

City of Ramsey
Agenda
Regular Planning Commission
Thursday, July 12, 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 June 7, 2018 Planning Commission Meeting Minutes.
- 5. Public Hearing**
 1. PUBLIC HEARING: Consider Variance Request to Place a Detached Accessory Building within the Required Setback from the Ordinary High Water Mark of the Rum River at 15795 Juniper Ridge Drive NW (Project No. 18-123); Case of Rick and Diane Farrell
 2. PUBLIC HEARING: Consider Request for Zoning Amendment (Text) to the E-1 Employment District and a Conditional Use Permit to Allow Motor Vehicle Sales on the Property Located at 14300 Sunfish Lake Blvd NW (Project No. 122); Case of John Buzick
 3. PUBLIC HEARING: Consider Ordinance #18-13; Amendment to City Code Chapter 117 (Zoning and Subdivision of Land) to add a Neighborhood Business District.
 4. PUBLIC HEARING: Consider Ordinance #18-12; Text Amendment to City Code Section 117-351 Home Occupations Ordinance
- 6. Commission Business**
 1. Receive Update from Continental Properties Regarding Potential Project (Springs at Ramsey)
- 7. Comprehensive Plan Update Items**
- 8. Commission/Staff Input**
 1. Zoning Bulletins
- 9. Adjournment**

Regular Planning Commission

4. 1.

Meeting Date: 07/12/2018

By: JoAnn Shaw, Community Development

Information

Title:

Approve the June 7, 2018 Planning Commission Meeting Minutes.

Purpose/Background:

n/a

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

06 07 18 Minutes

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 07/05/2018

Reviewed By

Tim Gladhill

Date

07/05/2018 08:51 AM

Started On: 07/02/2018 08:59 AM

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, June 7, 2018, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Randy Bauer
 Commissioner Bruce Anderson
 Commissioner Cheri Gengler
 Commissioner Patrick Surma (left at 8:43 and returned at 8:53)
 Commissioner Gary VanScoy
 Commissioner Matt Woestehoff

Members Absent: Commissioner Daniel Onyambu

Also Present: Community Development Director Timothy Gladhill
 City Planner Chloe McGuire Brigl
 Planning Intern PeggySue Imihy

1. CALL TO ORDER

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

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

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

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated May 3, 2018

Motion by Commissioner Anderson, seconded by Commissioner VanScoy, to approve the following minutes as presented: Planning Commission Meeting Minutes dated May 3, 2018.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

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

Public Hearing

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

Presentation

Planning Intern Imihy presented the staff report stating the City of Ramsey has received 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. Staff reviewed the request in further detail and recommended approval of the CUP.

Citizen Input

Commissioner VanScoy asked if the parking pad was allowable on a residential lot.

Planning Intern Imihy explained the applicant was allowed to have a parking pad that was 20 feet in length. She noted the applicant was requesting a parking pad larger than was allowed and would be dealt with administratively. She reported the Commission was being asked to consider the CUP at this time.

Commissioner Anderson questioned if the fenced in area was flat and useable.

Planning Intern Imihy reported this was the case.

Commissioner VanScoy inquired if the applicant would have limited hours on when the dogs could be outside.

Planning Intern Imihy commented the dogs would have to remain indoors from 9:00 p.m. to 7:00 a.m.

Becky Bader, the applicant, thanked the Commission for their consideration. She stated she was excited about this request and noted she has wanted to operate a dog boarding business for a long

time. She indicated her business would be a service that would benefit the community. She reported this property has 37 acres and explained the small business would run out of the pole building. Her goal was to run a family friendly dog business. She explained her building would hold 25 dogs. She commented further on the hours of operation noting the dogs would be supervised at all times when outside. It was noted all dogs would be required to be vaccinated.

Commissioner Woestehoff asked how many employees the business would have. Ms. Bader reported it would be herself and Brandon McManigal, who would also be residing on the property.

Commissioner VanScoy questioned if the pole barn would have plumbing.

Brandon McManigal, stated at this time the building would not be plumbed, but would have HVAC.

Commissioner VanScoy commented he wanted to assured that the pole barn would not be turned into a residence at some point in the future.

Cindy Schmidt, 7160 181st Avenue NW, reported she was a 30-year Ramsey resident. She noted she lived two doors away from the proposed dog kennel. She expressed concern with how she would be impacted by barking dogs. She noted she was also concerned with how the pole building will be cleaned on a daily basis if the building had no water source. She recommended the building be plumbed to provide fresh water for the dogs being boarded, along with a collection/sewer system to collect the waste. She feared that the site would have more traffic than anticipated. She requested the quiet hours at the kennel be from 7:00 p.m. to 7:00 a.m. She reported she did not want to have dogs barking after 7:00 p.m. on holidays and weekends. She expressed concern that her property value would be negatively impacted because it was located so closely to a dog kennel. She questioned if the City would allow the kennel to expand in the future and recommended that an environmental impact study be completed on this property. She recommended the fencing not be within the wetland area.

