHOULD NOT REMAIN SHOULD BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO REMOVAL.
4. ALL EXISTING TREES TO REMAIN SHALL BE FERTILIZED AND PRUNED TO REMOVE DEAD WOOD AND DAMAGED OR RUBBING BRANCHES.
5. BB TREES AND SHRUBS ARE BALLED AND BURLAPPED.
6. NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS REQUESTED OF THE LANDSCAPE ARCHITECT BY THE LANDSCAPE CONTRACTOR PRIOR TO SUBMISSION OF BID AND/OR QUOTATION.
7. ALL PLANT MATERIAL SHALL COMPLY WITH THE LATEST ADDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN.
8. THE CONTRACTOR IS RESPONSIBLE FOR ON-GOING MAINTENANCE OF ALL NEWLY INSTALLED MATERIALS UNTIL TIME OF OWNER ACCEPTANCE. ANY ACTS OF VANDALISM OR DAMAGE WHICH MAY OCCUR PRIOR TO OWNER ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
9. CONTRACTOR SHALL PROVIDE A WRITTEN REQUEST FOR THE OWNER ACCEPTANCE INSPECTION.
10. WARRANTY FOR THE LANDSCAPE MATERIALS SHALL BEGIN ON THE DATE OF ACCEPTANCE BY THE LANDSCAPE ARCHITECT AFTER THE COMPLETION OF PLANTING ALL LANDSCAPE MATERIALS. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.
11. CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE CALENDAR YEARS FROM THE DATE OF LANDSCAPE ARCHITECT ACCEPTANCE WITH ALL REPLACEMENTS TO BE PROVIDED AT NO ADDITIONAL COST TO THE OWNER. THE CITY IS REQUIRING AN ADDITIONAL TWO YEARS (3 TOTAL) FOR ALL TREES AT NO ADDITIONAL COST TO THE OWNER.

LANDSCAPE SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	QTY.
	DECIDUOUS TREES				
	Quercus bicolor	SWAMP WHITE OAK	2"	BB	98
	Acer X freemanii 'Jeffersred'	AUTUMN BLAZE MAPLE	2"	BB	119
	Tilia americana 'Boulevard'	BOULEVARD LINDEN	2"	BB	86
	Celtis occidentalis	HACKBERRY	2"	BB	103
	Gleditsia tricanthos var. inermis 'Skycole'	HONEYLOCUST	2"	BB	94
	ORNAMENTAL TREES				
	Amelanchier	SERVICEBERRY multi stem	12'	BB	26
	Betula nigra	RIVER BIRCH multi stem	12'	BB	8
	Malus 'Red Jewel'	RED JEWEL CRAB multi stem	8'	BB	14
	CONFEROUS TREES				
	Picea glauca densata	BLACK HILLS SPRUCE	6'	HT.	26
	Pinus nigra	AUSTRIAN PINE	6'	HT.	17
	Pinus sylvestris	SCOTCH PINE	6'	HT.	21
	SHRUBS				
	Viburnum lentago	NANNYBERRY VIBURNUM	#5	CONT.	29
	Cornus sericea 'Cardinal'	CARDINAL DOGWOOD	#5	CONT.	35
	Syringa vulgaris	COMMON PURPLE LILAC	#5	CONT.	44

LANDSCAPE REQUIRMENTS

2 TREES PER LOT 2 X 295 = 590 TREES

TOTAL TREES TO BE PLANTED = 612 TREES

PLANTING SPECIFICATIONS:

1. PLANTING BED PREPARATION: ALL MASS PLANTING BEDS SHALL BE TILLED TO A MINIMUM DEPTH OF 10". AMENDMENTS SHALL BE APPLIED AFTER CULTIVATION.
2. BACKFILL SOIL: USE SOIL EXCAVATED FROM PLANTING HOLES & PROVIDE AMENDMENTS. REMOVE ALL DEBRIS AND ROCKS LARGER THAN 3" IN DIA.
9. FERTILIZATION: IT IS RECOMMENDED THAT NEWLY PLANTED TREES AND SHRUBS SHOULD NOT BE FERTILIZED THE FIRST YEAR. IF NECESSARY, BEGIN FERTILIZING TREES AND SHRUBS THE SECOND YEAR AFTER ESTABLISHMENT AT A RATIO AND RATE BASED ON A SOIL TEST.
10. MULCH MATERIAL: AS SPECIFIED ON LANDSCAPE PLANS. MASS MULCH ALL PLANTING BEDS TO 3" DEPTH OVER FIBER MAT WEED BARRIER. ALL PERRENIAL PLANTING BEDS TO RECEIVE 3" DEEP SHREDDED HARDWOOD MULCH WITH NO FIBER WEED MAT BARRIER. ALL DECIDUOUS AND EVERGREEN TREES TO RECEIVE 6" DEEP SHREDDED HARDWOOD MULCH WITH NO MULCH IN DIRECT CONTACT WITH TREE TRUNK.
11. TREE STAKING: IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO STAKE AND/OR GUY THE TREES ACCORDING TO THE DETAILS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO TAKE EVERY STEP NECESSARY TO MAINTAIN THE TREES AND SHRUBS OIN AN UPRIGHT AND PLUMB CONDITION AT ALL TIMES UNTIL THE END OF THE PLANT GUARANTEE PERIOD, ESPECIALLY WHERE VANDALISM, SOIL OR WIND CONDITIONS ARE A PROBLEM.
12. TREE WRAPPING: WRAPPING MATERIAL SHALL BE QUALITY, HEAVY WATERPROOF CREPE PAPER MANUFACTURED FOR THIS PURPOSE. WRAP ALL DECIDUOUS TREES IN THE FALL PRIOR TO 12-1 AND REMOVE ALL WRAPPING BY 5-1.
13. RODENT PROTECTION: PROVIDE ON ALL TREES, EXCEPT SPRUCE UNLESS OTHERWISE NOTED.
14. PLANTING PLAN: ALL PROPOSED PLANTS SHALL BE LOCATED CAREFULLY AS SHOWN ON THE PLANS. THE PLAN TAKES PRECEDENCE OVER THE NOTES. RESPECT STATED DIMENSIONS. DO NOT SCALE DRAWINGS.
15. EDGING: EDGING SHALL BE 4" P.V.C COMMERCIAL GRADE EDGING WITH THREE (3) METAL ANCHOR STAKES PER 20 FOOT SECTION, UNLESS OTHERWISE NOTED ON THE PLAN. ALL MASS PLANTING BEDS SHALL HAVE EDGING PLACED BETWEEN MULCH AND ANY ADJACENT TURF AREAS.

PLANTING NOTES:

1. NO PLANTING TO BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. ALL PLANT MATERIAL LOCATIONS MUST BE REVIEWED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ANY AND ALL DIGGING.
3. IF THE LANDSCAPE CONTRACTOR PERCEIVES AND DEFICIENCIES IN THE PLANT SELECTIONS, SOIL CONDITIONS, OR ANY OTHER SITE CONDITION WHICH MIGHT NEGATIVELY AFFECT PLANT MATERIAL ESTABLISHMENT, SURVIVAL OR GUARANTEE, THEY SHALL BRING THESE DEFICIENCIES TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. ADJUSTMENTS IN THE LOCATION OF PROPOSED PLANT MATERIAL MAY BE NEEDED IN THE FIELD. SHOULD AN ADJUSTMENT BE ADVISED, THE LANDSCAPE ARCHITECT MUST BE NOTIFIED.
5. ALL PLANTS TO BE INSTALLED PER PLANTING DETAILS.
6. ONE SHRUB PER TYPE AND SIZE IN EACH PLANTING BED AND EVERY TREE SHOULD BE CLEARLY IDENTIFIED (COMMON OR LATIN NOMENCLATURE) WITH A PLASTIC TAG WHICH SHALL NOT BE REMOVED PRIOR TO OWNER ACCEPTANCE.
7. WHERE SOD/SEED ABUTS PAVED SURFACES, FINISHED GRADE OF SEED/SOD SHALL BE HELD 1" BELOW SURFACE ELEVATION OF TRAIL, SLAB, CURB, ETC.
8. SOD SHALL BE LAID PARALLEL TO THE CONTOURS AND SHALL HAVE STAGGERED JOINTS. ON SLOPES STEEPER THAN 3 : 1 OR IN DRAINAGE SWALES, THE SOD SHALL BE STAKED TO THE GROUND.
9. SEED ALL AREAS DISTURBED DUE TO GRADING OTHER THAN THOSE TO RECEIVE SOD.
10. REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATORS AT NO COST TO THE OWNER.

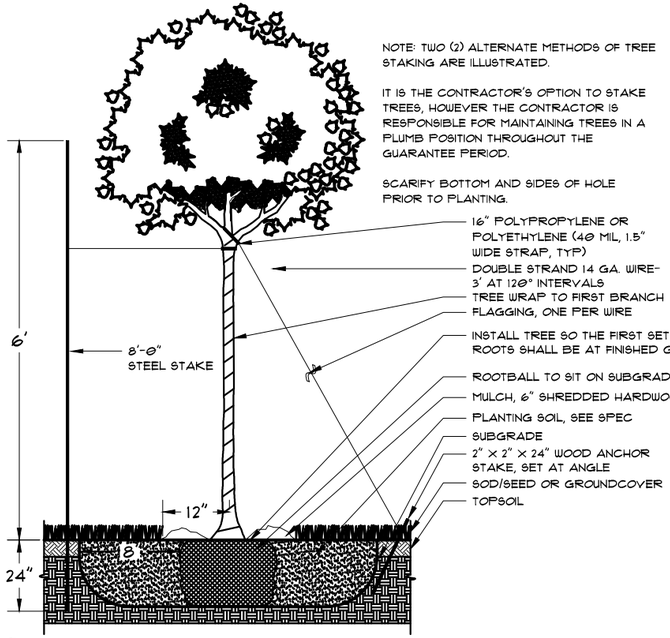
IRRIGATION NOTES:

1. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING SHOP DRAWINGS ILLUSTRATING IRRIGATION PLANS AND SPECIFICATIONS AS PART OF THE SCOPE OF WORK WHEN BIDDING. THESE SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ORDER.
2. VERIFY EXISTING/PROPOSED SYSTEM LOCATION.
3. UNLESS OTHERWISE NOTED, ALL SOD/SEED AND PLANTING AREAS INDICATED ON THE PLAN SHALL BE 100% IRRIGATED. THE IRRIGATION SHALL INCLUDE THE PUBLIC RIGHT OF WAY BETWEEN THE PROPERTY LINE AND BACK OF CURB WHERE NEW LANDSCAPE IMPROVEMENTS ARE PROPOSED.
4. IT SHALL BE THE LANDSCAPE CONTRACTORS RESPONSIBILITY TO INSURE THAT ALL SODDED/SEEDED AND PLANTED AREAS ARE IRRIGATED PROPERLY, INCLUDING THOSE AREAS DIRECTLY AROUND AND ABUTTING BUILDING FOUNDATION.
5. THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH A WATERING/LAWN IRRIGATION SCHEDULE APPROPRIATE TO THE PROJECT SITE CONDITIONS AND TO PLANT MATERIAL GROWTH REQUIREMENTS

NOTE: TWO (2) ALTERNATE METHODS OF TREE STAKING ARE ILLUSTRATED.

IT IS THE CONTRACTOR'S OPTION TO STAKE TREES, HOWEVER THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TREES IN A PLUMB POSITION THROUGHOUT THE GUARANTEE PERIOD.

SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING.



1 L2 DECIDUOUS TREE — LEVEL SITE

NOTE: TWO (2) ALTERNATE METHODS OF TREE STAKING ARE ILLUSTRATED.

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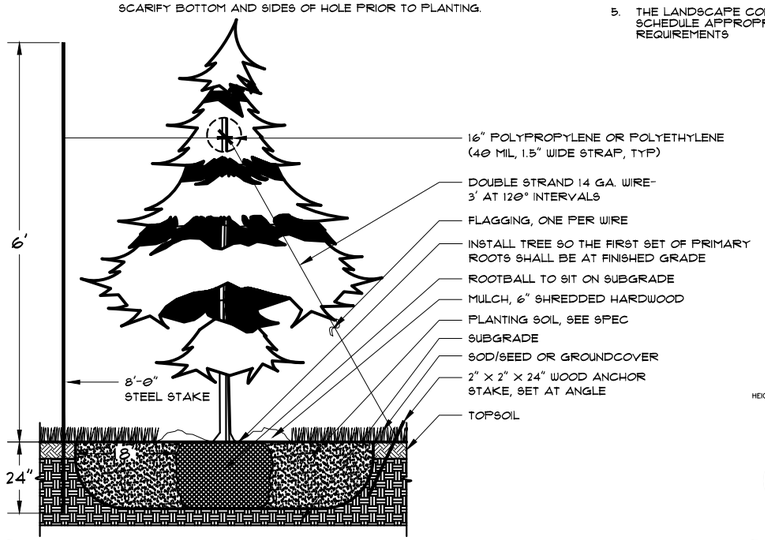
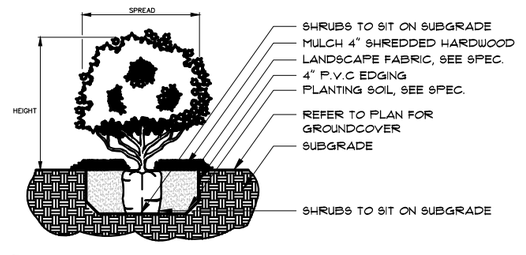
SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING.



2 L2 CONIFEROUS TREE — LEVEL SITE

NOTE: HAND LOOSEN ROOTS OF CONTAINERIZED MATERIAL (TYP).

SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING.



3 L2 SHRUB — LEVEL SITE

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RIVERSTONE
Ramsey, MN

PRELIMINARY LANDSCAPE DETAILS

L5 of 5

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CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE

DATE	6/1/18	**PROJECT ADDRESS**	SW QUADRANT BUNKER LAKE BOULEVARD/PUMA STREET
PROJECT. TITLE	RIVERSTONE ADDITION (**REVISED** PRELIMINARY PLAT)		
PROJECT #	17-106		
DEPARTMENT:	Community Development – Planning Division		
TECHNICAL REVIEWER:	Name: Tim Gladhill, Community Development Director Phone: 763-433-9826 Email: tgladhill@cityoframsey.com		

This letter is the City's Staff Review Letter pertaining to a proposal to revise the Preliminary Plat (Master Plan) for Riverstone Addition. Key highlights of the updated Preliminary Plat are as follows.

1. Pedestrian Crossing at Alpine Drive. The City had required that the Developer design an appropriate pedestrian crossing at Alpine Drive as a contingency of the previous Preliminary Plat approval.
2. Alpine Drive Trail. The previous Preliminary Plat was deficient of a trail along Alpine Drive.
3. Revised Layout. The Developer is requesting a modification to a few of the lots on Block 12 and 13. This would widen these lots, resulting in a net reduction of approximately two (2) lots.

Comprehensive Plan

The project is consistent with the Comprehensive Plan guiding a majority of the area as Medium Density Residential, with a small pocked of High Density Residential in the north east quadrant of the project.

Permitted Uses

The project is consistent with the approved Planned Unit Development which includes the following lot types.

1. 65-foot-wide traditional single-family lot
2. 50-foot-wide traditional single-family lot
3. 50-foot-wide 'villa' lot (association maintained lawn care and snow removal)
4. 4-unit townhome building

Continued on next page.

Layout

The following design standards are required for the various housing types proposed within the development. Please note that due to the variety of housing types, it is difficult to apply a single-set of layout standards to the project. Any perceived deviation to City Code appears to be reasonable with the utilization of a Planned Unit Development. A significant portion of the project area is being preserved for open space, a key component of a PUD Approval, and a requirement of the R-2 Residential District.

Traditional Single-Family/Small Lot Single-Family and Villa Lots

Miscellaneous Standards	Attached and Detached Townhomes
Lot size	None
Minimum density (net)	3.0
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	30 feet 25 feet (detached)
Minimum separation between buildings, including any appurtenances thereto (i.e., patios, decks)	20 feet 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

The only deficiency in the above table would be the minimum separation between buildings. The approved Planned Unit Development allows the layout as presented.

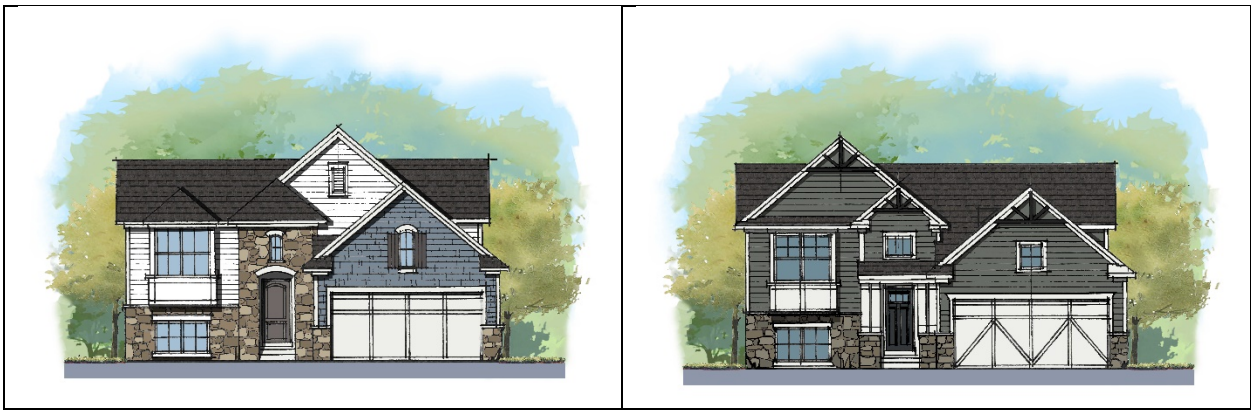
Townhome/Quad Units

Miscellaneous Standards	Twinhome or Quad
Lot size	7,000 square feet per dwelling unit
Minimum density (net)	3.0
Maximum density (net)	7.0
Lot width	50 feet
Front yard setback	30 feet
Side yard setback	10 feet
Side yard setback corner lot	30 feet
Side yard interior wall setback	0
Rear yard setback	30 feet
Maximum lot coverage for all principal and accessory buildings (excludes impervious or prepared surface)	35%
Maximum building height (measured from mean ground level to mean ground gable)	35 feet
Accessory structure setbacks:	
Front	30 feet or same as principal structure, which ever is greater
Rear	5 feet
Side	6 feet
Side corner	30 feet
Maximum number of units per structure	4

Continued on next page.

Architectural Standards

Attached to this letter is the list of approved models for construction. Permit submittals must be in substantial compliance with these models as determined by the City's Community Development Department.



Street Widths and Design [section modified from Sketch Plan Review]

The proposed street widths are shown at twenty-nine (29) feet. Traditional City Streets in Ramsey are measured at thirty-two (32) foot widths. These street widths were already approved with the previous Preliminary Plat.

A Street Light Plan must be created and submitted to the City for review. The City will work with Connexus Energy to determine the final, appropriate Street Light Plan.

Please note that there appears to be objection to the current proposal to vacate road easement for former Puma Street south of Bunker Lake Boulevard. This is an item that will need to be resolved before Final Plat approval, otherwise the Preliminary Plat will need to be modified. The City requests a Letter from Connexus Energy outlining acceptable alternatives to the transmission line in question.