Leo Polack, neighbor to the north, commented he would like to see the changes to the hours the dogs are allowed outside. He recommended the dogs not be allowed outside from 7:00 p.m. to 7:00 a.m. He stated this would allow the neighbors to be outside after 7:00 p.m. without having to listen to barking dogs. He requested a barrier or berm be constructed in the applicant's rear yard to keep waste water from entering his pond. He noted he has owned businesses in the past and asked if the City has requested a P&L. He expressed concern that this business would not have enough cash to sustain them through the first year or two. He stated he did not want this business and or its failing to impact the value of his property.

Chairperson Bauer requested further comment from staff regarding the requirements within the CUP and if the applicants would be allowed to expand their site in the future.

Community Development Director Gladhill discussed the City's CUP and wetland requirements. He noted staff has no concerns with the proposed business impacting the adjacent wetlands and noted the applicant would be complying with all wetland conservation efforts. He noted all

stormwater runoff would have to be contained onsite or within a City regional stormwater pond. He explained the applicant as meeting all stormwater runoff requirements. He explained the CUP could only be expanded after another public hearing was held. He indicated the City had another commercial kennel within the City, Armstrong Kennels, which was a much larger operation and was located on a residentially zoned property.

Commissioner Woestehoff asked if Armstrong Kennels had a CUP.

Community Development Director Gladhill reported this was the case.

Commissioner VanScoy questioned what noise restrictions the City had in place for properties with a CUP.

Community Development Director Gladhill explained the City deferred to State Statute for noise restrictions. He commented further on the State's indoor and outdoor noise requirements.

Further discussion ensued regarding the hours of operation and noise requirements.

Commissioner VanScoy asked if the City could adjust the hours of operation.

Planning Intern Imihy explained the City could set the hours of operation within the CUP.

Commissioner Surma thanked the neighbors for coming forward and voicing their concerns. He stated he shared many of their same concerns. He was of the opinion that the kennel building should have plumbing.

Commissioner VanScoy asked how the applicant would be managing the pet waste onsite.

Ms. Bader stated she would be using a low moisture mop (Swiffer Wet Jet) within the pole building for cleaning the pet areas. She indicated the outdoor waste would be bagged and properly disposed of.

Mr. McMonigal reported the dogs would be let out numerous times a day and he did not anticipate the pole building would have a large amount of pet waste indoors. He noted that any barking dogs would be brought back inside.

Commissioner VanScoy stated his main concerns at this time were how the site would be cleaned, how it would be kept clean and how to avoid contaminating the surrounding areas.

Mr. McMonigal reported mops would be used indoors and all waste outdoors would be collected and disposed of. He explained he could investigate plumbing the pole barn if this was required by the City.

Chairperson Bauer asked if the applicants would be agreeable to reconsidering their hours of operation based on the comments voiced by the neighbors.

Ms. Bader stated they would be willing to change the hours. She indicated she was very willing to work with the neighbors to address their concerns.

Commissioner Anderson asked if the pole building had a concrete floor.

Mr. McMonigal reported the pole building had a sealed concrete floor.

Commissioner Surma stated again, for the record, that he was concerned the pole building did not have plumbing. She explained he could not understand how the applicants would keep 25 dogs watered and fed without running water in the pole barn. He indicated he supported the applicants request but recommended the pole barn have plumbing.

Community Development Director Gladhill commented the Commission could require the pole barn to be plumbed and make this a condition for approval within the CUP.

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

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

Chairperson Bauer closed the public hearing closed at 7:44 p.m.

Commission Business

Commissioner VanScoy asked if the business would have a sign on Nowthen Boulevard.

Community Development Director Gladhill reported the City would not allow the sign as proposed and noted staff would be working with the applicants on the sign.

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to recommend that City Council adopt Resolution #18-119 approving a Commercial Dog Kennel on the Subject Property.

Further discussion

Commissioner Anderson offered a friendly amendment and recommended the hours the dogs must remain indoors be amended to 7:00 p.m. to 7:00 a.m. The Commission supported this friendly amendment.

Commissioner Surma requested another friendly amendment to the motion requiring the applicants to add plumbing (waste and water) to the building in a timely manner. This amendment failed to proceed as the consensus of the Commission was not to support the request.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Gengler, and Woestehoff. Voting No: Surma. Absent: Commissioner Onyambu.

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

Public Hearing

Chairperson Bauer called the public hearing to order at 7:49 p.m.

Presentation

City Planner McGuire Brigl presented the staff report stating 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.

Citizen Input

Commissioner VanScoy asked if the road to the west does not go through.

City Planner McGuire Brigl explained if this road did not connect there would be a dead end within the subdivision.

Community Development Director Gladhill reported staff would continue to work on this issue with the applicant.

Commissioner VanScoy requested further information on where sidewalks would be located within the development.

City Planner McGuire Brigl reviewed the location of the sidewalks within the development with the Commission. She noted all City standards were being met regarding the sidewalks.

David Patberg, Centra Homes, thanked staff for their assistance with this Planning Case. He indicated he was excited to be bringing a new housing product to the City of Ramsey.

Commissioner VanScoy requested further information regarding the proposed floor plans and architectural standards.

Mr. Patberg stated he would have five different floor plans noting each floor plan would have three elevation different options.

Community Development Director Gladhill commented on the stringent architectural guidelines that were in place within The COR.

Commissioner Anderson stated he was not a fan of whites and blacks, but rather supported earth or neutral tones.

Commissioner Gengler questioned how parking would be managed on the site.