Development Fees

Standard Development Fees are due on the plat. The Developer has entered into a Master Park Dedication and Trail Development Fee Agreement guiding satisfaction of these fees.

Standard Development Fees are due on the plat at time of recording of the Final Plat. The fees will be collected at the rate in effect at time of recording of the plat for buildable lots.

- Water Trunk/Connection
- Sanitary Sewer Trunk/Connection
- Stormwater Management

Environmental Review

An Environmental Assessment Worksheet (EAW) is mandatory by the State of Minnesota for this project as was previously accepted as adequate with the original Preliminary Plat approval.

Civil Engineering Comments

Comments from the City Engineer have been forwarded to the Developer through the City's online plan review system.

Cedar – Rambler

Foster – 2-story

Linwood – Multi-level

Cheyenne – Multi-level

Hemlock – Villa

Maple - Villa

Norway - Villa

Rockport – Multi-level

Architectural Standards

Attached are proposed architectural renderings of the different models. Please note that with approval of the Preliminary Plat, the City is approving the following models as 'master plans'. So long as the models are in substantial compliance with the approved models. The Community Development Department will make a final determination on 'substantial compliance'. Models that are not in substantial compliance shall require the approval of the Planning Commission.

Regular Planning Commission **6. 1.**

Meeting Date: 06/07/2018

By: PeggySue Imihy, Community Development

Information

Title:

Discussion Item: Review of City Code Section 117-351 - Home Occupations Ordinance

Purpose/Background:

Under staff direction from the City Council, a review and comparison of neighboring towns and their ordinances for home occupations, also known as home based businesses has been completed. This review specifically examines the number of employees, allowable outdoor storage and number of allowable vehicles on the property.

The purpose of this agenda item is to discuss if Staff should further review and make changes to Section 117-351 of the city code.

Notification:

Observations/Alternatives:

Ramsey City Code currently has a section that allows small-scale home-based businesses with little to no exterior storage to operate out of a residential home under certain circumstances. The section of City Code is intended to protect the intent of a residential district and ensure that any home-based business is compatible and in harmony with the surrounding residential neighborhood. The intent is to allow some business incubation in residential areas, but should not be significantly visible or distracting to the surrounding neighborhood. The history of these regulations have evolved over the past ten (10) years.

- Circa 2009/2010, the City Council felt that the regulations were too restrictive. Essentially, any exterior evidence (vehicle or storage) could have triggered a violation, or so it was perceived. The City Council amended the regulations to create different tiers and a process to seek approval from City Council for uses with some outside storage.
- After a few Applications under the new ordinance were reviewed, it was determined that code language that was more clear, yet flexible was needed and that the recent amendment was too open ended. The City Council desired to have language that could better control and eliminate subjectivity for uses with multiple commercial vehicles and significant outside storage.
- A recent Application led to the City Council requesting an additional look at this section of City Code. The City Council still supports the concept of home-based business and incubation. However, the City Council feels that surrounding neighborhoods can be better protected by better code language.

Staff is seeking feedback on direction on the following broad topics related to home occupations.

- Should the City be more restrictive when it comes to the amount of outdoor storage allowed?
- Should the City be more restrictive when it comes to the number of commercial vehicles allowed to be stored on site? Should it be limited to one (1) commercial vehicle and trailer?
- Should the City be more restrictive when it comes to the number of employees that work on site, even if it is to park their personal vehicle and pick up their company vehicle?
- Are there particular home occupations that we should restrict or exclude? Uses that generate the highest number of complaints include, but are not limited to contractors, landscapers, etc.

Funding Source:

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

Recommendation:

No action is being requested. Staff recommends general consensus on whether or not an amendment to the City's Home Occupation Ordinance is desired.

Action:

No action is being requested. This topic is for discussion only. Provide general consensus on whether or not the Planning Commission supports an amendment to the Home Occupation Ordinance.

Attachments

Memo

City Code Section 117-351

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	06/01/2018 08:22 AM
Form Started By: PeggySue Imihy		Started On: 05/14/2018 02:20 PM
Final Approval Date: 06/01/2018		

To: Tim Gladhill, Community Development Director

From: PeggySue Imihy, Planning Intern

Re: Home Occupations Ordinance

Date: 05-08-18

Under staff direction from the City Council, a review and comparison of neighboring towns and their ordinances for home occupations, also known as home based businesses has been completed. This review specifically examines the number of employees, allowable outdoor storage and number of allowable vehicles on the property.

The current City of Ramsey Home Occupation Ordinance (Section 112-351) classifies employees as persons, including but is not limited to co-owners, partners, and employees, which do not live in the dwelling unit on the property but conduct work on the property.

The owner of a home occupation on a parcel **less than three acres in size may employ a maximum of one person that does not reside in the dwelling unit on the property but does conduct work on the property.** The owner of a home occupation on a parcel **three acres or greater in size may employ a maximum of three persons that do not reside in the dwelling unit on the property but do conduct work on the property.**

In terms of an accessory building within which the business can operate, home occupations are allowed in accessory buildings if the buildings meet the requirements of Section 117-349. Exterior storage is not allowed with the exception of one motor vehicle affiliated with the home occupation and one piece of commercial equipment affiliated with the home occupation, per Section 117-355.

In situations where those operating a home occupation cannot meet the requirements of Section 117-351, residents can apply for a conditional use permit in accordance with Section 117-51.

Several neighboring cities have ordinances restricting the number of employees who are allowed to work in a home occupation, as well as restrictions on exterior storage and accessory building use. Of the nine comparison cities, **most cities have more restrictive regulations on number of employees.**

Seven of the nine cities do not allow exterior/outdoor storage for home occupations. The City of Dayton allows outdoor storage if the home occupation is on a lot larger than 2.5 acres and if the storage is screened from right-of-way. The City of Andover has industry-specific limitations for outdoor storage, but requires lots must be larger than 3 acres, with accessory building or outdoor storage not to exceed 800 square feet.

Staff recommends a revisiting of the Home Occupation Ordinance to better align with neighboring communities, as well as preserve the residential characteristics of Ramsey neighborhoods.

	Allowed Employees	Exterior Storage Allowed	Home Occupation Allowed in Accessory Building	Number of Vehicles Allowed	Can apply for CUP
Andover	1 + those who live on property	Yes with CUP	Yes with CUP	N/A	Yes
Anoka	Members of the family who are residents of the property (1 allowed with CUP)	No	No	1 commercial vehicle with CUP	Yes
Dayton	2 + those who live on the property	No (allowed on lots bigger than 1 acre with CUP with specific requirements)	No	No vehicles onsite between 10pm and 7am. 1 vehicle 12,000 lbs. max (1 vehicle 18,000 lbs. max with CUP)	Yes
Champlin	Members of the family who are residents of the property	No	No	N/A	No
Elk River	1 + those who live on property	No	N/A	N/A	Yes
Forest Lake	Residents of the Property	No	Yes	No more than 1 additional Vehicle	No
Ham Lake	1 + those who live on property (2 allowed with CUP)	No	Yes with CUP	4 Vehicles associated with home occupation (1 12,000 lbs. vehicle with CUP)	Yes
Otsego	1 + those who live on property	No	No	N/A	No
Ramsey	1 + those on property if parcel is less than 3 acres, 3+ those who live on property if greater than three acres	No	Yes	1 motor vehicle and 1 commercial vehicle.	Yes

Rodgers	Residents of the property (1 + residents allowed with CUP)	Yes with CUP	No – restricted even with CUP	1 – if granted CUP	Yes

Andover

Section 12-9-2 (B): The number of employees shall be limited to one person on site in addition to family members.

Section 12-9-2 (F): Vehicles associated with a home occupation shall be regulated as stated in Title 12, Chapter 13, Performance Standards and in Title 6, Motor Vehicle and Traffic.

Section 12-9-3 (A): A Conditional Use Permit shall be required for the following home occupations that are located in an accessory structure or detached garage and/or require exterior storage:

1. Cabinet making.
2. Woodworking.
3. Repair services.
4. Similar uses as those stated in Subsections A1 through A3 of this section.

Section 12-9-3 (B): These home occupations shall be subject to the following conditions:

1. Lot Size: The size of the lot or parcel of land shall be three (3) acres or larger.

2. Area of Use: The combined square footage of the accessory structure and/or outside storage area utilized be the home occupation shall not exceed eight hundred (800) square feet.

4. Storage Restrictions: The outside storage area and all commercial vehicles, materials and equipment for the business being stored on site shall be fenced, landscaped and screened in such a manner as to prevent them from being visible at any time of the year from road rights-of-way, public properties and surrounding properties. (Amended Ord. 314 10-4-2005)

Anoka

Chapter 74, Article 5, Division 2 (d) (7) e: Only members of the family occupying the dwelling unit may carry on the home occupation.

Chapter 74, Article 5, Division 2 (d) (7) g: No outside storage or display is permitted.

Chapter 74, Article 5, Division 2 (d) (7) l: All home occupations shall be conducted entirely within the dwelling and not in an attached or detached garage or in an accessory building.

Chapter 74, Article 5, Division 2 (d) (9) a: Interim use permits are allowed for home occupations with the following characteristics:

1. A maximum of one outside employee.

2. Outside parking of no more than one commercial type vehicle identified for business purposes not to exceed one-ton capacity and used for both personal and business transportation. The vehicle is to be owned and registered to an occupant of the property and parked in a screened location.

Champlin

Section 126-193 (b) 3: No person other than members of the family residing on the premises shall be engaged in such occupation (requires a certificate of occupancy);

Section 126-193 (b) 2: The home occupation shall be conducted entirely within a fully enclosed building. No exterior or interior alterations of the building or land, or other visible evidence of the conduct of the home occupation shall be permitted which are not customarily found in a dwelling

Dayton *(two categories of home occupation; Administrative Home Occupation and Home Extended Business)*

Both Categories must adhere to:

Section 1001.13 (14) No vehicles or machinery related to the home occupation shall be idling or running on site, outdoors, between the hours of 10:00 pm and 7:00 am.

Administrative Home Occupation

1001.13 Subd. 4 (1) b. No part of any detached garage or accessory building can be used for the occupation.

1001.13 Subd 4 (1) d. The home occupation is conducted entirely by the occupants of the home and up to two (2) nonresident employee, or contract employee, working on, or reporting to, the home.

1001.13 Subd 4 (1) c. No outdoor storage of supplies, materials, debris, equipment or maintenance items; all home occupation related items shall be kept in an enclosed structure.

1001.13 Subd 4 (1) f. Up to 1 vehicle associated with the business with a gross vehicle weight rating under 12,000 lbs. may be parked on the home property. No vehicles over a gross vehicle weight rating of 12,000 lbs. associated with the occupation shall be parked at or near the home.

1001.13 Subd 4 (1) g. If the proposed home occupation cannot comply with all of the above rules, an interim use permit for a Home Extended Business is required.

Home Extended business (property more than one acre)

1001.13 Subd 4(2) b. No outdoor storage of supplies, materials, debris, equipment, machinery or maintenance items; all home occupation related items shall be kept in an enclosed structure on properties less than two and one half (2.5) acres. On properties which are at least two and one half (2.5) acres, outdoor storage may be allowed provided the outdoor storage area is significantly screened from view from the street and adjacent properties and does not exceed 20% of the lot. Screening shall consist of a combination of existing or proposed landscaping and fencing.

1001.13 Subd 4(2) e. The home occupation is conducted entirely by the occupants of the home and up to two (2) nonresident employee, or contract employee, working on, or reporting to, the home.

1001.13 Subd 4 (2) f. No more than 1 vehicle, which shall be under a gross vehicle weight of 12,000 lbs., associated with the business can be parked overnight outside or near the home. One vehicle which exceeds 12,000 lbs. may be stored on site provided the vehicle does not exceed a gross vehicle weight

rating of 18,000 lbs and the vehicle is stored entirely within a building or is significantly screened from view from the road or surrounding properties.

Elk River

Section 30-801 (C) 4: A maximum of one full-time employee, or equivalent, other than those persons who customarily reside on the premises shall be employed. This provision shall not apply to dwellings where the permitted home occupation is a meeting place for employees and the work is done off-premises.

Section 30-801 (C) 2: There shall be no exterior evidence of the home occupation such as displays or exterior storage of business equipment, materials, merchandise, inventory or heavy equipment.

Section 30-801 (D): Conditional home occupations. Home occupations that do not involve prohibited activities but that exceed the permitted home occupation criteria may be allowed with approval of a conditional use permit by the city council pursuant to the provisions of subdivision II of division 2 of this article.

Forest Lake

Section 153.096 (1): No person, other than the residents of the premises, shall be engaged in a home occupation. The home occupation shall be located in the main principal structure or permitted accessory structures

Section 153.096 (2): Vehicular traffic and parking shall not increase by more than one (1) additional vehicle at a time. All parking needs generated shall be on-site.

Section 153.096 (12): There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.

Ham Lake

Section 9-350.1 (b) All activities must be carried on indoors. No outside storage, except the parking of motor vehicles, shall be permitted;

Section 9-350.1 (c) No on-street parking shall be generated, and no more than a total of four passenger motor vehicles may be parked at the premises in conjunction with the occupation, including employee and customer parking. All parking shall be on paved surfaces;

Section 9-350.1 (d) No more than one employee who does not live at the residence shall be permitted;

9-350.3 Special Home Occupation Permits: A party desiring to conduct a Home Occupation in a Garage or Accessory Building under conditions meeting the remaining requirements of Article 9-350 may apply for a Special Home Occupation Permit under the following procedure:

a) The applicant shall submit a site plan drawn to scale showing the locations and dimensions of all buildings and driveways on the premises, and identifying the location where the Home Occupation activity will take place.

b) The applicant shall submit a narrative in sufficient detail to describe all aspects of the activity to be conducted and the locations of all such activity.

c) The Planning Commission shall conduct a Public Hearing on the proposed application, with mailed notice to all resident whose property lines come within 750 feet of the property lines of the applicant's lot, and published notice at least ten days prior to the hearing.

d) Following the Public Hearing, the Planning Commission shall make recommendations to the City Council, including such conditions as are deemed appropriate.

Otsego

Section 20-28-4 (A) 12: A maximum of one (1) full-time employee, or equivalent, other than those persons who customarily reside on the premises shall be employed. This provision shall not apply where the home occupation is a meeting place for employees and the work is done off-premise.

Section 20-28-4 (A) 5: There shall be no exterior storage of equipment or materials used in the home occupation, except personal vehicles used in the home occupation which comply with applicable provisions of this Chapter may be parked on the site.

Section 20-28-4 (A) 13: All home occupations shall be conducted entirely within the principal building, including attached garage, except that not less than two hundred (200) square feet of floor area in such garage shall be reserved for the parking of vehicles. In no case shall home occupations be conducted in a detached accessory building.

Rodgers

Residents can operate a home occupation with no permit provided:

Section 125-36 (B) (1) h. No employees shall conduct the business other than residents of the property on which the home occupation is located.

Section 125-36 (B) (1) a. The business activity is enclosed fully within the principal residential dwelling and is not conducted in any attached or detached garage or other accessory building, nor on any outdoor portion of the property.

Residents can apply for a special home occupation permit if they do not meet the above criteria, and must adhere to the following requirements:

Section 125-36 (B)(2)(a)6: The home occupation is conducted entirely by the occupants of the home and up to one nonresident employee;

Section 125-36 (B)(2)(a) 5: No part of any detached garage or accessory building can be used for the occupation;

Section 125-36 (B)(2)(a) 8: Up to one vehicle associated with the home occupation with a gross vehicle weight under four tons may be parked on the home property.

Sec. 117-351. - Home occupations.

Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods within the city, and in order to guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of said home occupation uses. It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts. Applications for a home occupation permit shall be processed administratively by the zoning administrator; or when circumstances necessitate, in accordance with the processing procedure established for conditional use permits in section 117-51. Home occupation permits may be suspended or revoked pursuant to the procedure established in section 117-51.

(1) *Requirements.* Home occupations that operate under the following parameters shall be exempt from a permit. If a home occupation operates beyond the conditions below or if the home occupation creates conditions described in subsection (2), a permit shall be required.

a. The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall result in no incompatibility with or disturbance to the surrounding area.

b. The owner of the home occupation shall occupy the dwelling unit on the site of the home occupation.

c. Home occupation operations are restricted to the dwelling unit, attached or detached garages or accessory buildings. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.

d. The area set aside for the home occupation in the dwelling unit shall not exceed 20 percent of the gross living area of the dwelling unit.

e. The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in section 117-349.

f. A minimum of 400 square feet of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.

g. There shall not be any exterior evidence of the existence of said home occupation such as displays, exterior storage of home occupation equipment and vehicles, materials, supplies, inventory or merchandise, with the following exceptions:

1. One motor vehicle affiliated with the home occupation, either meeting the definition of a commercial vehicle or any vehicle having lettering or advertising for said home occupation, shall be allowed to be stored or parked outside on the site of the home occupation in accordance with section 117-355.

2. One piece of commercial equipment affiliated with the home occupation shall be allowed to be stored or parked on the site of the home occupation in accordance with section 117-355.

h. There shall be no interior signs or display which are visible from outside the dwelling unit or accessory building where the home occupation is operated nor any exterior business signs or displays unless otherwise permitted in article II, division 8 of this chapter, with the following exception:

1. A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.

i. The home occupation shall not generate excessive vehicular traffic (customers, employees, deliveries, etc.) in the residential neighborhood. Excessive vehicular traffic for purposes of this section is defined as in excess of any combination of eight round-trip customer/client visits and/or deliveries per standard eight hour day and no more than one on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle. One round-trip visit per eligible employee shall also be allowed and is not counted toward the customer/client visits. An increase at a rate of 25 percent is permitted if the subject property has access from a county, state, or MSA street.

j. The home occupation does not serve as headquarters or as a dispatch center where employees come to the site and are then dispatched to other locations.

k. The receipt or shipment of deliveries shall be limited to those made by the USPS and/or an express shipping service that is characteristic of service to a residential neighborhood.

l. The home occupation shall not constitute a fire hazard to neighboring residences, or a nuisance to neighbors because of excessive traffic, light glare, noise, odors, vibration or other circumstances, as determined by the fire marshal or zoning administrator.

m. The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale, or any other objectionable uses as determined by the zoning administrator.

n. The home occupation shall not change the fire rating of a structure nor require exterior alterations or modifications that change the residential character or appearance of the dwelling unit or accessory building to a commercial nature.

(2) *Administrative home occupation permit required.* Home occupations that include one or more of the following practices or operational methods shall require a home occupation permit that is subject to the review and approval of the zoning administrator.

a. The home occupation employs persons, which includes but is not limited to co-owners, partners, and employees), that do not live in the dwelling unit on the property but conduct work on the property.

1. The owner of a home occupation on a parcel less than three acres in size may employ a maximum of one person that does not reside in the dwelling unit on the property but does conduct work on the property. The owner of a home occupation on a parcel three acres or greater in size may employ a maximum of three persons that do not reside in the dwelling unit on the property but do conduct work on the property.

2. Off-street parking for the dwelling unit occupants and any nonresident employees is provided in accordance with section 117-355.

b. The home occupation involves operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the site of the home occupation. The number of persons permitted on the site at any given time shall be limited so as not to create a parking demand in excess of that which can be accommodated on driveway on the site of the home occupation.

c. Retail sales are conducted on the site. Retail sales at the site shall be limited to products that are ancillary to the home occupation and shall be displayed or stored indoors.

(3) *Conditional use.* Home occupations that propose to operate beyond the scope of the parameters in subsection (1) and/or (2) of this section shall be processed in accordance with the procedures established for conditional use permits in section 117-51, with the exception of recording the home occupation permit should it be approved by city council.

(4) *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city

council may impose reasonable conditions necessary to protect the public health, safety, and welfare of residents of the city.

(5) *Inspections.* There may be one or more inspections each year by the zoning administrator or his designee of any property covered by a home occupation permit. In addition, the zoning administrator and/or his designee, shall have the right at any time, upon reasonable request, 48 hours' notice shall be considered reasonable, to enter and inspect the premises covered by said permit for safety and compliance purposes.

(6) *Term of home occupation permits.* Home occupation permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (7) of this section.

(7) *Death or move of permit holder; suspension or revocation; businesses existing before adoption of article provisions.*

a. Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated. Except that in the case of death, should a surviving spouse or child, residing at the same address or receiving title to the property desire to continue the home occupation, written notice to that effect shall be given to the zoning administrator and the council may authorize continuation of that permit without further hearing.

b. A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.

c. Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.

(Code 1978, § 9.11.04; Ord. No. 73-05, 5-21-1973; Ord. No. 03-30, 9-15-2003; Ord. No. 03-54, 1-19-2004; Ord. No. 08-14, § 2, 5-13-2008; Ord. No. 15-03, § 2, 2-24-2015)

Regular Planning Commission **6. 0.**

Meeting Date: 06/07/2018

By: PeggySue Imihy, Community Development

Information

Title:

Discussion Item: Feedback on the Creation of a Neighborhood Business District

Purpose/Background:

In 2016, following the Public Hearing regarding the property located at 6139 157$_{th}$ Lane NW, staff was instructed to create a new zoning district within the City of Ramsey for the purposes of commercial property located near or adjacent to residential properties. This zoning district did not move forward in 2016 and staff has been directed to bring the case back to the Planning Commission as a discussion item. This proposed zoning district is slightly more restrictive than the current B-1 district and would not occur along Highways 47 or 10. The intent of this ordinance is truly small-scale, neighborhood-scale commercial uses. The intent is not to allow higher intensity uses most commonly found along highway corridors. This district can be a valuable tool moving forward as the City attempts to accomplish comprehensive plan goals to provide a mix of uses focused on neighborhoods. For example, another potenital area for this zoning district could be used would be near the new elementary school (not proposed at this time).

Staff has modified the proposed zoning district from 2016 to include four permitted uses, three conditional uses and five prohibited uses. Staff would like the Planning Commission's feedback

The purpose of the discussion tonight is to review the draft zoning district, collect feedback from the Planning Commission regarding the new zoning district, and bring an ordinance back to a later meeting.

Notification:

No notification was completed, as this is a discussion item.

Observations/Alternatives:

Permitted uses in the new Neighborhood Business District include: administrative and business offices, personal or professional services, restaurants and cafes, and day care centers. Potential conditional uses include: expansion or enlargement of lawful nonconforming uses, animal clinics, and medical clinics. Potential prohibited uses include: Motor vehicle sales or repair, retail operations with drive through, gas stations, on and off-sale liquor, adult uses - principal and adult uses - accessory. The Planning Commission could choose to make all uses (except those prohibited) within the new district conditional as to create a better sense of transparency for neighboring residents and have more control regarding the types of uses that are allowed.

The permitted accessory uses as well as the bulk standards are generally the same as the B-1 General Business District, and include regulations regarding setbacks, off-street parking, landscaping, and building materials. The Planning Commission may want to consider amending the exterior wall finishes as currently allowed finishes are: face brick, stucco, glass, wood, natural stone, specifically designed/decorated precast concete; and other material approved by the City. To better align with the residential character of nearby neighborhoods, it may be amenable to the Planning Commission to have more restrictive standards requiring the use of vinyl or generally matching the appearance of the residential neighborhood.

Provided the Planning Commission approves moving this ordinance forward, the zoning map will be amended at a later time.

Funding Source:

No funding is needed for this item.

Recommendation:

Staff recommends reviewing the proposed ordinance, providing feedback regarding the Neighborhood Business District, and directing staff to conduct a public hearing and present a draft ordinance.

Action:

Review enclosed Neighborhood Business Zoning District and provide feedback to staff regarding changes. No formal action is needed.

Attachments

Neighborhood Business District Draft Ordinance

Planning Commission Minutes dated January 7, 2016

Previous Public Comment

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	06/01/2018 08:31 AM
Tim Gladhill	Tim Gladhill	06/01/2018 08:32 AM
Form Started By: PeggySue Imihy		Started On: 05/23/2018 04:29 PM
Final Approval Date: 06/01/2018		

Sec. 117-XXX Neighborhood Business District

(a) Intent. The intent of the Neighborhood Business District is to provide a commercial area for office space, daycare uses and other similar uses, which are compatible with the neighboring residential properties.

(b) Permitted uses. The following are permitted uses, subject to general requirements and performance standards as specified by this chapter:

(1) Restaurants and cafes.

(2) Administrative and business offices.

(3) Personal and professional services.

(4) Day care centers.

(c) Conditional uses.

(1) Expansion or enlargement of lawful nonconforming uses.

(2) Animal Clinics.

(3) Medical Clinics.

(d) Accessory uses.

(1) Off-street parking as regulated and required by this chapter.

(2) Off-street loading as regulated and required by this chapter.

(3) Signing as regulated by article II, division 8 of this chapter.

(e) Prohibited Uses.

(1) Motor vehicle sales or repair.

(2) Retail operations with drive-through.

(3) Gas stations.

(4) On- and off-sale liquor.

(5) Adult uses - principal and adult uses - accessory.

(e) Standards. (Also refer to article II, division 6 of this chapter for general performance standards.)

(1) Bulk standards.

Standard	Requirement
Minimum lot area	½ acre 1 acre without municipal water and sewer
Minimum lot width	100 feet 200 feet without municipal water and sewer
Minimum lot depth	150 feet

Maximum building height	35 feet
Maximum structure area	35% of lot area
Minimum building setbacks	
Front yard	35 feet
Side yard	10 feet
Side yard on corner lot	20 feet
Rear yard	35 feet
Major and minor arterials and state and county roads	60 feet from centerline of road right-of-way plus the local applicable setback
Public/private service road	25 feet
Off-street parking and pavement (includes maneuvering areas) setback from street right-of-way	20
Setbacks from residential districts:	35 feet
Structure setback from property boundary line	
Off-street parking, driveways and outside sales and display areas	

(2) All exterior wall finishes on any building shall be:

a. Face brick;

b. Stucco;

c. Glass;

d. Wood;

e. Natural stone;

f. Specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture;

g. Other material as may be approved by the city.

Combinations of such materials shall be permitted.

(3) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and shall be subject to the approval of the city engineer.

(4) The entire site shall have a drainage system which is subject to the approval of the city engineer.

(5) All signing and information or visual communication devices shall be in compliance with the applicable provisions of this Code.

(6) All magazining or stacking space for vehicles shall be off-street and shall be constructed to a size that will accommodate that number of vehicles which can be serviced during a maximum 30 minute period and shall be subject to the approval of the city engineer.

(7) Parking or car magazine storage space shall be screened from view of abutting residential districts.

(8) Provisions are made to control and reduce noise.

(9) A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle service areas.

(10) Off-street parking areas, loading areas, driveways, and traffic maneuvering areas shall be surfaced with concrete or blacktop and finished with continuous concrete curbing as recommended by the city engineer and reflected on an approved site plan. Any site proposing to install any of the above named site improvements is subject to the site plan review process established in section 117-52.

(11) All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

(12) Lighting. Any lighting used to illuminate an off-street parking area, sign or structure, shall be arranged to deflect light away from adjoining residential properties and/or public street. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be so directed that the bulb is not visible from off of the property where such light source is located.

(13) Landscaping and buffering.

a. Site landscaping.

1. 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 site. A reasonable attempt should be made to preserve as many existing trees as is practicable and to incorporate them into the development. For each existing significant tree retained one overstory tree can be deducted from the minimum requirements.

2. Number of plantings. The minimum number of overstory trees on any given site shall be as indicated below. These are minimum requirements that are typically supplemented with other understory trees, shrubs, flowers and ground covers deemed appropriate for a complete quality landscape treatment of a site.

	Business Districts
Deciduous/coniferous trees	1 per 50 lineal feet of site perimeter, or 1 tree per 1,000 square feet of building footprint, whichever is greater. For expansions to buildings, 1 additional tree is required for each 1,000 square feet of additional building footprint area.
Shrubs	1 per 30 feet of site perimeter or 1 per 300 square feet of building footprint area, whichever is greater.

3. Minimum size of plantings. Landscaping material shall be of the following minimum planting size:

Landscape Material	Size
Deciduous trees	2.5 inches diameter as measured three feet above ground
Coniferous trees	6 feet in height
Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height or 2 feet in width, whichever applies
Ornamental trees	1.5 inches diameter as measured three feet above ground **None required in R1

4. Planting types.

   (i) Acceptable plantings shall be determined by the City of Ramsey Tree Book.

   (ii) The compliment of trees fulfilling the landscaping requirements shall be not less than 25 percent deciduous and lot less than 25 percent coniferous. No more than 25 percent of the required plantings shall consist of ornamental trees.

   (iii) For every 35 feet of public road frontage, one overstory tree shall be planted on the private property adjacent to the public road right-of-way.

b. Topsoil. All exposed ground areas of a site not occupied by building, parking or storage, excluding natural areas that are left undisturbed, shall be covered with four inches of topsoil, as defined in section 117-1, or an approved alternative as referenced in section 117-348.

c. Sodding and ground cover. All areas not otherwise improved in accordance with approved site plans shall be finished with sod up to the edge of improved streets. Any alternative to the sod requirement shall require city council approval.

d. Irrigation.

1. All landscaping areas required under this section shall include underground irrigation systems.

2. Exceptions include natural areas that are left undisturbed.

e. Parking lot landscaping. All parking lots are required to provide internal overstory tree plantings in an effort to shade parking surfaces and provide visual relief. Plantings are required at the following minimum schedule. The planting schedule is established to provide an acceptable number of plantings that may be planted in regular symmetrical patterns or irregular clusters or groupings.

1. 1 tree per every ten parking spaces.

2. Every overstory tree planting shall be provided with a planting area of 162 square feet.

3. Acceptable ground cover materials include sod, mulch, and other natural ground cover. Landscaping rock and plastic underlayment is not allowed.

4. All parking lot planting areas shall include underground irrigation systems.

f. Bufferyards. This section is intended to be minimum requirements to achieve screening between differing uses with varied intensities and impacts that are not always complementary when adjacent to one another. When a bufferyard is required under this section, the yard space and planting requirements are not to be reduced for other purposes such as future parking and driveways, building expansions, or other activities that are not in keeping with the purposes of buffering and screening.

1. Bufferyards are intended to provide additional screening of businesses that are adjacent to residential areas. The following table details the width of the bufferyard along the common adjacent property line. An additional increase of landscape plantings would be required in the bufferyard. That increase is expressed in the table below as a percentage of the total required site landscaping:

		Existing Adjacent Development		
Proposed Development		R-1	R-2	R-3
	NBD Bufferyard width	40 ft.	30 ft.	20 ft.
	% increase in plantings required	25%	20%	20%
	NBD Bufferyard width	50 ft.	40 ft.	30 ft.
	% increase in plantings required	30%	25%	20%

2. As an alternative method for screening, fences that are 100 percent opaque may be used to mitigate the impacts of businesses that are adjacent to residential areas. Fences shall be subject to the provisions found in all applicable ordinances. When a fence is used for screening purposes, the bufferyard planting requirements may be reduced by ten percent from the stated minimum requirement.

(Code 1978, § 9.20.21; Ord. No. 80-04, 5-25-1980; Ord. No. 86-2, 8-25-1986; Ord. No. 93-01, 3-1-1993; Ord. No. 93-05, 4-23-1993; Ord. No. 96-12, 7-29-1996; Ord. No. 03-21, 8-25-2003; Ord. No. 04-20, 6-1-2004; Ord. No. 09-06, § 2, 4-28-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 10-04, § 2, 4-13-2010; Ord. No. 11-09, § 2, 6-28-2011; Ord. No. 14-01, § 2, 2-11-2014)

PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey Planning Commission conducted a regular meeting on Thursday, January 7, 2016, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:	Chairperson Gary Levine Commissioner Andrew Andrusko Commissioner Randy Bauer Commissioner Ralph Brauer Commissioner Cindy Nosan Commissioner Gary VanScoy
Members Absent:	Commissioner Matthew Maul
Also Present:	Community Development Director Timothy Gladhill City Planner Chris Anderson Housing Intern Michael Healy

1. CALL TO ORDER

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

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to approve the agenda as amended removing Item 5.02 under Public Hearing/Commission Business.

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated December 3, 2015

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to approve the following minutes as presented: Planning Commission Meeting Minutes dated December 3, 2015.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Consider Resolutions #16-01-005 through #16-01-008 related to a Request for a Variance to Minimum Lot Size, Lot Width and Side Yard Setbacks in the Critical River Overlay District on the Properties Located at 14510 and 14500 Bowers Drive NW (Project 16-01); Case of Central Bank

Public Hearing

Chairperson Levine called the public hearing to order at 7:02 p.m.

Presentation

City Planner Anderson presented the staff report stating the City has received an application for a Variance to the minimum required lot size and width requirements in the Critical River Overlay District (the "Overlay District") for the property located at 14510 Bowers Drive NW (the "Subject Property"). The purpose of the request is to address an existing structure encroachment from the adjacent property at 14500 Bowers Drive NW. The Subject Property is presently vacant with the exception of the aforementioned encroachments. Should the Variance to lot size and lot width be approved, the applicant would then proceed with an Administrative Subdivision to realign the common lot line between the Subject Property and the adjacent lot to eliminate the existing encroachments.

Citizen Input

Commissioner Bauer requested further information on the ordinary high watermark setback. City Planner Anderson explained the lot was platted prior to the ordinary high watermark standards being in place. He believed that a structure could be built on the lot at approximately 140 to 150 feet. Community Development Director Gladhill commented a stringline test could also be proposed for this lot.

Commissioner VanScoy understood both lots were owned by a single owner. He asked if this had always been the case. City Planner Anderson stated this may have been the case.

Commissioner VanScoy questioned if the 100-foot lot width was typical for this neighborhood. City Planner Anderson reported the majority of the Bowers Mississippi Neighborhood had 100-foot wide lots.

Commissioner VanScoy inquired if these lots had City water and sewer. City Planner Anderson explained these lots all had private well and septic. He provided further comment on another lot within this neighborhood that required a variance.

Steve Nash, 14500 Bowers Drive, explained he purchased his property in 1989. He was not aware of the deck situation when he purchased his property. He discussed how the proposed notch would impact his property. He did not oppose the bank and believed they had a right to use the property. While he preferred to have straight property lines, he understood this may not be the case. He then discussed the location of his well and septic system with respect to the notch.

Commissioner VanScoy questioned where the new well and septic system was located. Mr. Nash reviewed his site plan with the Commission along with the well and septic system location.

Community Development Director Gladhill recommended that the Commission state within their motion for approval that all State requirements regarding the placement of wells be followed.

Mark Madsen, 14520 Bowers Drive, reported he lives north of the subject property. He stated he was not aware of the fact that the lot between him and the Nash's was owned by another party. He did not support another home being built on the vacant lot.

Kerry Koller, 2989 Lady Nichole Lane in Duluth, explained he was a representative of Central Bank. He thanked staff for their thorough report on this Planning Case. He reported he was unaware of the neighboring properties well location and stated he would investigate this matter further.

Commissioner VanScoy asked if the applicant had a preference on how to address the setbacks. Mr. Koller preferred the box out option as it would provide a builder with more options for well and septic placement.

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

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

Chairperson Levine closed the public hearing closed at 7:32 p.m.

Commission Business

Commissioner Andrusko stated after reviewing the Anoka County GIS website, he found the properties were linked up prior to December 24th. After which time, the bank took possession of the abstract. He stated originally these lots were each 100 feet wide.

Commissioner VanScoy supported the box out option for this property as it would provide the most future opportunities for this lot.

Commissioner Nosan found it odd that the City was unaware of the situation on this lot until now. She also supported the box out option for this property as the best solution.

Motion by Commissioner Bauer, seconded by Commissioner Andrusko, to adopt Resolution #16-01-005 approving the Findings of Fact inserting in Items 8 and 9 that a well was located on this property.

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

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to adopt Resolution #16-01-006 granting a variance to lot size and lot area at 14510 Bowers Drive NW, as depicted on the Subdivision Sketch, prepared by Rum River Land Surveyors & Engineers, adjusting the box out for the well on the adjacent property, if necessary.

Further discussion

Community Development Director Gladhill asked if the Commission wanted the setback to be to the ordinary high watermark or if this stipulation should be addressed when building plans were submitted for the property.

Commissioner Bauer recommended the matter wait until someone was proposing to build on the property. The Planning Commission was in agreement.

Commissioner Brauer noted for the record that the applicant did not create the situation on the property.

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

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to adopt Resolution #16-01-007 approving the Findings of Fact.

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

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to adopt Resolution #16-01-008 granting a variance to the minimum side yard setback for the existing deck at 14500 Bowers Drive NW.

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

5.02: Public Hearing: Consider Resolutions #16-01-012 and #16-01-13 Related to a Request for a Home Occupation Permit for a Food Truck Business with a Commercial Grade Kitchen on the Property Located at 7960 171st Lane NW (Project No. 16-04); Case of John and Anne Reineck

This Planning Case was withdrawn from consideration by the applicant.

5.03: Review Sketch Plan for Northfork Alpine Addition (Project No. 16-02); Case of Double T, LLC

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this file is to review the official Sketch Plan prepared by A.P.A Consulting, Engineers & Surveyors, P.A. for the purpose of a four-lot subdivision located on Alpine Drive within the Northfork Planned Unit Development. The Sketch Plan Review process affords the Planning Commission to opportunity to provide early direction on the layout of the proposed plat, before the Developer prepares detailed Preliminary Plat plans. A key decision will occur at Preliminary Plat, in which the layout will be approved, subject to approving final construction plans and Final Plat documents. At that time, the City will review items including, but not limited to, Grading Plan, Utility Plan, Landscape Plan, and Street Light Plan. Staff recommended the Planning Commission provide feedback on the Sketch Plan and direct the Developer to proceed to preparing a Preliminary Plat, with the considerations listed in this staff report.

Commission Business

Commissioner Bauer asked where a common septic system would be located if this option were recommended. Community Development Director Gladhill reported the system would be located on one of the existing lots and would not impact minimum lot sizes.

Commissioner VanScoy questioned what assurances the City had that the proposed homeowners association (HOA) would still be in place in 20 years to provide maintenance to the shared septic system. Community Development Director Gladhill discussed the requirements that would have to be put in place to ensure the HOA was still in existence.