Mr. Patberg explained all of the two car garages would be located to the back of the home. He indicated the driveway would offer two additional parking stalls and noted parallel on-street parking would be available within the development.

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

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

Chairperson Bauer closed the public hearing closed at 8:02 p.m.

Commission Business

Motion by Commissioner Woestehoff, seconded by Commissioner VanScoy, to recommend that City Council approval of the Preliminary Plat.

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

5.03: Public Hearing: Consider Revised Preliminary Plat for Riverstone; Case of Capstone Homes

Public Hearing

Chairperson Bauer called the public hearing to order at 8:03 p.m.

Presentation

Chairperson Bauer commented for full disclosure purposes, he was in the process of purchasing a home within the Riverstone development.

Community Development Director Gladhill presented the staff report stating 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. Secondly, 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.

Citizen Input

Commissioner VanScoy asked if there were any plans to develop the land on either side of this property.

Community Development Director Gladhill stated to the east a project called Northfork Meadows was being considered but noted this project was denied by the City Council. He explained this property has since been sold and purchased by another developer. He anticipated that the site would be developed with detached townhomes at some point in time. He explained the property to the west would probably be developed in the same manner.

Heather Lorch, Capstone Homes, stated Capstone has enjoyed working with the City on this project. She discussed the homes that have been built in the City to date and noted she looked forward to continuing to build homes for Ramsey residents.

Kent Raceler, 4870 Viking Boulevard, stated he opposed the approval of this Preliminary Plat Amendment. He requested the item be denied. He explained he owned the adjacent properties and did not have any development plans in place. He described how the proposed development would impact the future development of his property. He indicated he had an approved PUD in place for his property which would allow for the construction homes on 2.5 acre lots. He discussed the importance of running sewer lines through the Riverstone property. He recommended a buffer zone be put in place and requested he be allowed more time to review this matter with staff prior to the Planning Commission moving forward with this Preliminary Plat Amendment.

Commissioner VanScoy questioned when Mr. Raceler's plat was approved.

Mr. Raceler indicated his plat began in 1984 and was for the entire Northfork area, which included approximately 1,000 acres of land.

Commissioner VanScoy asked if the lots were platted.

Mr. Raceler commented the lots were not formally platted.

Commissioner VanScoy inquired if Mr. Raceler intended to build on 2.5 acre lots.

Mr. Raceler commented he was not stating that as he did not have any formal plans in place. However, he noted a Preliminary Plat was in place for this land and the intent was to have 2.5 acre lots. He explained he was very concerned with the property being stubbed to the west and wanted assurances from the City.

Further discussion ensued regarding the Preliminary Plat that Mr. Raceler had in place on his property in Ramsey.

Mr. Raceler explained that because significant improvements have been made to the property with respect to the infrastructure, he had the understanding that the Preliminary Plat had not expired.

Commissioner VanScoy requested staff address the issue of the utility stubbing.

Community Development Director Gladhill reported under the current Comprehensive Plan the property to the west was not part of the MUSA. He stated from an engineering and planning point of view, this could be further evaluated and made a condition of the Riverstone Preliminary Plat. He indicated he did see great value in providing a stub to the property to the west and noted further discussions could be held with Mr. Raceler.

Mr. Raceler commented his property was outside the MUSA but only because of a recent action taken by the City. He noted cities often stub to property lines and requested the City stub to the property line. He reported the legality of the Preliminary Plat expiring after two years then the Northfork development should not have been able to develop over a 10- to 15-year period of time with requesting a new Preliminary Plat each year. He believes this meant a precedent had been set within the City of Ramsey.

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

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

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

Commission Business

Commissioner Surma asked if a buffer area could be created by the developer.

Ms. Lorch reported there was not an area available to create a significant buffer zone between her property and the properties to the east and the west. She explained it would not be the developer's preference to have to create two buffer zones.

Commissioner Surma stated another option for the buffer zone would be to encourage Mr. Raceler to create a buffer zone on his land.

Commissioner VanScoy requested further information regarding the history of the MUSA line.

Community Development Director Gladhill discussed the history of the MUSA line and noted the City was simply reacting to the requests of the property owner. He noted based on the feedback of the property owner, the City could hold further discussions with the adjacent property owner.

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council to approve the revised Preliminary Plat requiring utilities to be stubbed to the west.

Further discussion

Commissioner Anderson asked if this item were tabled what effect that would have on the applicant.

Ms. Lorch stated this would Commission consideration more than 30 days which would in turn delay the project. She explained it was her desire to begin working on the project yet this summer and feared a delay would push the project off to 2019.

Commissioner Anderson expressed concern with this item moving forward without the utility line issue being addressed.

Motion by Commissioner Anderson to table action on the revised Preliminary Plat to the July Planning Commission meeting. The motion failed for lack of a second.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Surma, Gengler, and Woestehoff. Voting No: Commissioner Anderson. Absent: Commissioner Onyambu.

6. COMMISSION BUSINESS

6.01: Discuss Item: Review of City Code Section 117-351 – Home Occupation Ordinance

Presentation

Planning Intern Imihy presented the Staff Report stating 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. Staff requested the Commission provide feedback on this item.

Commission Business

Commissioner Gengler requested further information on the City's current standards for outdoor storage.

Planning Intern _ Imihy __ reviewed the City's standards regarding outdoor storage.

Chairperson Bauer stated he was not so concerned with how other cities managed their outdoor storage so long as things were working for the City of Ramsey.

Community Development Director Gladhill explained staff was reviewing this Ordinance after receiving a directive from the City Council, noting this group feels there is an issue with the Ordinance. He provided further comment on the concerns that were raised after a recent home occupation was requested that had outdoor storage.

Chairperson Bauer asked if the Commission was addressing this portion of City Code based on an isolated issue.

Community Development Director Gladhill commented there were five or six home occupations that were driving this issue to be further reviewed by the City.

Commissioner VanScoy questioned what the challenges were the City was facing at this time by changing the code.

Community Development Director Gladhill explained the City was being challenged on the outdoor storage issue and number of employees.

Commissioner Anderson stated he did not support outdoor storage for a home occupation in a residential area.

The Commission was in agreement.

Commissioner Gengler did not believe it was necessary for a home occupation to have five employees. She was of the opinion a home business was an up and coming business that had very few employees and once there were five employees onsite it would be good for this business to find a proper site.

Commissioner Anderson stated he did not support home occupations allowing employees to drop off their vehicle in order to pick up a service vehicle. He believed this activity should occur at a place of business. He indicated he wanted to protect the neighbors living adjacent to those with a home occupation.

Commissioner Woestehoff agreed adding that the more concise the City was with their home occupation code the better off the City would be.

Commissioner Surma encouraged the City not to step on the rights of Ramsey residents to own and operate their own business from their property.

Planning Intern Imihy asked if the Commission supported home occupations operating out of an accessory structure.

Commissioner Woestehoff and Chairperson Bauer supported this type of business.

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

Presentation

Planning Intern Imihy presented the Staff Report stating in 2016, following 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 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 potential 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.

Commission Business

Commissioner Anderson commented he was not in favor staff pursuing this further.

Commissioner Gengler indicated she supported the creation of small neighborhood business districts. She explained this type of zoning district could assist in creating walkable neighborhoods and would create sense of community.

Commissioner Surma agreed and noted this would make the community walkable.

Commissioner Woestehoff stated he could support the sale of beer or wine for a small restaurant in the neighborhood business district.

Commissioner Anderson stated he feared dropping businesses into a residential neighborhood could change the character of the neighborhood.

Commissioner VanScoy indicated he appreciated the flexibility of the proposed zoning district and believed this would be a good tool for the City.

7. COMPREHENSIVE PLAN UPDATE ITEMS

Community Development Director Gladhill provided the Commission with an update on the Comprehensive Plan.

8. COMMISSION / STAFF INPUT

8.01: Receive Staff Update

The Staff Update was noted.

8.02: Zoning Bulletins

Zoning Bulletins were noted.

8.03: July Planning Commission Meeting Date

Community Development Director Gladhill explained the July Planning Commission meeting has been rescheduled to Thursday, July 12, 2018.

9. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 9:24 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: 07/12/2018

By: PeggySue Imihy, Community
Development

Information

Title:

PUBLIC HEARING: Consider Variance Request to Place a Detached Accessory Building within the Required Setback from the Ordinary High Water Mark of the Rum River at 15795 Juniper Ridge Drive NW (Project No. 18-123); Case of Rick and Diane Farrell

Purpose/Background:

The City has received an application from Rick and Diane Farrell (the "Applicant") for a variance to construct a detached accessory building within the required setback from the Rum River on the property located at 15795 Juniper Ridge Drive NW (the "Subject Property").

Notification:

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

Observations/Alternatives:

The Subject Property is located within the R-1 Residential (MUSA) zoning district and is approximately 0.88 acres in size. The surrounding parcels are also zoned R-1 Residential (MUSA) and are of a similar size. The Subject Property is within the Wild and Scenic Overlay District, which has additional standards aimed at protecting the scenic qualities of the Rum River, including a setback from the Ordinary High Watermark (OHW) and restricted vegetative clearing activities. The Overlay District is created by Minnesota Rules, and requires that the City administer said rules.

There are two significant materials standards of the Overlay District to consider with this request.

- Minimum setback of 150 feet from the shoreline and 30 feet from bluffline (steep slope)
- Clear cutting activities of significant trees are prohibited

The home on the Subject Property is approximately eighty-nine (89) feet from the shoreline. However, it is considered lawful, non-conforming as it was constructed in the late 1970s and predates the standards of the Overlay District. There also is a 'pool house' on the Subject Property, which appears to have been constructed without a permit before the Applicant purchased the home and encroaches into the shoreline setback (about 77 feet from the shoreline).

The Applicant originally proposed to construct a fourteen by twenty-four foot (14' x 24') detached accessory building approximately seventy-two (72) feet from the shoreline and greater than thirty (30) feet from the bluffline. After working with City Staff, the Applicant has amended their application and is now proposing to build the accessory structure approximately eighty-four (84) feet from the shoreline. The proposed location would require the removal of several trees; however, the structure would be more inconspicuous from the street in the proposed location as it would be within the treeline.