Commissioner Bauer inquired if the cul-de-sac would be a public or private roadway. Community Development Director Gladhill stated the cul-de-sac was proposed to be a public street that would be owned and maintained by the City.

Chairperson Levine asked if the City received any comment from surrounding property owners. Community Development Director Gladhill reported staff has not received any comments to date.

Chairperson Levine questioned what information staff was seeking from the Commission this evening. Community Development Director Gladhill requested the Planning Commission provide

feedback to the developer on the proposed sketch plan and whether or not the group supported the use of a shared septic system.

Mike Thompson, 15721 Andre Street, supported the properties having separate septic systems. He further discussed his vision for the four lots with the Commission noting each would have a basement.

Community Development Director Gladhill inquired if the four lots would have an HOA as was previously proposed by the developer. Mr. Thompson stated that because the development has been downsized to four lots, he believed it would be difficult to build maintenance free senior housing with an HOA. He was in favor of building single-family housing requiring each homeowner to maintain their landscaping and snow removal. It was noted the four lots would be a part of the existing North Fork HOA.

Bill Kingston, North Fork HOA President, noted the current HOA had five elected members and oversaw 271 lots. He reported the lots ranged in size from one to three acres. He noted the lots within the sketch plan were within the original PUD and would be a part of the North Fork HOA. He reported that Mr. Thompson was aware of the HOA building requirements and covenants. He explained the HOA supported the proposed development of the four lots with four separate septic systems.

Commissioner Bauer did not support a separate HOA for the four unique lots. In addition, he was comfortable with four separate septic systems given the size of the proposed lots. The Planning Commission was in agreement.

Commissioner VanScoy asked if there were any other developments with septic systems closer to the lake than the four proposed lots. Community Development Director Gladhill stated there were parcels on Andrie Court and Andrie Street that were closer in proximity to Lake Itasca.

The Planning Commission recommended the developer move forward taking into consideration the comments provided this evening.

5.04: Discuss Creation of Neighborhood Office Zoning District (Project No. 16-26); Case of the City of Ramsey

Presentation

Community Development Director Gladhill presented the staff report stating that after the Public Hearing regarding the property located at 6139 157th Lane NW, staff was instructed to create a new zoning district within the City of Ramsey for the purposes of commercial property located near or adjacent to residential properties. This came about due resident concern about the current secretarial/daycare business moving from this property, and what business might replace it. Stated concerns included a new business negatively affecting property values, high speed and level of traffic along Nowthen Boulevard, gas stations creating too much traffic if it were to locate on this site and potential expansion of the current building. The initial thought was to re-zone this

property B-1, however that would allow some of the types of businesses that residents were concerned about to potentially locate on the property. The Commission suggested the possibility of creating an entirely new zoning district that would allow the types of businesses that fit well in a residential area, and restrict the ones that do not. Residents that were present for the public hearing were amenable to that option. The purpose of the discussion tonight is to review the draft zoning district, collect feedback from the Planning Commission regarding the new zoning district, and bring an ordinance back to a later meeting.

Commission Business

Commissioner Bauer questioned how staff was defining "small scale" coffee shop or deli. Community Development Director Gladhill reported this would be a coffee shop or deli without a drive-thru.

Commissioner Bauer did not oppose a Jimmy John's or Subway on this property.

Commissioner Andrusko believed other properties should be considered for the new zoning district as well so as not to spot zone this parcel. His main concern with rezoning the property was the amount of traffic that would be flowing in and out of the site.

Chairperson Levine agreed with the traffic concerns and stated he did not want to see the property restricted.

Commissioner Brauer saw value in having quaint neighborhood businesses and creating walkable areas within the community. He recommended the word drive-thru be eliminated from the proposed zoning district. He wanted to see the City pursue developments that were walkable. He suggested medical and animal clinics be removed from the allowed uses.

Commissioner explained she used to live in this neighborhood and supported a small deli, coffee shop or daycare in this area.

Commissioner Andrusko questioned if Walgreens could locate on this corner. Community Development Director Gladhill reported this would not be allowed under the current zoning.

Commissioner Brauer recommended staff address the scale of a development that would be allowed on this property. Community Development Director Gladhill reviewed the bulk design standards for the site currently and reported he would revise them further to address the Commission's concerns.

Commissioner VanScoy requested the buffering language also be addressed by staff.

Community Development Director Gladhill thanked the Commission for their feedback. He stated he would revise the language within the zoning district and report back to the Commission at a future meeting.

5.05: Discuss Amending the Approved Format for Warranties on Stage I and Stage II Improvements (Project NO. 16-21); Case of the City of Ramsey

Presentation

Housing Intern Healy presented the Staff Report stating the purpose of this discussion is to consider amendments to City Code to align City Code language with the City's current policy regarding warranties for Stage 1 and Stage II improvements on private developments. When private developments construct Stage 1 improvements (public improvements such as sidewalks, roads, storm drainage, etc.) and Stage 2 improvements (seal coating, street striping, streetlights, etc.), the developer must warranty their work for one (1) year following the final acceptance of any required improvements. If the improvements are defective or fail within that year, the City can draw from the warranty funds to make repairs.

Housing Intern Healy reported the City has a longstanding informal policy of requiring developers to warranty their work by giving the City cash or a letter of credit equal to 25% of the cost of the improvements. The money is refunded at the end of the one-year warranty period. Currently, however, the code suggests that developers also have the option of submitting a bond for warranty and maintenance. The City historically has not accepted bonds in these situations because the logistical difficulties involved in trying to collect on a bond to pay for repairs. The proposed amendment would remove the language that states that bonds are acceptable for warranties and replace it with new language formalizing the City's policy of requiring 25% of the project costs as a warranty in the form of either cash or a letter of credit. Leaving the language in its current form could create confusion among developers who might reasonably expect the City to honor the current language that bonds are an acceptable format for warranties.

Commission Business

Commissioner Bauer was in favor of the City's Ordinances aligning with the City's practices.

Commissioner Nosan agreed.

There was consensus of the Commission for staff to proceed with the proposed amendment for the approved format for warranties on Stage I and Stage II improvements.

6. COMMISSION / STAFF INPUT

6.01: Staff Update

The Staff Update was noted.

6.02: Zoning Bulletins

Zoning Bulletins were noted.

7. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 8:50 p.m.

Respectfully submitted,

_____
Tim Gladhill
Community Development Director

ATTEST:

_____
JoAnn Shaw
Community Development Assistant

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

City of RAMSEY

Comments:

- Limited use & limited amount of expansion of current property
No expansion of business district with the current daycare property.

City of RAMSEY

Comments:

OK

PROF. SERVICE OFFICE

SORT OF

BANK

Comments:

we do Not want any type of high traffic Type businesses.

NO - Gas Station bars, retail resturants, liquor Stores, or strip Mall's.

PROJECT NO. 16-7
NEIGHBORHOOD OFFICE DISTRICT

Comments:

- Maintain the rural ambiance & ~~continue~~ continue to limit the amount of traffic into the Neighborhood.

Comments:

- Press for speed reduction in the Neighborhood. ~~with a~~ with a Retail or like business in the area, Speeds & amount of traffic will increase.
Traffic noise now is somewhat berable.
as far as Safety - Nowthen Blvd has had many Severe / Fatal accidents, with more traffic - more accidents.

Comments:

- Maintain current buffers of adjacent properties.

Regular Planning Commission **8. 1.**

Meeting Date: 06/07/2018

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	Reviewed By	Date
Tim Gladhill	JoAnn Shaw	06/01/2018 02:14 PM
Form Started By: JoAnn Shaw		Started On: 05/31/2018 11:41 AM
Final Approval Date: 06/01/2018		

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April 25, 2018 | Volume 12 | Issue 8

Zoning Bulletin

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Mat #42078500

Variance—Board of zoning appeals denies variance request for wind turbines

Variance applicant argues board erred when determining variance eligibility

Citation: *Dan's Mountain Wind Force, LLC v. Allegany County Board of Zoning Appeals, 2018 WL 774760 (Md. Ct. Spec. App. 2018)*

Contributors

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

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P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084
email: west.customerservice@thomsonreuters.com
ISSN 0514-7905
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MARYLAND (02/05/18)—This case addressed the issue of whether a board of zoning appeals properly applied the uniqueness test or the practical hardship test in determining an applicant's eligibility for a variance.

The Background/Facts: Dan's Mountain Wind Force, LLC ("Wind Force") sought to construct 17 wind turbines and an electrical substation on leased property on "Dan's Mountain" in Allegany County (the "County"). The County Code permitted wind turbines as a special exception in the zoning district in which the project was proposed. However, because the proposed sites of some of the turbines were within code-specified setback or separation distances, or both, Wind Force sought variances. Wind Force enlisted the support of the neighboring property owners, who joined Wind Force as co-applicants. In total, the County Board of Zoning Appeals (the "BZA") would have had to review and grant 26 separate variances "to get the wind turbine project in line with the existing zoning code."

Under Maryland law, a variance should be granted if: (1) "the property whereon structures are to be placed (or uses conducted) is—in and of itself—unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property;" and (2) practical difficulty or unnecessary hardship would result "from the disproportionate impact of the ordinance caused by the property's uniqueness."

Here, Wind Force maintained that there were many factors that limited the specific locations on which the turbines could be placed, including: topography; property boundaries; proximity of other dwellings; stream channels; wildlife habitats; wetlands; prior strip mining activity; communication beam paths passing over and through properties; and technical specifications of wind turbines. Wind Force contended that due to these various constraints, the wind turbines had to be placed in specific locations, necessitating variances from the County Code's minimum distance and setback requirements.

The BZA disagreed, and denied the variance requests. The BZA found that Wind Force had "failed to establish that the subject properties were sufficiently unique as to each other as to warrant a variance," and "failed to demonstrate that the multiple number of variances requested were in harmony with the spirit and intent of the zoning regulations."

Wind Force appealed (consolidating its appeals into a single petition for judicial review).

The circuit court affirmed, and Wind Force again appealed. On appeal, Wind Force argued that the BZA did not properly apply the uniqueness test or the practical hardship test when determining Wind Force's eligibility for a variance.

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DECISION: Judgment of circuit court reversed, and matter remanded.

The Court of Special Appeals of Maryland agreed with Wind Force and held that the BZA did not properly apply the uniqueness test or the practical hardship test when determining Wind Force's eligibility for a variance.

In finding that the BZA used the "incorrect uniqueness analysis," the court noted that the BZA had "found that all of the co-applicant properties were similar to each other, and thus, not unique." The court stated that a proper uniqueness analysis "examines the unusual characteristics of a specific property in relation to the other properties in the area, and the nexus between those unusual characteristics and the application of the aspect of the zoning law from which relief is sought." The court emphasized that the purpose of the uniqueness test was to determine whether a "zoning law's effect on a property is particularized to that given property." Thus, the proper uniqueness analysis determines "whether the property is unique in the way that this particular aspect of the zoning code applies to it," said the court.

Here, the court found that the Board erred in its analysis because it: (1) failed to properly identify each applicant property's unusual characteristics, and then only compared co-applicant properties to each other and not surrounding properties; (2) failed to look at the nexus component and how the zoning law affected the subject property; and (3) addressed all of the co-applicant properties collectively, generalizing the properties in such a way as to negate the purpose of the uniqueness analysis.

In remanding the analysis back to the BZA, the court directed the proper analysis, saying that the BZA must "for each property, each factor, and each application": (1) first, determine "whether the unusual factors identified by the applicant are indeed, features of that particular property"; (2) then determine "whether those factors have a nexus with the aspect of the zoning law from which a variance is sought"; and (3) then "look at the ways in which those factors, together, affect the property, and whether that effect is unique as compared to similarly situated properties."

With regard to the "practical hardship" test of the variance analysis, the court found that the BZA had applied the wrong standard. The court explained that the second step of the variance test examines whether the "disproportionate effect of the ordinance, caused by the uniqueness of the property, creates practical difficulty for or unnecessary hardship on the owner of the property." The court further explained that there are two different standards that can be applied when determining hardship: (1) "a more lenient 'practical difficulty' test," which applies to area variances; or (2) "a more stringent 'unnecessary hardship' test,"

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which applies to use variances. The court found that the BZA had incorrectly applied the more stringent "unnecessary hardship" test. Since Wind Force was requesting area variances, the BZA should have reviewed the requests under the more lenient "practical difficulty" standard, said the court.

See also: *Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995).*

See also: *Trinity Assembly of God of Baltimore City, Inc. v. People's Counsel for Baltimore County, 407 Md. 53, 962 A.2d 404 (2008).*

See also: *Montgomery County v. Rotwein, 169 Md. App. 716, 906 A.2d 959 (2006).*

Case Note:

In its decision, the appellate court found it "clear that Wind Force adduced evidence of several features of each of the co-applicant properties that suggest[ed] that the separation and setback requirements operate differently on each of those properties than they operated on other surrounding properties." The court, however, declined to rule on the merits, instead remanding the task for the BZA.

Preemption/Pipeline—Opponents say pipeline construction in residential districts in township violate township's zoning ordinance

Pipeline developer argues Pennsylvania's Public Utility Code preempts township's zoning ordinance

Citation: *Delaware Riverkeeper Network v. Sunoco Pipeline L.P., 2018 WL 943041 (Pa. Commw. Ct. 2018)*

PENNSYLVANIA (02/20/18)—This case addressed the issue of whether a municipal zoning ordinance that prohibited natural gas pipeline construction in residential districts was preempted by Pennsylvania's Public Utility Code.

The Background/Facts: In 2012, Sunoco Pipeline, L.P. ("Sunoco") announced its intent to develop an integrated pipeline system for

transporting petroleum products and natural gas liquids ("NGLs") such as propane, ethane, and butane from the Marcellus and Utica Shales in Pennsylvania, West Virginia, and Ohio to the Marcus Hook Industrial Complex ("MHIC") and points in between. Sunoco's goal for this project—known as the Mariner East Project—was "to move NGLs from the Marcellus and Utica Shales through and within the Commonwealth, and to provide take away capacity for the Marcellus and Utica Shale plays and the flexibility to reach various commercial markets, using pipeline and terminal infrastructure within the Commonwealth."

Sunoco's Mariner East Project had two phases. The first phase, referred to as Mariner East 1 ("ME1") was completed and utilized Sunoco's existing pipeline infrastructure, plus a 51-mile extension. It shipped 70,000 barrels per day of NGLs from the Marcellus Shale basin to the MHIC. After Marcellus and Utica Shale producers and shippers expressed a "need for additional capacity to transport more than the 70,000 barrels of NGLs per day being transported by ME1," Sunoco undertook to expand the Mariner East Project capacity and developed phase two of the Mariner East Project, known as Mariner East 2 ("ME2"). ME2 required construction of a new 351-mile pipeline, which would largely trace the ME1 pipeline route, and which would be, with a few exceptions, primarily below ground level.

For the Mariner East Project, Sunoco sought and obtained from the Pennsylvania Public Utility Commission ("PUC") the approval to provide intrastate service on the ME1 and ME2 pipelines. PUC confirmed that Sunoco was a public utility corporation subject to PUC regulation, and PUC recognized the service provided by the ME1 and ME2 pipelines as a "public utility service." Pursuant to PUC orders, Sunoco obtained Certificates of Public Convenience ("CPCs") that authorized Sunoco "as a public utility to transport, as a public utility service, petroleum and refined petroleum products both east to west and west to east in the following Pennsylvania counties through which the Mariner East Project [was] located: Allegheny, Westmoreland, Indiana, Cambria, Blair, Huntingdon, Juniata, Perry, Cumberland, York, Dauphin, Lebanon, Lancaster, Berks, Chester, and Delaware." Sunoco's CPCs applied to both ME1 service and to ME2 service, as the ME2 service was an authorized expansion of the same service.

In 2014, the West Goshen Township (the "Township") enacted a zoning ordinance (the "2014 Ordinance"), regulating the location and setbacks for gas and liquid pipeline facilities. Among other things, the 2014 Ordinance prohibited gas and liquid pipeline facilities in residential zoning districts, and allowed such facilities only in certain industrial zones by conditional use and subject to several enumerated standards.

In May 2017, the Delaware Riverkeeper Network, Maya van Rossum, the Delaware Riverkeeper, and residential landowners Thomas

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Casey and Eric Grote (collectively, the "Opponents") filed a complaint in trial court, which alleged that Sunoco's proposed ME2 pipeline, which was planned to run through the Township, including through residential zoning districts, violated the Township's 2014 Ordinance.

Sunoco responded, arguing that the PUC had exclusive jurisdiction over the regulation of public utilities and public utility service—such as Sunoco's ME2 pipeline, here, and that Pennsylvania's Public Utility Code preempted the Township's 2014 Ordinance.

Agreeing with Sunoco, the trial court held that the Township's power to regulate the location of the ME2 pipeline was preempted by the PUC's authority under the Public Utility Code.

The Opponents appealed. Among other things, the Opponents argued that there was no conflict between the Township's 2014 Ordinance and the Public Utility Code because the PUC did not have any regulations governing pipeline location.

DECISION: Judgment of Court of Common Pleas affirmed.

The Commonwealth Court of Pennsylvania held that the PUC's authority under the Public Utility Code preempted and precluded the Township's 2014 Ordinance from prohibiting the ME2 pipeline in the Township's residential districts.

In so holding, the court explained that there are "three generally recognized forms of preemption: (1) express or explicit preemption, where the statute includes a preemption clause, the language of which specifically bars local authorities from acting on a specific subject matter; (2) conflict preemption, where the local enactment irreconcilably conflicts with or stands as an obstacle to the execution of the full purposes of the statute; and (3) field preemption, where analysis of the entire statute reveals the General Assembly's implicit intent to occupy the field completely and to permit no local enactments".

Here, the court found there was no express preemption provision in the Public Utility Code. However, upon "careful review" of the Public Utility Code, the court concluded that Pennsylvania's General Assembly "intended the PUC to occupy the field of public utility regulation, in the absence of an express grant of authority to the contrary." (See 66 Pa. C.S. §§ 309, 315, 331, 504, 505, 506, 701, 1501, 1504, 1505).

Despite concluding there was field preemption here, the court also went on to conclude that "conflict preemption also support[ed] the trial court's decision as to preemption [of the Township 2014 Ordinance] by the Public Utility Code." The court explained how conflict preemption may be applicable, including that "a local ordinance will be invalidated if it stands as an obstacle to the execution of the full purposes and objectives of a statutory enactment of the General Assembly."

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Here, the court found that the Township's 2014 Ordinance was such an obstacle to the execution of the full purpose of the Public Utility Code. The court explained that the policy purpose of state-wide regulation under the Public Utility Code was "to commit the regulation of public utility facilities to a state-wide commission, the PUC, because the rendition of efficient service to the public transcends the legitimate objectives of any one of the political subdivisions of the Commonwealth." In addition to the policy conflict of state-wide regulation versus local regulation of public utility services and facilities, the court noted that there was a "practical conflict" here as well: the 2014 Ordinance, prohibiting pipelines in residential zones, including the proposed ME2 pipeline, which paralleled and was mostly within the existing right of way of the ME1 pipeline, thus conflicted with full use of a pre-existing pipeline right of way.

In reaching its conclusion as to conflict preemption of the Township 2014 Ordinance, the court rejected the Opponents' argument that there was no conflict since the PUC did not have any regulations governing pipeline location. The court found it "irrelevant" that the PUC had no regulations covering pipeline siting. Rather, the court found that the PUC also exercised its authority in orders, such as those orders it had issued that governed the ME2 pipeline. Moreover, the court noted that the PUC regulates the intrastate shipment of natural gas and petroleum products through pipelines, though not the actual physical pipelines conveying those liquids. In regulating such pipeline transportation services, the court found that the PUC determined whether Sunoco's service and facilities were "unreasonable, unsafe, inadequate, insufficient, or unreasonably discriminatory, or otherwise in violation of the Public Utility Code. 66 Pa. C.S. §§ 701 (entitled 'Complaints'), 1505(a) (entitled 'Proper service and facilities established on complaint')."

See also: *Duquesne Light Co. v. Borough of Monroeville, 449 Pa. 573, 298 A.2d 252, 98 Pub. Util. Rep. 3d (PUR) 97 (1972).*

Case Note:

The Opponents had also alleged that the Township's duties to protect the public natural resources, as embodied under the Environmental Rights Amendment ("ERA") to the Pennsylvania Constitution, defeated preemption of the Township's 2014 Ordinance. The court rejected that argument, noting that it failed to address how the 2014 Ordinance impacted laws involving the regulation of public utilities or how the 2014 Ordinance furthered Township duties under the ERA or how the 2014 Ordinance related to conserving public natural resources, especially when the ME2 pipeline would be placed in or near the pre-existing ME1 pipeline right of way.

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Case Note:

The Opponents had further alleged that Sunoco's violation of the 2014 Ordinance was a violation of the Opponents' substantive due process rights because it rendered the zoning districts "irrational" and "unconstitutional." The court rejected this argument as "not viable" since the Opponents were not challenging a legislative enactment but rather Sunoco's decision not to comply with the 2014 Ordinance.

Standing—Homeowners' Associations challenge rezoning ordinance

City argues Associations lack standing to bring legal action because such action was not properly authorized under the Associations' corporate bylaws

Citation: *Willowmere Community Association, Inc. v. City of Charlotte, 809 S.E.2d 558 (N.C. 2018)*

NORTH CAROLINA (03/02/18)—This case addressed the issue of whether homeowners' associations had standing to bring an action challenging the rezoning of abutting properties. More specifically it addressed, as a matter of first impression (i.e., the first time North Carolina courts addressed the issue), whether homeowners' associations that failed to strictly comply with their corporate bylaws in deciding to initiate legal actions therefore lacked standing to bring the legal challenges.

The Background/Facts: Willowmere Community Association, Inc. ("Willowmere") and Nottingham Owners Association, Inc. ("Nottingham") (collectively, the "Associations") are non-profit corporations that represent homeowners in residential communities in the City of Charlotte (the "City"). In March 2014, the Associations instituted a legal action, challenging a City zoning ordinance that rezoned parcels of land to allow multifamily housing. The rezoned land abutted property owned by the Associations.

In response to the Associations' legal action, the City argued that the Associations lacked standing (i.e., the legal right to bring the action) because each association had failed to comply with various provisions in their corporate bylaws when their respective boards decided to initi-

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ate the litigation. The City pointed to evidence that neither Willowmere nor Nottingham explicitly authorized filing the legal action during a meeting with a quorum of directors present, either in person or by telephone.

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the trial court granted summary judgment in favor of the City. The trial court agreed with the City that the Associations lacked standing because each had failed to comply with their corporate bylaws when bringing the lawsuit.

The Associations appealed, and the Court of Appeals affirmed.

The Associations again appealed.

DECISION: Judgment of Court of Appeals reversed, and matter remanded.

The Supreme Court of North Carolina held that the homeowners' Associations had standing to bring the legal action, which challenged a City ordinance that rezoned parcels abutting land owned by the Associations. As a matter of first impression (i.e., the first time addressing the legal issue), the court held that the Associations were not, in order to have standing, required to affirmatively plead, or prove, their compliance with their corporate bylaws and internal rules relating to their decision to initiate the action.

In so holding the court explained that the North Carolina Constitution confers standing on those who suffer an injury in their "lands, goods, person, or reputation." The court also explained that legal entities other than natural persons—such as associations—may also have standing if the association or one of its members suffers some immediate or threatened injury. Specifically, associations must meet certain elements to having standing: (1) "its members would otherwise have standing to sue in their own right"; (2) "the interests it seeks to protect are germane to the organization's purpose"; and (3) "neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit."

Here, the court found that there was no dispute as to whether the Associations had met the elements of associational standing. Instead, the City had contended that by failing to follow their corporate bylaws, the Associations' boards of directors "had no authority to act on behalf of [the Associations] in filing and prosecuting this lawsuit."

The Supreme Court of North Carolina rejected the idea that a stranger to the Associations (i.e., here, the City) could assert that the Associations' failures to abide by their own bylaws necessitated dismissal of the Associations' legal complaint for lack of standing. Moreover, the court found no evidence that any member of either association opposed the association's prosecution of the lawsuit. Even if a

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member of one of the Associations disagreed with the decision to file suit, "the proper vehicle to challenge the association's failure to comply with its respective bylaws in making that decision [would be] a suit against the nonprofit corporation brought by the aggrieved member or members of the association or, in certain circumstances, a derivative action," said the court. Otherwise, held the court, there was no requirement to standing that the Associations affirmatively plead, or prove, their compliance with their corporate bylaws to bring the legal action.

Accordingly, the court concluded that "despite [the Associations'] failure to strictly comply with their respective bylaws and internal governance procedures in their decision to initiate this suit, they nonetheless "possess a 'sufficient stake in an otherwise justiciable controversy' to confer jurisdiction on the trial court to adjudicate this legal dispute."

See also: *Peninsula Property Owners Ass'n, Inc. v. Crescent Resources, LLC, 171 N.C. App. 89, 95-97, 614 S.E.2d 351 (2005).*

See also: *Lake Forest Master Community Ass'n, Inc. v. Orlando Lake Forest Joint Venture, 10 So. 3d 1187 (Fla. 5th DCA 2009) (concluding that a specific Florida statute requiring the approval of a majority of members of a homeowners' association entitled to vote before initiating any litigation involving amounts in controversy over $100,000 was for the protection of members and could not be asserted as an affirmative defense to suit by a non-member defendant), Orlando Lake Forest Joint Venture v. Lake Forest Master Community Ass'n, Inc., 23 So. 3d 1182 (Fla. 2009); Little Canada Charity Bingo Hall Ass'n v. Movers Warehouse, Inc., 498 N.W.2d 22, 24 (Minn. Ct. App. 1993) ("[A] third party has no power to challenge corporate action based on [a violation of the entity's bylaws].")*

Zoning News from Around the Nation

CALIFORNIA

State Senator Scott Wiener has introduced a bill—SB 827—which would "override city zoning restrictions to encourage housing development near transit hubs." Wiener and proponents of the bill maintain that it will "mitigate California's housing crisis and offset sprawl." Those opposed to the bill are concerned it will "relinquish local zoning authority to the state."

Source: *KQED*; www.kqed.org

HAWAII

The Hawaii County Council has failed to advance a bill that would have amended the zoning code to provide a 75-foot buffer zone between rooster farms and neighboring properties. Opponents of the bill reportedly argued that it would have infringed on rural lifestyles. Supporters of the bill were neighbors of large rooster farms who claimed their life and health were being impacted by the noise of the rooster farms.

Source: *US News*; *www.usnews.com*

OHIO

New Philadelphia is considering a proposed ordinance that would regulate wind turbines, including, among other things, by requiring a "one and half times the height setback" for wind turbines. The ordinance is reportedly aimed at protecting the public safety.

Source: *WKSU*; *http://wksu.org*

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QUINLAN™

May 10, 2018 | Volume 12 | Issue 9

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Preemption/Marijuana—County ordinance bans the retail sale of marijuana

Marijuana retail license holder claims ordinance is preempted by state law legalizing and licensing marijuana sales

Citation: *Emerald Enterprises, LLC v. Clark County, 413 P.3d 92 (Wash. Ct. App. Div. 2 2018)*

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

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P.O. Box 64526
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email: west.customerservice@thomsonreuters.com
ISSN 0514-7905
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WASHINGTON (03/13/18)—This case addressed the issue of whether a Washington municipality could lawfully ban the retail sale of marijuana, or whether such a ban was preempted by Washington law legalizing the sale of recreational marijuana and creating a regulatory state marijuana retail licensing system.

The Background/Facts: In November 2012, Washington voters approved an initiative legalizing recreational marijuana. In 2014, the state Legislature codified that initiative within Washington's Uniform Controlled Substances Act ("UCSA"). As amended, the UCSA "legalized the limited production, processing, and sale of recreational marijuana to persons twenty-one years and older." It also created a regulatory state licensing system through the Washington State Liquor and Cannabis Board (the "Board"). (See Former RCW 69.50.325-.369 (2014).) The Board then adopted rules governing marijuana sales and establishing the application requirements for marijuana retailer licenses. (See Former WAC 314-55-015 to - 050, -079, -081 (2014).)

In May 2014, Clark County (the "County") passed an ordinance (the "Ordinance"), which banned the retail sale of recreational marijuana within unincorporated Clark County.

Notwithstanding the Ordinance, Emerald Enterprises, LLC ("Emerald") applied to the Board for a retail license to sell marijuana in the unincorporated area of Clark County. The Board issued Emerald's license for retail sale of recreational marijuana. A year later, Emerald applied to the County for a building permit for "[g]eneral retail," and the County issued the building permit to Emerald. In December 2015, Emerald began selling marijuana in the County. When the County became aware of Emerald's activities, it ordered Emerald to cease all sales of marijuana and marijuana products as such activities were in violation of the Ordinance. The County also revoked Emerald's building permit.

Emerald appealed the County's enforcement actions to the County Hearing Examiner (the "Examiner"). The Examiner ruled in favor of the County, finding that Emerald sold marijuana in violation of the Ordinance, and had obtained its building permit based on misrepresentation.

Emerald appealed to the Superior Court, which affirmed the Examiner.

Emerald again appealed. On appeal, Emerald argued that the Ordinance violated article XI, Section 11 of the Washington Constitution because it "irreconcilably conflict[ed] with the UCSA." Article XI, section 11 provides: "Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws." In addition, Emerald contended that the Ordinance was either expressly or impliedly preempted by the UCSA.

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DECISION: Judgment of Superior Court affirmed.

The Court of Appeals of Washington, Division 2, held that the County Ordinance was not preempted by the UCSA, and that the County retained its zoning authority to ban retail marijuana sales within unincorporated areas of Clark County.

In so holding, the court explained that, under article XI, section 11 of the Washington Constitution, counties could "make and enforce all regulations that do not conflict with state law." Thus, the court presumed that the County had the regulatory authority to enact the Ordinance, and that Ordinance was valid unless preempted. The court explained that the Ordinance would be preempted by the UCSA, and inconsistent with article XI, section 11, if the Ordinance either: "prohibit[ed] what the state law permit[ed]"; "thwart[ed] the legislative purpose of the statutory scheme"; or "exercise[d] power that the statutory scheme did not confer on local governments." The court found that the Ordinance did not conflict with the UCSA under any of those reasons.

The court found that the Ordinance did not prohibit what the UCSA permitted. The UCSA permitted the retail sale of marijuana, but did not grant retailers an affirmative right to sell marijuana, said the court. Moreover, the court found that nothing in the UCSA stated that a county could not prohibit retail recreational marijuana sales. The court further found that while the UCSA authorized the Board to designate the maximum number of retail marijuana sales licenses in each county, the UCSA did not set a minimum number. Moreover, the court noted that the Board's regulations explicitly provided that a marijuana retail license shall not be construed as "a license for, or an approval of, any violations . . . of zoning ordinances." (WAC 314-55-020(15).) In short, the court concluded that the UCSA did not create a right to engage in retail marijuana sales in the County (which was the activity prohibited by the Ordinance).

The Court also found that the Ordinance did not "thwart the legislative purpose" of the UCSA. The court found that the purpose of the UCSA was to "allow[ ] and regulate[ ] the sale of marijuana." Since there was no mandate under the UCSA to "maximize or encourage sales," the Ordinance's ban on marijuana sales did not frustrate such a mandate, concluded the court.

Moreover, the court found that subsequent amendments to the UCSA "strongly indicate[d] that the legislature intended to preserve the right of local governments to ban retail [marijuana] stores." Such amendments recognized that local jurisdictions might ban the retail sales of marijuana, and encouraged local governments to allow marijuana sales by providing a share of marijuana excise tax revenues to those local governments that allowed retail sales of marijuana. Thus the court found that, "[b]y expressly contemplating that local jurisdictions can 'prohibit

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the siting of any state licensed marijuana . . . retailer," the UCSA "acknowledge[d] that local governments retain zoning authority over retail locations."

In finding that, with the Ordinance, the County did not exercise unauthorized power, the court concluded that the UCSA did not specifically remove the County's exclusionary zoning authority. The court found that the regulatory powers the UCSA delegated to the Board did not include nor preclude local governments' zoning authority. Thus, the court concluded that "the Ordinance [did] not conflict with state marijuana laws by exercising authority delegated to the Board."

Finally, the court also concluded that the UCSA did not expressly or impliedly preempt the Ordinance. The court found that the only express preemption provided in the UCSA applied to criminal violations of the UCSA. Further, the court found that Emerald "fail[ed] to show that the UCSA impliedly strips the County of its ability to exercise police power through zoning regulation." Moreover, the court found that while the UCSA empowered the Board to "influence the location of marijuana retail outlets" through determining the maximum number of retail locations in a jurisdiction and having the "final say" in retail licensing, the UCSA did not give the Board authority to determine where a store could be located within a given jurisdiction. In sum, the court held that because state law did not explicitly or impliedly occupy the entire field of retail marijuana sales, the County retained its zoning authority.

See also: *Lawson v. City of Pasco, 168 Wash. 2d 675, 230 P.3d 1038 (2010) (finding a city ordinance was not preempted by Washington's Mobile Home Landlord Tenant Act).*

See also: *Weden v. San Juan County, 135 Wash. 2d 678, 958 P.2d 273 (1998) (finding a local ordinance prohibiting the operation of personal watercraft on all marine waters was not preempted by state vessel registration laws).*

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Nonconforming Use/Marijuana—City orders medical marijuana collective operation to cease as a use not permitted under city code

Collective argues its use is permitted as an allowed "medical office" under the code

Citation: *J. Arthur Properties, II, LLC v. City of San Jose, 230 Cal. Rptr. 3d 365 (Cal. App. 6th Dist. 2018)*

CALIFORNIA (03/19/18)—This case addressed the issue of whether a medical marijuana collective was a "medical office" as permitted in the relevant zoning district by the municipal zoning ordinance.

The Background/Facts: J. Arthur Properties, II, LLC owned property in a Commercial Office zoning district in the City of San Jose (the "City"). SV Care leased that property, and since 2010 operated a medical marijuana collective at the property. In 2010, the City's Municipal Code (the "Code") did not list medical marijuana collective or any other marijuana-specific uses in the table of permitted uses in the Commercial Office zone. "Medical offices," however, were on the list of permitted uses in the Commercial Office zone. Starting in 2014, "medical marijuana collective" was allowed as a restricted use in certain industrial zoning areas in the City, however, it still was not permitted in the Commercial Office zone.

In 2014, J. Arthur Properties, II, LLC, and SV Care (collectively, the "Plaintiffs") received from the City a compliance order stating that their medical marijuana collective was never allowed in the Commercial Office zone and was in violation of the Code. The Plaintiffs disputed the compliance order to a City hearing officer. They argued that their medical marijuana collective was a legal nonconforming use because it met the definition of "medical office," which was a permissible use when the collective opened.

The hearing officer upheld the compliance order.

The Plaintiffs then appealed to the City's Appeals Hearing Board, which also upheld the compliance order.

The Plaintiffs then petitioned the trial court. Again, they argued that the medical marijuana collective was a legal nonconforming use because it met the definition of a "medical office," which, under the Code, was permitted in the Commercial Office zone at the time the col-

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lective opened. They also argued that, in any case, the City should be estopped from enforcing the Code against them because the City had collected a marijuana business tax from the Plaintiffs.

The trial court denied the Plaintiffs' petition.

The Plaintiffs appealed.

DECISION: Judgment of Superior Court affirmed.

The Court of Appeal, Sixth District, California, upheld the City's compliance order against the Plaintiffs, concluding that the Plaintiffs' medical marijuana collective was not a "medical office" as permitted by the Code in the Commercial Office zone and was thus not a permitted use in the Commercial Zone. The court also concluded that the City was not estopped from enforcing the Code against the Plaintiffs.

In determining whether the medical marijuana collective qualified as a "medical office," as the Plaintiffs had argued, the court looked to the language of the City Code. The Code defined a medical office as "offices of doctors, dentists, chiropractors, physical therapists, acupuncturists, optometrists and other similar health related occupations, where patients visit on a daily basis." The Plaintiffs had argued that a medical marijuana collective was a "medical office" because it was a "health-related occupation," and because "medical marijuana collectives provide a medical and health-related service." The City, on the other hand, had argued that, unlike the specifically enumerated professions in the Code's definition of "medical office," a medical marijuana collective had neither physicians nor patients.

Acknowledging that the definition of "medical office" was "reasonably susceptible of both proffered interpretations," the court agreed with the City that a medical marijuana collective is not a "medical office" under the Municipal Code. The court found that a medical marijuana collective did not fall within any of the specifically listed occupations in the Code's definition of "medical office." The court also concluded that a medical marijuana collective was not a "similar health related occupation" to qualify as a "medical office" under the Code given that medical marijuana collectives do not have doctors or similar health care professionals on site treating patients as did all the examples of "medical offices" listed in the Code. Moreover, the court noted that none of the listed occupations in the Code's "medical office" definition provided a good or service that was illegal under federal law—as was medical marijuana collectives. (See 21 U.S.C.A. §§ 812(b)-(c), 841-844.) Further, noting its inclination to give deference to the City on its interpretation of its Code, the court found that the City "consistently interpreted the medical office category to exclude medical marijuana collectives." Thus, the court concluded that because the Plaintiffs' medical marijuana collective was not a permitted ("medical office") use when it opened, it could not be a legal nonconforming use now.

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Also addressing the Plaintiffs' equitable estoppel argument, the court explained that to trigger the doctrine of equitable estoppel, the Plaintiffs had to show: "(1) the City knew that medical marijuana collectives were an impermissible use; (2) the City intended, by delaying enforcement and collecting marijuana business taxes, to induce [the P]laintiffs into operating a medical marijuana collective (or acted in a manner entitling [the P]laintiffs to perceive such an intent); (3) [the P]laintiffs did not know that medical marijuana collectives were unauthorized; (4) [the P]laintiffs detrimentally relied on the City's conduct; and (5) the injustice that would result from a failure to estop the City [was] so great that it outweigh[ed] the effect the estoppel would have on public policy or the public interest."