There is a Scenic Easement in favor of the City and Anoka County encumbering a portion of the Subject Property (as well as the properties to the east and west). Staff overlaid the Scenic Easement with an aerial image for reference (see attached exhibit). It does not appear that the proposed detached accessory structure would encroach into the easement; however, without a survey of the Subject Property depicting the Scenic Easement and the proposed shed location, that cannot be definitively confirmed.

Based on the required setback of 150 feet from the OHW, and the required 30 foot front yard setback, a variance will be required to place an accessory building anywhere on the Subject Property. However, it does appear that there is space to move the location further back from the river, which would decrease the deficiency, a standard often applied when contemplating variances. Other than the shoreline setback, there proposed accessory building is in compliance with all other applicable standards.

The applicant has raised the concern to staff that the southwest corner of the subject property is the only other location for future septic needs. Currently the septic tank is located directly in front of the primary structure, in the southeast corner of the subject property.

City Staff did forward this request to the MN DNR for comments. The DNR has stated that the proposed structure should at least equal the setback of the existing home so as not to exacerbate a nonconformity. Furthermore, there is space to move the shed forward which would reduce the necessary setback deviation while still complying with the local front yard setback. Moreover, that would more or less align with a detached accessory building constructed a couple years ago (with the issuance of a variance to the shoreline setback) on the property to the west.

This case was heard by the Environmental Policy Board (EPB) on June 18th, 2018, which exclusively reviews the variance for the potential impacts to the viewshed (from the river) and natural resources of the Subject Property and the Rum River. The EPB recommended that the accessory structure be moved forward to be built in line with the front wall of the home. Subsequent to the EPB's review of the case, the Applicant submitted photos (attached) from the river showing the wooded nature of the property and indicating that the accessory structure would not be readily visible to users of the river.

A resident of the neighborhood has submitted an anonymous letter (attached) expressing concern about the proposed garage due to concerns about the viewshed of the river and the potential impact to the environment.

Alternatives

Alternative 1: Approve Resolution #18-123 as recently amended and requested (allowing the accessory structure to be eighty-four [84] feet from the shoreline). The proposed location of the shed would be inconspicuous from the river based on the elevation change (about twenty [20] feet in difference from the water to the top of the bluffline) and would be reasonably hidden from Juniper Ridge Drive. Any other location would require a variance to the front yard setback and would be visible from the street. Other locations would also require removal of trees and paving over grass. Additionally the Applicant requests that he be allowed to extend the existing gravel driveway to the proposed accessory structure. While gravel is not an allowed driveway surface in the MUSA, given the rural nature of the property staff would support this. Staff supports this alternative. Please note: Staff supports discussion on this alternative, although it is not consistent with recommendations from the DNR and Ramsey EPB.

Alternative 2: Approve Resolution #18-123 conditioned upon the Applicant moving the location of the shed so that it is in line with the front wall of the home on the Subject Property. This would be more visible from the road but increases the setback from the shoreline closer to about 120 feet (and would follow the recommendation of the EPB). Depending on the location, this alternative may eliminate the need for removing any existing trees but would require the existing grass front yard be paved over for a driveway. The existing septic could be replaced with a mound system if needed. Staff could support this alternative.

Alternative 3: Approve Resolution #18-123 conditioned upon the Applicant moving the location of the shed so that it is no closer to the shoreline than the rear wall of the home on the Subject Property. This would eliminate yet another non-conforming structure on the Subject Property as it relates to the setback from the shoreline. This would increase the setback from the shoreline compared to the proposed location but would be more visible from the street. Staff could support this alternative.

Alternative 4: Deny the variance. Based on the current setback requirement from the shoreline, placement of an accessory building is not possible without a variance. Installation of a detached accessory building is a reasonable use of a single family residential property and it would not alter the essential character of the neighborhood. Staff

does not support this alternative.

Funding Source:

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

Action:

Motion to approve resolution #18-123 granting a variance to shoreline setbacks to the Rum River at 15795 Juniper Ridge Drive NW so that the front of the proposed structure is even with the existing dwelling (EPB and DNR recommendation).