Here, the court found that the Plaintiffs failed to make such a showing. First, the court concluded that the Plaintiffs' reliance on delayed enforcement and on payment of taxes was not reasonable. The court found that the Plaintiffs had been on notice from a City inspector since 2010 that their medical marijuana collective might not be a permissible land use. The fact that it took the City multiple years to enforce the law, did not estop the City from subsequently enforcing it, said the court. Moreover, the court concluded that in light of express disclaimers in the Municipal Code and on the medical marijuana business tax certificate, the Plaintiffs' reliance on paying required business taxes as authorization to operate a medical marijuana collective was "unreasonable as a matter of law." Finally, the court found that enforcement of the Code against the Plaintiffs—resulting in an inability to operate a medical marijuana collective at the property in the Commercial Office zone—would only result in "minimal" economic hardships of relocating the collective and reletting the property. Such "minimal hardship" was outweighed by the public policy interests of eliminating nonconforming uses and of maintaining City control over the location of medical marijuana collectives, and thus equitable estoppel was not warranted, concluded the court.

See also: *Feduniak v. California Coastal Com'n, 148 Cal. App. 4th 1346, 56 Cal. Rptr. 3d 591 (6th Dist. 2007).*

See also: *Schafer v. City of Los Angeles, 237 Cal. App. 4th 1250, 188 Cal. Rptr. 3d 655 (2d Dist. 2015).*

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Nonconforming Use—City claims addition of structures and expansion of homes within mobile home park amounts to an illegal expansion of a nonconforming use

Park owner argues nature and character of use have not changed and thus his vested right in the nonconforming use remains

Citation: *City of Des Moines v. Ogden, 2018 WL 1357471 (Iowa 2018)*

IOWA (03/16/18)—This case addressed the issue of whether intensification of a mobile home park use, through addition of structures or expansion of homes within the park, amounted to an illegal expansion of an authorized nonconforming use.

The Background/Facts: Mark Ogden owned property (the "Property") in Des Moines (the "City") on which he operated a mobile home park known as Oak Hill Mobile Home Park ("Oak Hill"). The history of the use of the Property was unclear, but from approximately 1941 to 1947, the Property was used as a tourist camp. Between 1947 and 1955, the Property became Oak Hill Mobile Home Park. In 1955, a prior owner of Oak Hill obtained from the City a certificate of occupancy that allowed for the operation of the mobile home park as a nonconforming use. From 1955 until 2014, the City took no zoning action against Oak Hill. However, in 2014, a City zoning administrator informed Ogden of "numerous violations of municipal zoning codes" on the Property. Among other things, the zoning administrator cited numerous setback violations, lot size violations, and failure to maintain an unobstructed driveway and a specific feet of clearance between trailers.

After receiving the enforcement notice, Ogden failed to respond to the City's directive that he bring the Property "into compliance or enter into a compliance plan." Thereafter, the City brought a legal action against Ogden. The City asked the court to order Ogden to cease use of the Property as a mobile home park.

Ultimately, the district court held that discontinuance of the mobile home park nonconforming use was "necessary for the safety of life or property" and that "the changes to the [P]roperty were unlawful expansions of the existing nonconforming use." In so holding, the court

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referred to a 1963 aerial photograph of Oak Hill, and noted it was now far more congested, with less open space, and filled with "the detritus of life." The court cited the 1955 occupancy permit, which stated that discontinuance of the permit was allowed "if the safety of life or property is threatened." And, the court noted that the "current use of the [P]roperty as a mobile home park 'has intensified beyond acceptable limitations' because the conditions 'pose a real threat in the event of an emergency.' " The district court issued an order enjoining the continued nonconforming use of the Property as a mobile home park.

Ogden appealed. The court of appeals affirmed the district court's order, and concluded that "the current status of the mobile home park exceeded the legal nonconforming use as it existed in 1955 and that it posed a threat to the safety of people or property at the mobile home park."

Ogden again appealed.

DECISION: Judgment of Court of Appeals vacated, reversed, and matter remanded.

Vacating and reversing the lower court holdings, the Supreme Court of Iowa held: (1) that the City had failed to show that the discontinuance of the nonconforming use under the 1955 certificate of occupancy was necessary for the safety of life or property; and (2) as a matter of first impression (i.e., the first time the court had addressed the specific issue), that intensification of a mobile home park use due to the addition of structures or the expansion of homes within the park did not amount to an illegal expansion of the authorized nonconforming use.

In so holding, the court first explained the law on nonconforming use. The court said that a nonconforming use is one "that lawfully existed prior to the time a zoning ordinance was enacted or changed, and continues after the enactment of the ordinance even though the use fails to comply with the restrictions of the ordinance." A lawfully existing prior use of the property creates a vested right in the continuation of the nonconforming use "unless the nonconforming use is legally abandoned, enlarged, or extended," explained the court. The court noted that the City's Municipal Code specifically provided for discontinuation of a nonconforming use if "necessary for the safety of life or property."

Here, the court could not conclude that the City had shown that the discontinuance of the nonconforming use under the 1955 certificate of occupancy was necessary for the safety of life or property. The court found no evidence in the record that demonstrated the existence of a significant safety issue. Oak Hill had not been cited for any fire safety code violations or for any zoning violations until the 2014 notice.

The court also found that the City had failed to meet its burden of proving that Ogden had so substantially changed the character and intensity of the mobile home park so as to have lost his vested right to

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the legal nonconforming use. The City had argued that Ogden had exceeded the established nonconforming use of the Property because the use of the mobile home park had intensified in terms of the numbers and location of structures attached to mobile homes. The court disagreed. The court explained that "intensification of a nonconforming use is permissible so long as the nature and character of the use is unchanged and substantially the same facilities are used." Here, the court found that the City failed to present evidence demonstrating that the zoning violations at Oak Hill had been "expanded to the point where the established nonconforming use is 'substantially or entirely different from the original use.' " The court observed that Oak Hill had not changed in size or in its form of use as a mobile home park. The court found that the number and location of the mobile homes was roughly the same in 2014, as it was in 1963 (which was the date of the first aerial photograph of the Property on record). Further, the court found that the additions to the structures of the mobile homes, as well as the "detritus of life" noted by the district court, had "not substantially changed the nature and character of Ogden's use of the [P]roperty as a mobile home park." Rather, the court found that "steady increase in the additions to the mobile home structures and other objects found on the [P]roperty represents a marginal change that falls within the degree of latitude that the law affords to property owners in their nonconforming use." "Ultimately," concluded the court, "Oak Hill [was] being used as a mobile home park in a manner that [was] not " 'substantially or entirely different' from its original use" as a mobile home park when the City issued the 1955 certificate of occupancy allowing for its nonconforming use. Accordingly, the court concluded that "the City did not prove that Ogden had lost the vested right he had in the operation of Oak Hill Mobile Home Park as a legal nonconforming use."

See also: *City of Central City v. Knowlton, 265 N.W.2d 749 (Iowa 1978).*

See also: *Worthington v. Everson, 10 Ohio App. 2d 125, 39 Ohio Op. 2d 234, 226 N.E.2d 570 (9th Dist. Medina County 1967).*

Case Note:

In his appeal, Ogden had also claimed that the actions of the City amounted to an unconstitutional regulatory taking. The Supreme Court of Iowa held that Ogden had waived his unconstitutional takings claim by failing to preserve it.

Case Note:

In its decision, the court cited case law from other jurisdictions that had held that replacing existing mobile homes with larger mobile homes results in an unlawful expansion of a nonconforming use. However, the court distinguished

this case from those cases, noting that, in those cases, the local zoning officers and regulations treated each mobile home within the mobile home park as a separate structure with separate compliance issues, while in this case the City had argued that Oak Hill in its entirety as a mobile home park had exceeded its nonconforming use and did not distinguish between the mobile home park in its entirety and each individual mobile home for enforcement purposes. (See e.g., Wiltzius v. Zoning Bd. of Appeals of Town of New Milford, 106 Conn. App. 1, 940 A.2d 892, 910 (2008); Kosciusko County Bd. of Zoning Appeals v. Smith, 724 N.E.2d 279, 281 (Ind. Ct. App. 2000).)

Zoning News from Around the Nation

MASSACHUSETTS

In early March, the Massachusetts Cannabis Control Commission finalized state regulations governing retail, recreational marijuana. Recreational marijuana stores will already be able to start applying for retail licenses starting April 1, and licensed venues will be able to open starting July 1.

Source: *MassLive.com; www.masslive.com*

In early March, the Northampton City Council gave final approval to zoning legislation related to retail marijuana. Among other things, the zoning ordinances: prohibit marijuana retailers from within 200 feet of a pre-existing public or private K-12 school; sanction outdoor cultivation of marijuana with site plan approval; provide distinctions in the city's code between medical and recreational marijuana and marijuana production; specifies limitations on where retail dispensaries can be located.

Source: *MassLive.com; www.masslive.com*

OHIO

Some residents of the City of Hillsboro are reportedly concerned about proposed zoning legislation, which would limit the number of pets per household. The proposed legislation would specifically limit each household to "no more than four dogs or four cats, or a combination of dogs and cats as not to total more than four . . . ." The zoning legislation would also limit households to "a maximum of four chicken hens or four rabbits, or a combination of both not total more than four" on each parcel of property.

Source: *The Highland County Press; http://highlandcountypress.com*

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Signs/Variances—City denies church's variance request for digital lettering on sign

Church argues variance is warranted due to "practical difficulties" of carrying out church use without digital sign lettering

Citation: *Antioch Community Church v. Board of Zoning Adjustment of City of Kansas City, 2018 WL 1599776 (Mo. 2018)*

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

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P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084
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ISSN 0514-7905
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MISSOURI (04/03/18)—This case addressed the issues of whether, with regard to a church's request for a nonuse zoning variance for a digital display on a monument sign in front of the church building: (a) the presence of digital lettering on the monument sign changed the sign type from monument to digital such that the city's board of zoning adjustment lacked authority under the zoning code to grant the church's request for a nonuse variance; and (b) the church showed "practical difficulties" in carrying out the church's use of the property without a nonuse variance for digital lettering on its sign.

The Background/Facts: Antioch Community Church (the "Church") was located in a residential zone in the City of Kansas City (the "City"). For more than 60 years, the Church had a "monument" type sign with a manual message display with individual removable hanging letters. In 2010, at a cost of $11,426, the Church upgraded its monument sign to include a digital display. The Church sought neither a permit nor a variance from the City prior to its 2010 installation of the digital lettering on its monument sign.

Approximately one year after the Church added the digital display to the monument sign, the City issued a citation to the Church. The City maintained that the Church's digital lettering was violating the City zoning code—specifically Section 88-445-06-A-4(a), which prohibited "any form of digital or electronic display" on monument signs in residential areas.

The Church appealed the citation to the City's Board of Zoning Adjustment ("BZA"). However, before the appeal could be heard, the Church filed an application with the BZA for a variance "to allow [a] digital display on [the] existing monument sign."

The BZA rejected the Church's request for a variance because it determined the addition of a digital display on the monument sign changed the "type" of sign from a monument sign to a digital sign. Section 88-445-12 of the City zoning code provided that the BZA could "grant variances to the requirements for signs, except as to type and number." The BZA further provided that even if the addition of the digital display did not change the sign "type," it denied the variance because the Church "failed to establish [the] undue hardship or practical difficulty" necessary for granting a variance.

Once the variance request was denied, the BZA ruled on the Church's appeal of its zoning violation citation, finding against the Church.

The Church then filed an action with the circuit court, challenging both the BZA's denial of the variance request and the BZA's decision on the appeal of the citation.

The circuit court ruled in the Church's favor. The court found: (1) that the addition of digital lettering was not a change in sign type and therefore the BZA did have the authority to grant the variance; and (2)

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the Church "adequately established the existence of 'practical difficulties' so the denial of the variance was not supported by competent and substantial evidence."

The City appealed.

DECISION: Judgment of Circuit Court affirmed in part and reversed in part.

The Supreme Court of Missouri, en banc, first agreed with the Church and the circuit court that the addition of digital lettering was not a change in sign type such that the BZA did have the authority to grant the variance. In so holding, the court looked at the City zoning code's definition of "monument sign." The code defined a "monument sign" as a "sign placed upon a base that rests upon the ground where the width of the base of the sign is a minimum of 75 percent of the width of the longest part of the sign." The court found that the "Church's sign fit within this definition of 'monument sign' both before and after the change in the lettering from manual to digital," since the definition did not include any language about what kind of lettering was required on a monument sign. Moreover, the court found that a different section of the City zoning code acknowledged the existence of "digital monument signs," permitting them in non-residential zoning districts. Since the sign "type" remained the same despite the change in lettering display, the court concluded that the BZA did have authority to grant the variance to the Church.

However, the court also concluded that the BZA properly denied the Church's requested variance because the Church failed to show "practical difficulties" in carrying out the C Church's use of the property as a church without the nonuse variance for the digital lettering.

Again, since the City zoning code (section 88-445-06-A-4(a)) prohibited "any form of digital or electronic display" on monument signs in residential areas, the Church needed a variance to maintain its sign. Missouri statutory law (RSMo § 89.090.1(3)), noted the court, provides that boards of adjustment can grant variances when: "there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance." Citing prior case law, the court noted that for "nonuse" variances, such as that sought by the Church here, the applicant must show that there are "practical difficulties" in carrying out the permitted use of the property because of conflicts with the zoning requirement, thus necessitating the nonuse variance. In other words, here, the Church had to show that it had "practical difficulties" in using its property as a church without a variance allowing it to have digital lettering on its monument sign.

The Church attempted to make such a showing. It argued that: (1) the lack of a digital sign impaired the Church's ability to "meaningfully convey its non-commercial religious message" because the Church's

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aging membership found it "extremely difficult" to go outside and manually change the lettering on the old non-digital sign; (2) the larger digital letters allowed the Church to more clearly convey its message and help it recruit new church members; and (3) it showed "economic hardship and 'unique factual circumstances' " in that the Church spent more than $11,000 on the digital display because it knew another church in a different city had no issues with such a display upgrade.

The court rejected all of the Church's arguments, finding they did not amount to "practical difficulties" in carrying out the church use. The court explained that there were "guidelines" to utilize in considering applications for nonuse variance, which boards of zoning adjustment should look to in determining whether practical difficulties have been shown:

> "(1) how substantial the variation is in relation to the requirement, . . . (3) whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created, (4) whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance, and (5) whether in view of the manner in which the difficulty arose and considering all of the above factors the interests of justice will be served by allowing the variance."

Here, the court found that the Church's variance requested from the prohibition on digital sign displays in residential zoning districts would not meet the various criteria. The court found the Church's offered reasons for the variance explained the Church's "preference" for the digital sign, but not a "practical difficulty" in carrying out the Church's use of the property as a church. Rejecting the Church's arguments as to "practical difficulty," the court said that the Church: (1) could utilize a younger church member or hire someone to change the non-digital lettering on the sign; (2) had operated since 1853 without digital lettering; and (3) could not justify the variance because of the unfortunate waste of money caused by the Church's failure to make the expenditure without checking on zoning requirements.

See also: *Matthew v. Smith, 707 S.W.2d 411 (Mo. 1986).*

See also: *Slate v. Boone County Bd. of Adjustment, 810 S.W.2d 361 (Mo. Ct. App. W.D. 1991).*

Case Note:

On appeal, the Church alternatively had asked the court to hold that the portion of the City's zoning code prohibiting digital monument signs in residential zones violated the First Amendment by favoring commercial speech over non-commercial speech. The court found that the Church had failed to preserve that claim for appeal. In any case, the court viewed this argument of the Church's as being that: "the zoning code's prohibition against digital signs in residential areas has a disparate impact on churches because the zon-

ing code does not allow churches to obtain variances allowing them to have a digital display." The court noted that it had found the Church was not barred from obtaining a variance if it met the requirements for a variance. Rather, "[t]he Church simply failed to meet those requirements." Thus, the court concluded: "[t]he Church does not and cannot argue the ordinance was unconstitutional when the reason for denial of the variance was its own failure of proof."

Zoning Authority—County land use regulation prohibits fractional ownership of campgrounds

Campground owner contends regulation exceeds county's zoning authority

Citation: *Board of County Commissioners of Teton County v. Mackay Investments, LLC, 2018 WY 34, 413 P.3d 1120 (Wyo. 2018)*

WYOMING (03/28/18)—This case addressed the issue of whether a county zoning regulation prohibiting fractional ownership of campgrounds exceeded the county's zoning authority.

The Background/Facts: Mackay Investments, LLC ("Mackay") owned and operated two campgrounds in Teton County (the "County"). Pursuant to a settlement agreement between Mackay and the County, as well as a County Land Development Regulation aimed at promoting tourism, long-term camping was prohibited at both of Mackay's campgrounds.

In 2015, Mackay transferred undivided tenant in common fee ownership interests to 21 separate entities at each of its campgrounds. Mackay retained an undivided tenant in common fee ownership interest in each of the campgrounds. Thus, each of the campgrounds was then owned by 22 separate entities as undivided tenants in common or as tenants in common with an undivided interest in the whole.

In 2016, the County sent Mackay a Notice of Violation, asserting that tenant in common ownership of the campgrounds violated a section of the county Land Development Regulations that prohibited fractional ownership of campgrounds.

Mackay responded by filing a declaratory judgment action in the district court. Mackay asked the district court to find that the Land Development Regulation prohibiting fractional ownership of camp-

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grounds exceeded the County's regulatory zoning authority and was unenforceable. Mackay argued that the County only had authority to regulate use of land, and that the County had failed to show how regulation of the transfer of an ownership interest in the campgrounds affected use of land.

The County, on the other hand, asserted that its regulation prohibiting fractional ownership of campgrounds was "directly related to use . . . of the land encompassing the campgrounds."

Finding there were no issues of material fact in dispute, and deciding the matter on the law alone, the district court granted summary judgment in favor of Mackay. The court agreed with Mackay that the regulation prohibiting fractional ownership of campgrounds was unenforceable because it was beyond the County's zoning authority.

The County appealed.

DECISION: Judgment of district court affirmed.

Agreeing with Mackay and the district court, the Supreme Court of Wyoming held that the County Land Development Regulation prohibiting fractional ownership of campgrounds exceeded the County's zoning authority.

In so holding, the court explained that, pursuant to Wyoming statutory law (Wyo. Stat. Ann. § 18-5-201), the County's "general zoning authority" was: "to promote the public health, safety, morals and general welfare of the county" by regulating and restricting "the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county." Thus, determined the court, the County could regulate the "use" and "occupancy" of lands, but was not authorized to regulate the ownership of lands. Accordingly, said the court, a county's zoning authority does not include the right to regulate land ownership absent a showing that a change in ownership will result in a change in use.

The County had argued that the disputed regulation of campground fractional ownership was intended to ensure that camping spaces were available for visiting tourists and aimed for an "increased turnover of campsites," and was therefore a regulation on the use of campgrounds and a valid exercise of the its zoning authority.

Reviewing the plain language of the regulation prohibiting fractional ownership of campgrounds, the court disagreed. The court noted that the new tenant in common owners, under their transaction agreements with Mackay, were subject to exactly the same time limitations on camp site occupancy as Mackay was before the transactions. The court found nothing in the disputed regulation that altered the length of occupancy or affected the rate of turnover at the two campgrounds. The regulation

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prohibiting fractional ownership did not control the use of the campsites or have any impact on the use of the land. It controlled only the ownership of the land, not its use, found the court. Accordingly, the County regulation prohibiting fractional ownership of campgrounds was beyond the County's zoning authority and unenforceable, concluded the court.

Limitations Period/Time for Proceedings—County contends wireless communication provider's legal challenge to permit denial is outside of the Telecommunication Act's statute of limitations period, and therefore time barred

Parties dispute when "final action" occurs in zoning decisions, triggering Act's 30-day clock

Citation: *Athens Cellular, Inc. v. Oconee County, Georgia, 886 F.3d 1094 (11th Cir. 2018)*

The Eleventh Circuit has jurisdiction over Alabama, Florida, and Georgia.

ELEVENTH CIRCUIT (GEORGIA) (04/2/18)—This case addressed the issue of whether a telecommunications provider, which was denied a special use permit by a county board, met the 30-day statutory limitations period of the Telecommunications Act of 1996 (the "TCA") to timely appeal the county board's final action. The case addressed how to assess when the TCA's statute of limitations period begins to run.

The Background/Facts: In May 2014, Athens Cellular, Inc., doing business as Verizon Wireless, ("Verizon") submitted an application to the Planning Department of Oconee County (the "County") for a Special Use Permit (the "Permit") to construct a cellular communications tower that would "enhance its wireless service." Eventually, at its August 5, 2014 meeting, the County Board of Commissioners (the "Board") denied the Permit. That day, the Commissioners signed a document denying the Permit (the "Document"). On August 7, the Doc-

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ument was placed in the County's Ordinances and Resolutions books, according to "customary procedure." Then, on September 2, 2014, at the Board's next regular monthly meeting, the Board approved the minutes of the August 5 meeting at which it had voted on Verizon's application.

On September 5, 2014, Verizon sought a copy of the August 5 meeting minutes, which it found on the County website. The meeting minutes referred to the Document denying the Permit. Verizon had to submit an Open Records Request to obtain a copy of the Document, and received a copy of the Document on September 10.

On September 24, 2014, Verizon filed a legal action in court, challenging the denial of the Permit. Verizon argued that the Board's decision had the effect of prohibiting its provision of personal wireless services, in violation of § 332(c)(7)(B)(i)(II) of the Telecommunications Act of 1996 (the "TCA").

The TCA provides certain federal substantive and procedural limitations on the local permitting process for the construction of cellular communications towers "in order to facilitate broader extension of wireless services to the American people." Section 332(c)(7)(B)(i)(II) provides that a "local government . . . shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time . . . , taking into account the nature and scope of such request." (47 U.S.C.A. § 332(c)(7)(B)(ii).) It also requires that "[a]ny decision . . . to deny a request [for such authorization] shall be in writing and supported by substantial evidence." (47 U.S.C.A. § 332(c)(7)(B)(iii).)

Here, Verizon argued that the Board's decision to deny the Permit was "not supported by substantial evidence, as required by § 332(c)(7)(B)(iii)." Verizon asked the court to issue an injunction requiring the Board to issue the Permit.

The County responded to Verizon's action, arguing it was untimely and therefore time-barred under the TCA. Section 332(c)(7)(B)(v) of the TCA requires that "[a]ny person adversely affected by any final action by a State or local government . . . that is inconsistent with [§ 332(c)(7)(B)'s limitations] may, within 30 days after such action . . . , commence an action in any court of competent jurisdiction." (47 U.S.C.A. § 332(c)(7)(B)(v).) The County argued that Verizon failed to file the lawsuit within the TCA's 30-day limitations period. Verizon contended that the 30-day limitations period began to run on August 7, 2014, when the County Clerk (the "Clerk") entered the Document evidencing the Board's August 5 vote in the County's Ordinances and Resolutions books "pursuant to custom."

The District Court agreed with the County. It dismissed Verizon's action as time-barred.

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Verizon appealed. On appeal, Verizon contended that the TCA's statute of limitations began to run after September 2, 2014, when the Board formally approved the minutes of the August 5 meeting at which it had voted to deny the Permit.

DECISION: Judgment of district court reversed, and matter remanded.

Agreeing with Verizon, the United States Court of Appeals, Eleventh Circuit, held that the TCA's 30-day statute of limitations period for challenging the Board's denial of Verizon's Permit did not begin to run until the denial became a "final action"—which occurred on September 2, 2014, when the Board approved the minutes of the August 5 meeting at which the Permit was denied.

In so holding, the Eleventh Circuit looked to the TCA, Georgia law, and the County Code for their guidance on when a local permitting decision becomes a "final action"—thus starting the 30-day clock under the TCA. The court said that "[o]nly when an applicant receives sufficient notice does [a local board's] decision become 'final,' and only then can the thirty-day [TCA] clock begin to run." The court found that the TCA provided "no express answer" as to when an action is "final" and the 30-day clock begins. Still, the court determined that although Congress "did not explicitly instruct local governments to provide aggrieved parties with 'actual notice' of the issuance of their final permitting decisions and where the decision might be found, it could not have intended that aggrieved parties receive no notice at all, because that would effectively deprive the parties of their right to judicial review under [the TCA] 47 U.S.C.A. 332(c)(7)(B)(v)." Looking further, the Eleventh Circuit noted that the United States Supreme Court had defined "final action" under the TCA as "the issuance of the written notice of denial," thus signifying that the high Court understands the TCA to require "notice." Moreover, the Eleventh Circuit noted that the United States Supreme Court had further enumerated that for agency action to become final, two conditions must be met: "First, the action must mark the consummation of the agency's decision making process—it must not be of a merely tentative . . . nature[;] [a]nd second, the action must be one by which rights or obligations have been determined, or from which legal consequences will flow."

Next, consulting Georgia law and the County Code, the court concluded that Georgia's Open Meetings Act dictated the procedures for "final action" on zoning decisions—thus providing "constructive notice" to zoning applicants (such as Verizon, here) as to when an application denial would be "final." Georgia's Open Meeting Act required: a written summary of "subjects acted on" at meetings; minutes of the meeting to be prepared and "promptly recorded"; a vote on whether to approve those minutes at the board's "next regular meet-

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ing"; and such approved meeting minutes to be made "open to public inspection, but in no case later an immediately following [the board's] next regular meeting." (See O.C.G.A. §§ 50-14-1(e)(2)(A) and 50-14-1-(e)(2)(B).)

Applying Georgia's Open Meeting Act's procedural requirements to the case at hand, the Eleventh Circuit found that the Board had "plenary power over the August 5 minutes: it could approve the minutes, revise them, or postpone its approval decision until the next month's meeting in October." As it turned out, at its September 2, 2014 meeting, the Board approved the August 5 minutes in full. This, concluded the court, was when the Board's denial of the Verizon's Permit became a "final action," starting the TCA's 30-day statute of limitations period. In other words, it was at the September 2 meeting that the Board approved the August 5 meeting minutes and thus "the Board's 'decision-making process' was . . . consummated, and the relevant legal consequences under the TCA [flowed]." "Verizon's action, filed on September 24, was therefore timely," concluded the court. Accordingly, the District Court erred in dismissing Verizon's case.

See also: *T-Mobile South, LLC v. City of Roswell, Ga., 135 S. Ct. 808, 190 L. Ed. 2d 679 (2015).*

See also: *Bennett v. Spear, 520 U.S. 154, 177-78, 117 S. Ct. 1154, 137 L. Ed. 2d 281, 44 Env't. Rep. Cas. (BNA) 1161, 27 Envtl. L. Rep. 20824 (1997).*

Zoning News from Around the Nation

CALIFORNIA

In early April 2018, amendments were made to the housing transit bill—Senate Bill 827—which would allow for construction of taller residential buildings near public transportation stations. Among the amendments: the "maximum height of buildings that could be built under the bill has been reduced to five stories from eight"; and the effective date of the bill, should it become law, would be 2012 instead of 2019. The bill was expected to go before its first committee hearing on April 17.

Source: *Curbed San Francisco; https://sf.curbed.com*

PENNSYLVANIA

In early April, the Philadelphia City Council announced a "package of affordable housing bills," which includes new "inclusionary zoning

bonuses that would allow developers in many zoning districts to build denser and taller buildings if they provide affordable housing."

Source: *WhyY; http://planphilly.com*

LOUISIANA

State Senators have approved legislation—Senate Bill 462— which asserts "state authority over local zoning efforts to create affordable housing." Specifically, Senate Bill 462 "would forbid municipal and parish governments from requiring developers to set aside a certain number of low income units in order to receive building permits for apartment, condo, single family and other housing projects." Notably, the bill would reportedly "replace the term 'inclusionary zoning' with 'voluntary economic incentive policies,' which would circumvent the usual way local governments create more affordable housing . . . ."

Source: *The Advocate; www.theadvocate.com*

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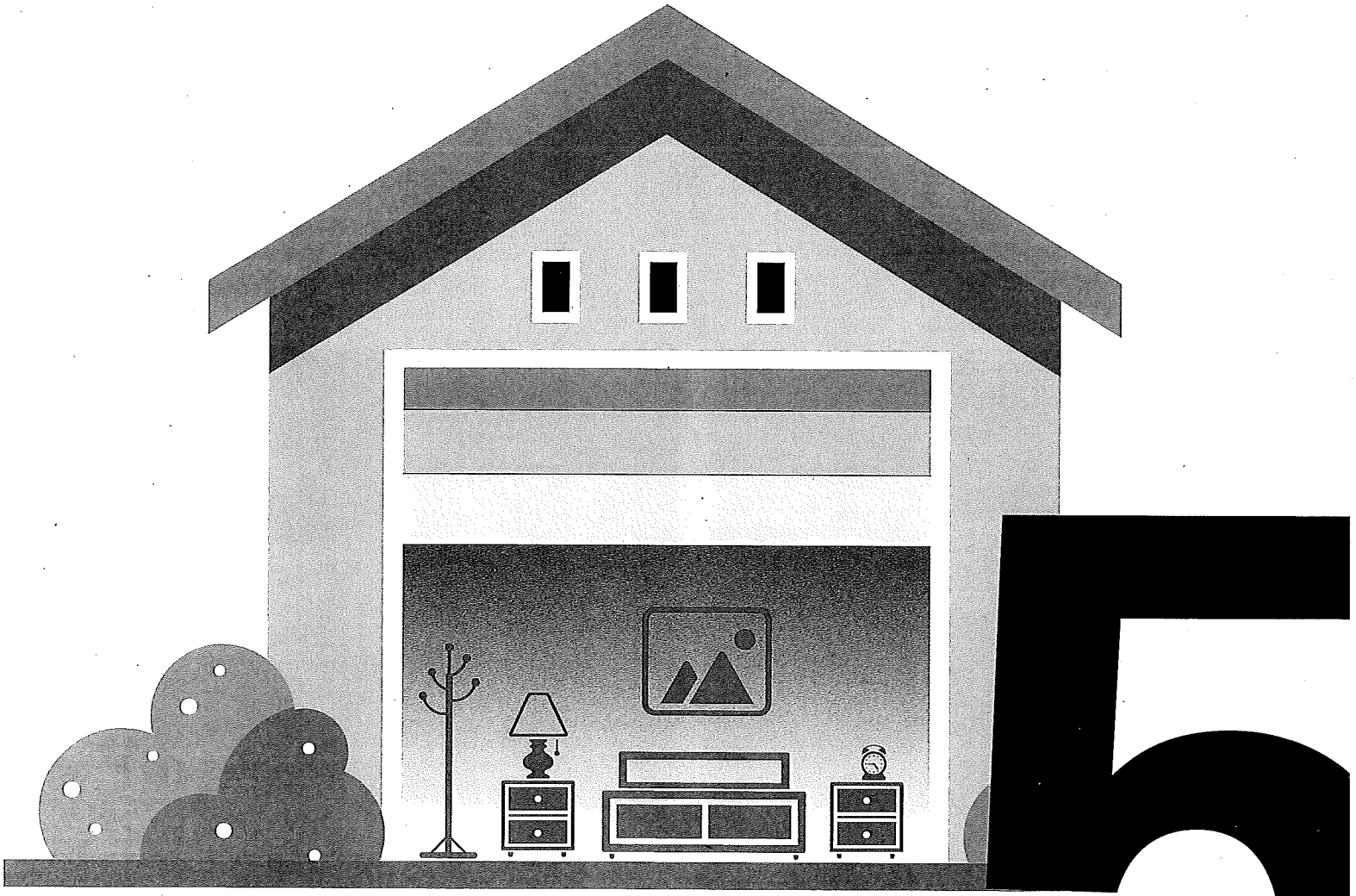
ZONING PRACTICE MAY 2018

AMERICAN PLANNING ASSOCIATION

ISSUE NUMBER 5

PRACTICE GARAGE APARTMENTS



5

Zoning to Promote Garage Apartments

By Anne Brown, Vinit Mukhija, and Donald Shoup, FAICP

American cities have a large supply of garages that could be converted into affordable apartments, but off-street parking requirements prevent converting most of these garages into housing for people.

Converted garages in single-family neighborhoods are variously called second units, accessory dwelling units, garage apartments, granny flats, and backyard cottages. To convert a garage into an apartment, off-street parking requirements typically force a home owner to replace the two garage parking spaces with two new off-street parking spaces, plus an additional off-street parking space for the new apartment. These parking requirements make it almost impossible—financially and physically—for most home owners to legally convert garages into housing.

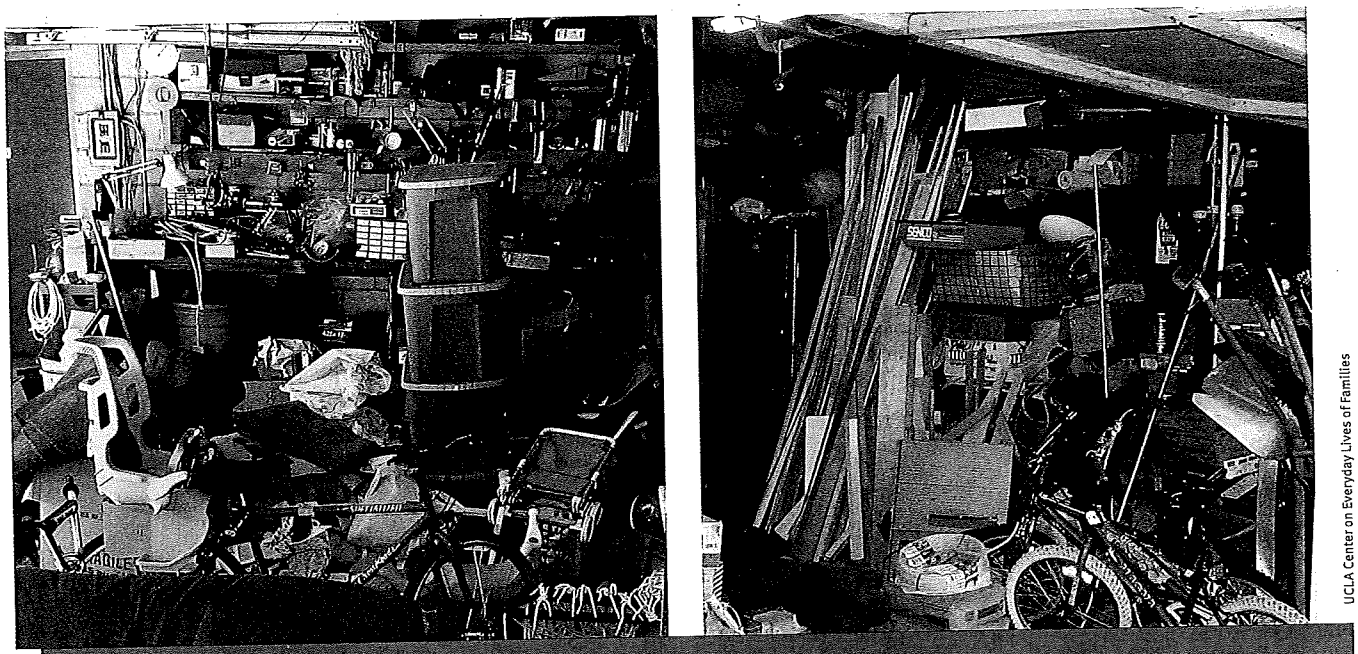
To make it easier to convert garages into housing, some cities have removed parking requirements for the second units. Although the residents of the garage apartments are less likely than others to own cars, many do own cars—some of which are parked on the street. Thus, converting a two-car garage into an apartment can add three cars parked on the street, and neighbors may fear that the conversions will congest on-street parking.

This dilemma can be resolved in neighborhoods with a residential parking permit district. We propose that cities remove the off-street parking requirements for single-family homes that have second units, and limit the number of on-street parking permits at that address to the number of cars that can park in front of the property. Managing on-street parking in this way can eliminate fears that converting garages into housing will flood the street with parked cars.

NOT IN MY NEIGHBOR'S BACKYARD

While reduced parking requirements for garage apartments can increase the supply of affordable housing, home owners often oppose garage conversions in their own neighborhood because of concerns about on-street parking. Explaining why she opposed garage apartments, one planning commissioner in a Southern California city said that she bought her house in a neighborhood "where I wouldn't have to worry if I was going to be able to park in front of my own house." Garage conversions can face severe political problems if local officials fear that the new residents will create parking problems.

This fear is exaggerated. A study of middle-income single-family home owners in the Los Angeles area found that 75 percent of garages were used to store old furniture or other household goods, not cars. Figure 1 shows two of these garages, where cars are out and just about everything else is in. In addition, many older garages are too small to accommodate larger modern vehicles such as pickup trucks or sports utility vehicles. Garage conversions are unlikely to displace many cars from garages because many cars are *already* in driveways or on the streets. Nevertheless, many residents fear garage conversions will lead to overcrowded on-street parking. How can cities remove off-street parking requirements for houses with garage apartments without crowding on-street parking and arousing political opposition?



UCLA Center on Everyday Lives of Families

Figure 1. A Look Inside Garages in Los Angeles. 2012. From *Life at Home in the 21st Century: 32 Families Open Their Doors.* Berkeley, California: University of California Press.

TABLE 1. SHARE OF UNPERMITTED SINGLE-FAMILY UNITS IN THE LARGEST METROPOLITAN STATISTICAL AREAS, 2000–2014

MSA	Increase in Number of Housing Units	Number of Building Permits	Number of New Units without Permits	Percentage of New Units without Permits	Wharton Regulatory Index
	(1)	(2)	(3) = (1) - (2)	(4) = (3)/(1)	(5)
Los Angeles	454,728	155,344	299,384	66%	0.51
New York	566,167	235,846	330,321	58%	0.63
Boston	205,337	86,102	119,235	58%	1.54
Philadelphia	317,891	153,821	164,070	52%	1.03
Chicago	514,888	292,800	222,088	43%	0.06
Miami	298,554	188,632	109,922	37%	NA
Washington, D.C.	398,169	279,401	118,768	30%	0.33
Dallas	608,604	459,609	148,995	24%	-0.35
Atlanta	582,114	471,479	110,635	19%	0.04
Houston	581,674	526,312	55,362	10%	-0.19
Total	**4,528,127**	**2,849,346**	**1,678,781**	**37%**	

Complete sources and methodology available in "Converting Garages into Housing," published in the *Journal of Planning Education and Research*.

Instead of requiring off-street parking to prevent crowded on-street spaces, cities can better manage the on-street parking. Parking is not the only reason why neighbors may object to garage conversions, but it is a major reason and a politically powerful one. If cities remove on-street parking problems as an objection to garage apartments, the other issues (such as concerns about noise or attracting lower-income residents to high-income neighborhoods) can be discussed more openly. Other zoning regulations for second units (location, size, safety, construction materials, and occupancy limits) can remain largely unchanged.