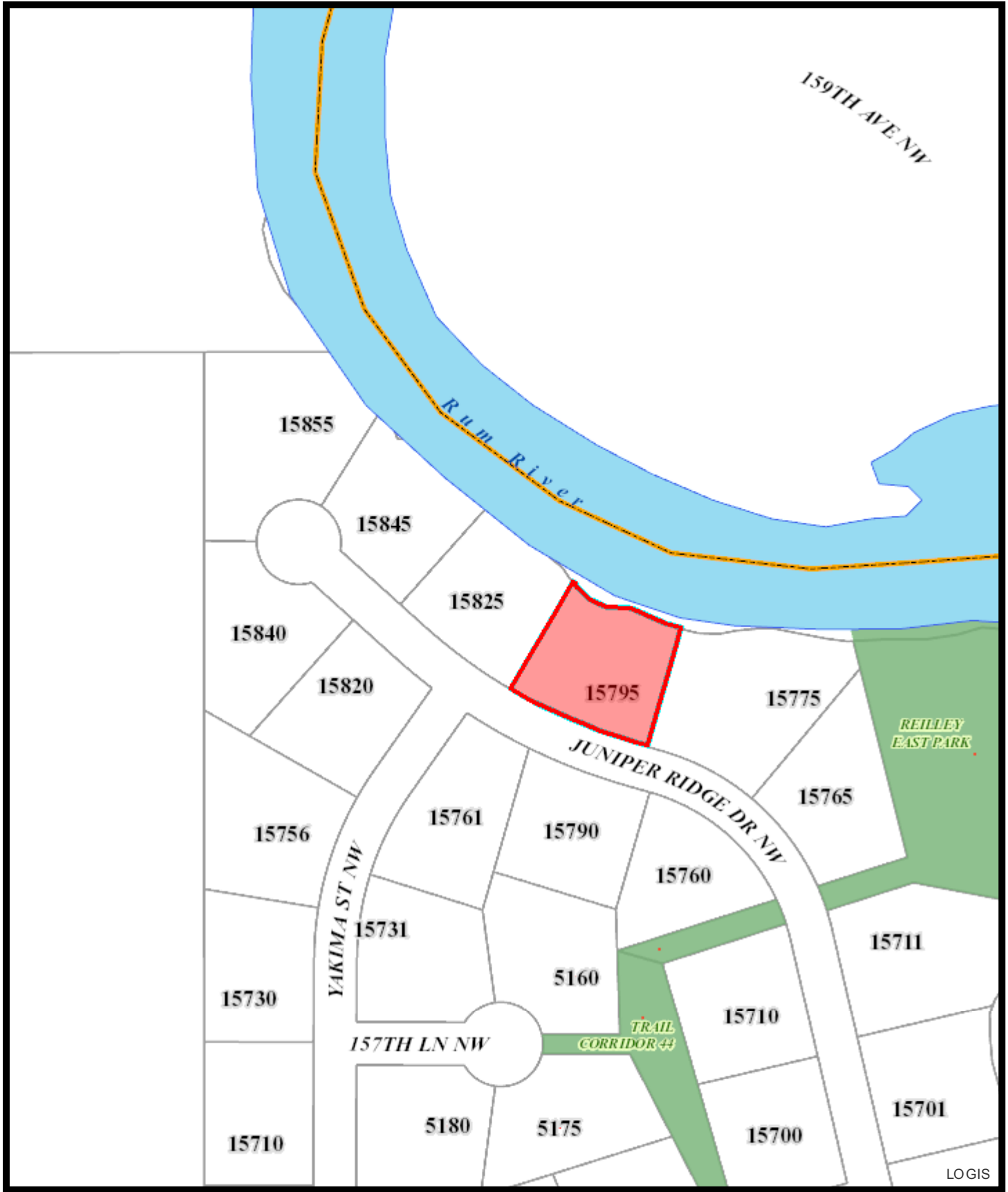
Attachments

- [Site Location Map](#)
- [Applicant Site Plan](#)
- [Amended Site Plan](#)
- [Aerial View of Site](#)
- [Scenic Easement Document](#)
- [Scenic Easement Exhibit](#)
- [Site Plan with Trees](#)
- [Property Photos](#)
- [Anonymous Letter](#)
- [DRAFT Resolution #18-123](#)

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	06/27/2018 12:38 PM
Tim Gladhill	Tim Gladhill	07/05/2018 10:26 PM
Form Started By: PeggySue Imihy		Started On: 06/19/2018 01:48 PM
Final Approval Date: 07/05/2018		

Site Location Map



Rum River

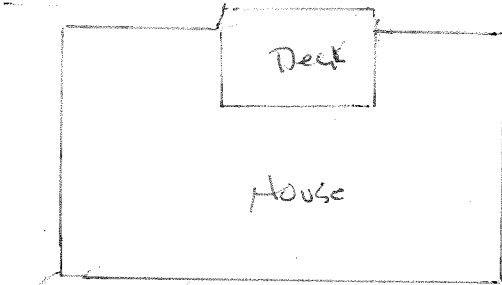


STREET

15795 JUNIPER RIDGE DR

RIVER

WOODS



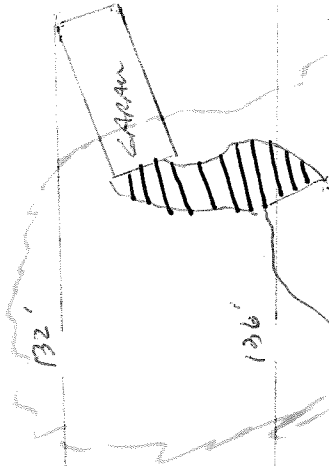
Deck

House

Fence
LOT LINE

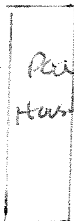


GARAGE



132'

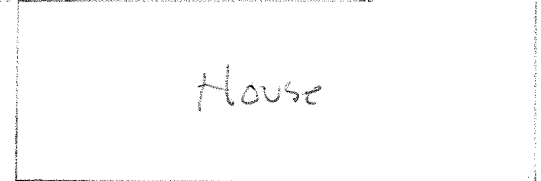
136'



Pool House



Pool



House

LOT LINE

STREET



On this 8th day of September, 1978, MILLER REAL ESTATE CO., a corporation under the laws of the State of Minnesota, grantor, does hereby gift, grant and convey to CITY OF RAMSEY and COUNTY OF ANOKA, grantees, an easement and right in perpetuity to control, enhance and restrict in accordance with the terms and conditions hereinafter prescribed, the use of the parcel of real estate described as follows, to-wit:

An easement, for scenic purposes only, over and across that part of Lots 3, 4, 5, 6, 7, and 8, Block 1, REILLEY ESTATES SECOND ADDITION, Anoka County, Minnesota lying northeasterly and northerly of the following described line:

Beginning at a point on the north line of said Lot 3, distant 75.00 feet east of the northwest corner thereof; thence southeasterly to a point on the southeasterly line of said Lot 3, distant 110.00 feet northeasterly from the southeast corner thereof; thence southeasterly parallel with the southwesterly line of said Lots 4, 5 and 6 to the southeasterly line of said Lot 6; thence easterly to a point on the southeasterly line of said Lot 7, distant 185.00 feet northeasterly from the southeast corner thereof; thence northeasterly to a point on the northeasterly line of said Lot 8, distant 245.00 feet northwesterly from the southeast corner thereof and there terminating. ALSO

An easement, for scenic purposes only, over and across that part of OUTLOT A, REILLEY ESTATES SECOND ADDITION, Anoka County, Minnesota lying northerly and easterly of the following described line:

Beginning at the southeast corner of Lot 8, said REILLEY ESTATES SECOND ADDITION; thence northwesterly along the northeasterly line of said Lot 8 a distance of 245.00 feet; thence northeasterly, deflecting to the right 98 degrees 54 minutes 16 seconds, 230.00 feet; thence southwesterly to a point on the southerly line of said OUTLOT A, a distance 70.00 feet southeasterly from the angle point on said southerly line and there terminating. EXCEPT therefrom the south 40.0 feet of said OUTLOT A.

The above described property, consisting of seven (7) acres, more or less, is hereinafter designated as the "Scenic Area." No rights are hereby granted to the general public to enter upon the Scenic Area for any purpose.

The grantor, for itself, its successors and assigns, does hereby covenant:

That the grantees, or their agents, shall have the right to enter upon the Scenic Area for the purpose of inspection and enforcement of the terms and conditions contained herein, and together with such right, may cause to be removed from the Scenic Area any unauthorized materials or advertising devices.

1. No structures shall be constructed, erected or placed upon the Scenic Area without written approval of the grantees, or their designated agents. For purposes of this section, the term "structures" includes but is not limited to the following: docks, boathouses, fences, fireplaces, steps or any other building activity inconsistent with the natural state of the Scenic Area.

507238

OFFICE OF COUNTY RECORDER
STATE OF MINNESOTA, COUNTY OF ANOKA

I hereby certify that the within instrument was filed in this office for record

on the SEP 14 1978 A.D., 19

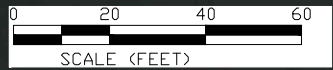
2 o'clock P M., and was duly recorded

In book _____ page _____

Paul J. Oudahl
County Recorder

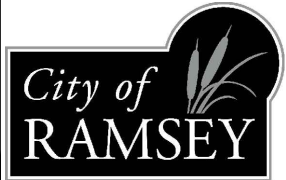
By V. J. Holderness
Deputy

Quincy Estates
152 So Payne Building
Commerce Center
St Louis Park, Minn 55416



SCENIC EASEMENT EXHIBIT

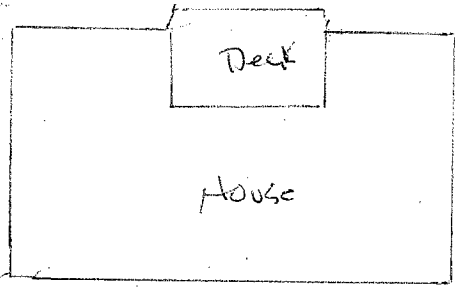
-  SCENIC EASEMENT
-  D & U EASEMENT



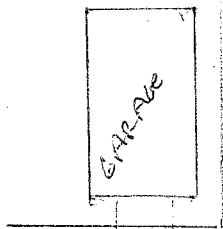
RIVER

WOODS

LOT LINE

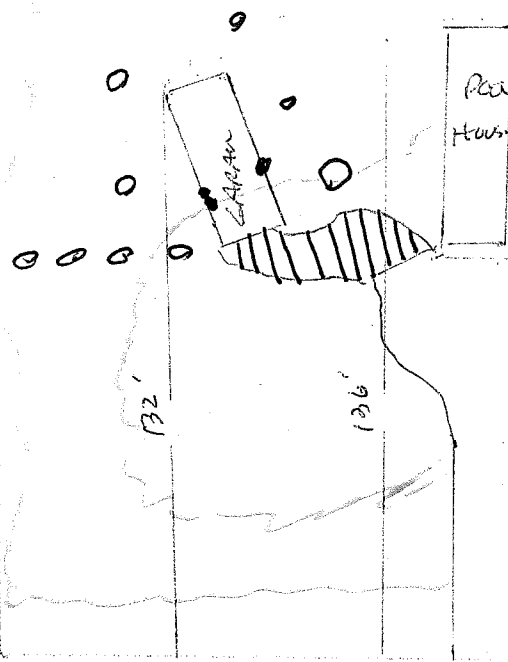


Deck
House



GARAGE

FENCE
LOT LINE

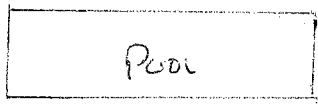


GARDEN

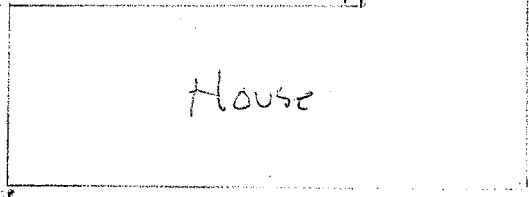
Pool House

132'