REFORMING OFF-STREET PARKING REQUIREMENTS

One way to manage on-street parking is to limit the number of cars permitted to park on the street. In residential permit parking (RPP) districts, the city can limit the number of on-street parking permits for cars registered at any address with a second unit. An RPP district is necessary but not sufficient to prevent garage conversions from crowding the curb. Although cities create permit districts only where parking is already scarce, they can be irresponsible about the number of permits issued.

For example, a political firestorm erupted in San Francisco when journalists discovered that romance novelist Danielle Steel had 26 residential parking permits for her mansion in Pacific Heights.

To solve the on-street parking problem, cities can impose an *if-then* condition for garage conversions: *If* an owner receives a permit to convert a garage into to housing, *then* the owner accepts a limit on the number of on-street parking permits at that address. This *if-then* condition can be included in the zoning for single-family neighborhoods with RPP districts.

There are good precedents for this if-then policy. In 2016, Washington, D.C., halved its off-street parking requirements for multifamily buildings near transit with the provision that the residents cannot receive residential parking permits (§702.1(c)). In 2017, California adopted legislation that prohibits local governments from requiring any off-street parking for some multifamily developments "when on-street parking permits are required but not offered to the occupants of the development" (Government Code §65913.4(d)(1)(C)). Limiting the number of on-street parking permits at every address with a converted garage can eliminate the parking-related concerns of neighbors and thus reduce the political opposition to garage conversions.

The option to convert a garage into housing in exchange for a limit on parking permits is far less restrictive than prohibiting garage conversions entirely. Furthermore, if a city limits the number of on-street parking permits only at addresses with second units, the neighbors without second units can continue receiving permits as usual. Because the if-then permit solution does what off-street parking requirements were intended to do—manage on-street parking congestion—cities can remove the off-street parking requirements altogether.

Some cities offer permits that allow residents to park on the street in front of their own driveway, effectively creating a reserved curb space in front of every house and substantially increasing the on-street parking supply. If residents convert their garages into housing, these block-your-own-driveway permits can give property owners a guaranteed on-street parking space for themselves, guests, home help, and service vehicles.

LEGALIZING UNPERMITTED GARAGE CONVERSIONS

After a city has created a clear path for legal garage conversions, it can begin targeted code enforcement for illegally converted garages following a grace period, during which home owners may comply with new regulations. While heavy-handed enforcement would previously have been "inhumane" due to the widespread displacement it would have caused, enforcement can now encourage

TABLE 2. COST AND REVENUE FOR CONVERTING A TWO-CAR GARAGE INTO A 400-SQUARE-FOOT APARTMENT

	Low	High
Construction Cost		
Architectural plans	$3,000	$5,000
Permit fees	$2,000	$3,000
Construction	$45,000	$60,000
Fixtures	$10,000	$12,000
Total	**$60,000**	**$80,000**
Monthly Cost		
Mortgage payment	$474	$633
Maintenance	$50	$67
Insurance	$73	$73
Total	**$597**	**$772**
Monthly Gross Revenue	**$1,440**	**$1,440**
Monthly Net Revenue	**$843**	**$668**

Complete sources and methodology available in "Converting Garages into Housing," published in the *Journal of Planning Education and Research.*

regularizing illegal conversions along with a limit to on-street parking. For example, Lawndale, California, requires an inspection and a report that "states whether the property is in compliance with the requirements for off-street parking" before any residential property is sold. A similar inspection-at-sale requirement in other cities would lead home owners to upgrade or remove conversions.

Garages converted without a legal permit are surprisingly widespread in the U.S. To estimate the increase in the number of unpermitted single-family housing units in the 10 largest Metropolitan Statistical Areas (MSAs), we compared the number of new single-family housing units reported in the U.S. Census with the number of single-family building permits reported by the U.S. Department of Housing and Urban Development. (Detached inhabited garages are counted as single-family housing units in both data sets.) Column 4 in Table 1 suggests that, between 2000 and 2014, 37 percent of new single-family units were unpermitted. In total, 1.7 million unpermitted housing units were added in the 10 largest MSAs.

Column 5 shows the Wharton Residential Land Use Regulatory Index, which measures the strictness of land-use regulation. MSAs with more regulation have higher values and those with less regulation have lower values. The MSAs with more regulatory barriers to new housing (Boston, Los Angeles, New York, and Philadelphia) have high shares of unpermitted units in their metropolitan areas, while the MSAs with fewer barriers (Atlanta, Dallas, and Houston) have low shares. Providing a pathway to legalization can greatly reduce the number of illegal garage conversions.

THE ECONOMICS OF GARAGE CONVERSIONS

Converting garages into housing can have far-reaching benefits for home owners, including an improved financial footing. According to Pearl Remodeling, a company that converts garages into livable space in Los Angeles, the cost of converting a two-car garage into a 400-square-foot apartment ranges from $60,000 to $80,000. If the home owner finances the conversion at five percent interest over a 15-year period, monthly loan payments would be between $474 and $633 per month. Using Craigslist, we surveyed rental listings of second units in Los Angeles County in May 2016 and estimated that the average rent for a 400- to 450-square-foot second unit in Los Angeles is $1,440, so the rent from a garage apartment can cover the mortgage payments and give the home owner between $602 and $793 a month in additional income. If the owner pays $60,000 for the conversion without borrowing, the rate of return on the investment is 25 percent per year and the payback period is 3.9 years; if the conversion cost is $80,000, the rate of return is 18 percent per year and the payback period is 5.4 years.

Some owners may not want to borrow money to convert a garage, or may have too little equity to do so. A policy that can help in this case is being tested in Portland, Oregon. The government offers to build a second unit on a single-family property if the home owner agrees to allow a homeless family to live in it rent-free for five years, after which the home owner has unrestricted use of the property. The sites considered for the second units are close to public transit, schools, grocery stores, and day care, and the formerly homeless families receive full support from social services.

The government's cost to build the second unit is around $75,000, about the same as the cost to convert a garage into a second unit—far less than the average $372,000 per unit it costs to build subsidized affordable housing in California.

If a city wants to provide housing for homeless families, subsidizing second units can be cheaper than subsidizing the rent for existing apartments.

Unlike rent subsidies, which increase the demand for affordable housing, subsidized second units increase the supply of affordable housing. After five years, home owners get the second units at no cost.

If an agency is committed to providing shelter for a specific group, subsidized second units can be a cost-neutral or even a less expensive alternative.

For example, because the U.S. Department of Veterans Affairs offers a wide array of programs to help homeless veterans, it can also offer to pay for converting garages into housing in exchange for letting veterans occupy the new housing rent-free for a specified period. This offer seems especially appropriate if the home owner appreciates a veteran's service to the country and if the neighbors approve of (or at least hesitate to publicly oppose) allowing a formerly homeless military veteran to live nearby.

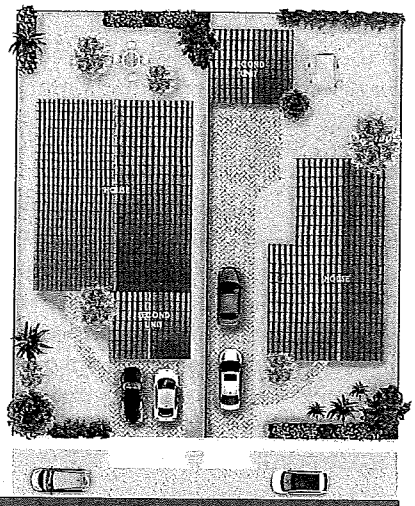


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Figure 2. Garages converted to second units at the front and back of houses.

GARAGE CONVERSIONS AND URBAN DESIGN

The large scale and bad design of some high-density infill projects often provoke opposition from home owners who want to preserve their neighborhood's physical character. In contrast, garage apartments do not overwhelm existing houses and may even go unnoticed by neighbors. Garage conversions merely swap people for cars or storage, leaving exteriors virtually unchanged. Critics cannot say that a converted garage will be out of scale in the neighborhood because the garage is already there. Garage apartments create horizontal, distributed, and almost invisible density instead of vertical, concentrated, and obtrusive density. Home owners may begin to consider their garages like unfinished attics or basements that can be converted into living space when the need arises. With a garage conversion, no one has to build more housing because it's already there. The problem is that the city requires it to be reserved for cars, not people.

Figure 2 shows single-family homes with converted garages in front of and behind the house. Both have enough parking to accommodate two, three, or more cars parked in the driveway or on the street in front of the house.

Because most garage conversions have been illegal, most of them have been in backyards where they are inconspicuous. Few home owners would be foolhardy enough to illegally convert a street-facing garage into housing because it would be obvious to everyone, including city inspectors. The investment would be risky because of the high chance of being cited for two violations: converting the garage to housing and not having the required off-street parking. Nevertheless, street-facing garages may be the most suitable for conversion to housing, for several reasons.

First, street-facing garages already comply with zoning-required setbacks and height limits. Second, converting a street-facing garage into an apartment will not reduce privacy in the home owner's or the neighbors' backyards. The garage apartment's resident will also have more privacy with a separate entrance to the street. Third, converting a street-facing garage that is part of the house into an apartment should be cheaper than converting a freestanding backyard garage. The apartment can connect with the electricity, central heating, air conditioning, and plumbing in the main house, and can have a door into the main house if the apartment is occupied by a family member or caregiver. Fourth, fire engines or ambulances can easily access a garage apartment in the front, removing an objection often raised against backyard cottages. Fifth, garage residents will provide more eyes on the street, and the home owners can feel safer while they are away if someone is living in the former garage. Sixth, converting a street-facing garage into an apartment can improve both the architecture of the house and the urban design of the street. Street-facing garages can be much more valuable for people than for cars.

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Figure 3. Design improvements from street-facing garage conversions, Los Angeles.

All this can be accomplished with little effect on parking or aesthetics. Cars can still park side-by-side in the driveway of a front-facing converted garage. If a garage abuts the sidewalk and has no driveway, the city can issue a block-your-own-driveway permit to provide a guaranteed on-street parking space along the curb cut in front of the house. Moreover, a city can require design review for any garage conversion to ensure that it is consistent with the design of both the house and the neighborhood.

The two renderings in Figure 3 illustrate the improvements possible when a residential facade replaces a garage door that formerly dominated the front of a house. (The entry door to the second unit can be in the side setback.)

AFFORDABLE HOUSING

Off-street parking requirements in single-family neighborhoods prevent on-street parking congestion mainly by preventing second units, and most garage conversions that do occur are confined to the unregulated housing market rather than the formal market. Some home owners ignore not just parking requirements but also important safety precautions when converting their garages without building permits. These unregulated garage units may then not adhere to building codes, thus exacerbating existing concerns over the safety of converted garages.

Urban economists have argued that high housing prices result not from a shortage of land, but from a zoning-induced shortage of building permits. Parking reforms that allow second units can provide a new supply of small, well-located, and high-quality dwellings within walking distance of stores and public transit. Allowing home owners to convert their garages into second units will allow the market to supply more housing with less parking and less traffic.

By creating new affordable housing, garage conversions can reduce the demand for existing affordable housing—which is in short supply—by increasing both the number of units and their geographical availability. If reformed parking requirements

allow it, garage apartments can create income-integrated communities not only in the sense of income diversity within a neighborhood but also of people with different incomes living on the same piece of property. The garage apartments will be what has been called naturally occurring affordable housing (NOAH): units that are affordable without being supported by public subsidies. Because the residents of the new garage apartments will not be competing for the existing supply of affordable housing, the benefits of the new NOAH units will trickle sideways and benefit everyone seeking affordable housing.

ALL PARKING IS POLITICAL

Diverse interests from across the political spectrum may support reducing the off-street parking requirements for second units if a city limits the number of on-street parking permits at any address with a second unit. Taken together, reforms for both on-street and off-street parking regulations are likely to appeal to important interest groups.

Housing advocates can see that allowing garage conversions will create affordable homes without requiring any subsidy. Property-rights advocates can see that it will increase owners' ability to manage their property. Environmentalists can see that it will reduce energy consumption, air pollution, and carbon emissions. Elected officials can see that it will encourage infill development and reduce traffic congestion without any new taxes. Contractors can see that it will increase investment in new housing. Urban designers can see that unobtrusive microapartments will enable people to live at higher density without being overwhelmed by cars. Libertarians can see greater opportunities for individual choice. Older people can see the potential to have on-site housing for caregivers or boomerang children. Opponents of illegal second units can see the potential for cities to legalize or remove these units.

Home owners can see the opportunities for guest quarters or rental income. Potential residents can see the prospect of affordable housing close to their workplace. Across the political spectrum, the left can see that garage conversions provide affordable, mixed-income housing in good neighborhoods, while the right can see they are 100 percent capitalist.

If many home owners convert their garages into apartments, cities can consider charging market prices for the on-street parking permits and spending the revenue to improve public services in the neighborhood. Everyone will have an incentive to economize on curb parking. Some residents who formerly parked their cars at the curb will park in the driveway, and others might sell an old car that isn't worth the price of an on-street parking permit. If more home owners convert their garages into apartments, rising permit prices will prevent a curb parking shortage, and will increase the revenue to pay for neighborhood public services.

CONCLUSION

One goal of city planning is to avoid conflicts before they happen, such as by regulating setbacks, fence heights, signs, and other features of real estate. Off-street parking requirements help to avoid conflicts about on-street parking, but they have serious unintended consequences, one of which is reducing the supply of housing. Garage conversions can increase the supply of housing but off-street parking requirements inhibit converting garages into housing.

SAMPLE LOCAL LEGISLATION

Off-street parking requirements shall be removed where the following conditions are met:

- The lot sits within a residential parking permit district; and
- On-street parking permits are limited.
- This condition shall remain in effect so long as the normally required number of off-street spaces are not provided on the lot.

SAMPLE STATE LEGISLATION

[A] local agency . . . shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- The accessory dwelling unit is located within one-half mile of public transit.
- The accessory dwelling unit is located within an architecturally and historically significant historic district.
- The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- When there is a car-share vehicle located within one block of the accessory dwelling unit.

[Excerpted from California Government Code §65852.2(d)]

COMMENTARY

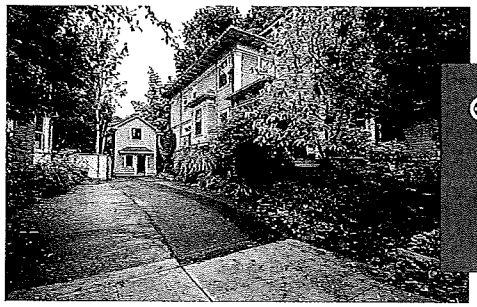
In California, all cities and counties must allow garage conversions and other second units through a ministerial review process (Government Code §65852.2).

Additionally, the California Vehicle Code authorizes block-your-own driveway permits (§22507.2):

> A local authority may, by ordinance, authorize the owner or lessee of property to park a vehicle in front of the owner's or lessee's private driveway when the vehicle displays a permit issued pursuant to the ordinance authorizing such parking. The local authority may charge a nonrefundable fee to defray the costs of issuing and administering the permits.

Cities can issue block-your-own-driveway permits in neighborhoods zoned for single-family residential use. Block-your-own driveway permits substantially increase the on-street parking supply and give property owners a guaranteed on-street parking space for themselves, guests, home help, and service vehicles.

This is not an unprecedented approach. Hermosa Beach, California, has authorized block-your-own driveway permits since 1989 (§10.32.080). Here is the city's permit application and the original ordinance: http://bit.ly/2uycyXT.



buildinganadu.com

Figure 4. An example of a two-story garage-to-ADU conversion in Portland, Oregon's historic Irvington neighborhood.

Off-street parking requirements put space for cars ahead of housing for people by making it difficult to convert garages into apartments. Instead, cities should remove off-street parking requirements for houses within RPP districts and limit the number of on-street parking permits at any address where a garage has been converted to housing. Limiting parking permits will prevent on-street parking congestion and help make garage conversions politically feasible. By increasing both home values and the supply of affordable housing, this parking reform can achieve individual and collective benefits of converting garages into housing without creating costs to neighboring home owners.

Parking reform for garage conversions can be offered first as a pilot program in one district. If the first district where garage conversions are allowed is successful, the policy can be offered in other parts of the city. Because they offer flexibility and may be adopted on a piecemeal basis, the parking reforms can allow residential districts to implement gradual change at the neighborhood level. The policy can also be expanded to allow other kinds of second units such as new detached structures, additions to the main house, or carve-outs in the main house, such as basement apartments. Parking reform can reduce the barriers to all forms of second units in both old and new housing while removing concerns about on-street parking congestion

Parking reforms offer a simple solution to encourage the addition of affordable housing while also providing home owners with improved choice and opportunities for mortgage financing and home equity loans. While parking regulations will change, other city regulations for second units, particularly building and safety codes, can remain the same. Existing garage conversions can be grandfathered if they are brought up to code, as is often done with other nonconforming land uses. New houses can also be built with second units or designed with garages and other spaces that are ready for conversion to second units.

The most appropriate method of managing on-street parking for houses with second units will depend on the nature of the neighborhood. In older neighborhoods with narrow lots, for example, only one on-street parking permit may be possible for a house with a second unit. In newer neighborhoods with wider lots, several parking permits for a house with a second unit may not crowd the street. Even in the densest neighborhoods, cities can allow second units such as basement flats if they manage the on-street parking properly. In this way, relatively minor parking reforms can allow home owners to create second units and adapt the urban landscape to a new future, one garage at a time.

Note: This article is condensed from "Converting Garages into Housing," in the *Journal of Planning Education and Research.*

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Donald Shoup, FAICP, is distinguished research professor in the Department of Urban Planning at UCLA. His research has focused on how parking policies affect cities, the economy, and the environment. Shoup is a Fellow of the American Institute of Certified Planners and an Honorary Professor at the Beijing Transportation Research Center. In 2015, he received APA's National Excellence Award for a Planning Pioneer.

VOL. 35, NO. 5

Zoning Practice (ISSN 1548–0135) is a monthly publication of the American Planning Association. James M. Drinan, JD, Chief Executive Officer; David Rouse, FAICP, Managing Director of Research and Advisory Services; Joseph DeAngelis and David Morley, AICP, Editors.

Subscriptions are available for $95 (U.S.) and $120 (foreign). Missing and damaged print issues: Contact APA Customer Service (312-431-9100 or subscriptions@planning.org) within 90 days of the publication date.

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ARE YOUR PARKING STANDARDS BLOCKING GARAGE APARTMENT CONVERSIONS?

5

Regular Planning Commission **8. 2.**

Meeting Date: 06/07/2018

By: JoAnn Shaw, Community Development

Information

Title:

July Planning Commission Meeting Date

Purpose/Background:

The July Planning Commission meeting is scheduled for Thursday, July 5, 2018. In the past the July meeting has been re-scheduled to the second Thursday of the month because of the 4th of July holiday and the need of a quorum.

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Staff recommends the July Planning Commission Meeting be re-scheduled to Thursday, July 12, 2018 at 7:00 p.m.

Action:

Discuss Commissioners availability for the July Planning Commission meeting and choose a meeting date.

Attachments

No file(s) attached.

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	06/01/2018 03:47 PM
Form Started By: JoAnn Shaw		Started On: 06/01/2018 11:59 AM
Final Approval Date: 06/01/2018		