136'

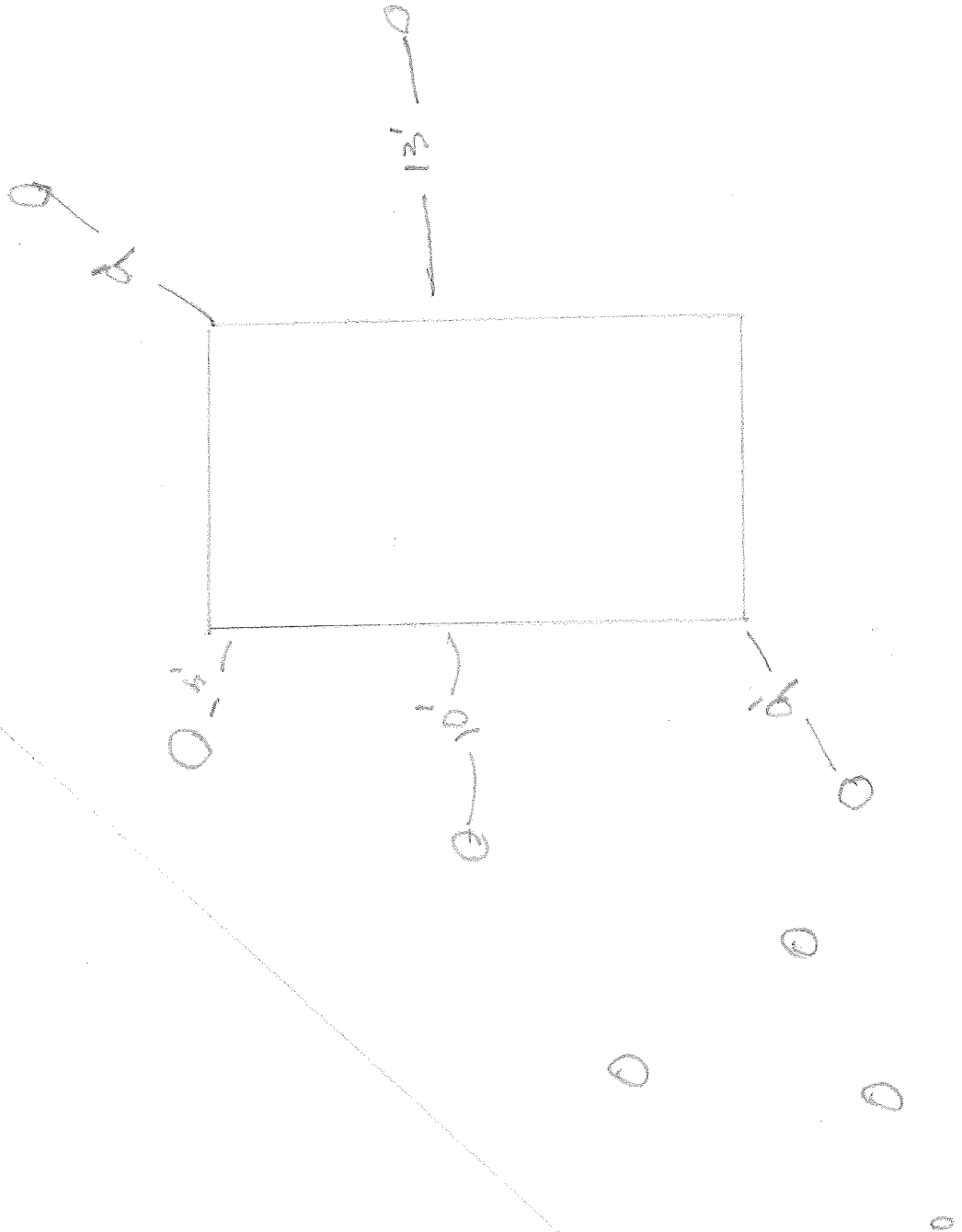


Pool



House

STREET



View of Subject Property from Juniper Ridge Drive



Location of Proposed Accessory Structure





Location of Proposed Accessory Structure

View of Subject Property Front Yard



View of Subject Property Front Yard



View of Existing Gravel Driveway on Subject Property



View of Subject Property Side Yard from Driveway



View of Subject Property from Rum River



June 29, 2018

RE: An anonymous comment from a neighbor along Juniper Ridge Drive

“After receiving the public hearing notice, we oppose the application as submitted due to concerns regarding the impact of the view shed to and of the river. We will accept alternatives where the garage is moved forward to be in line with the rear of the primary residence, or in line with the front of the residence.”

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

RESOLUTION #18-123

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO CONSTRUCT AN ACCESSORY STRUCTURE WITHIN THE REQUIRED SETBACK OF THE ORDINARY HIGH WATERMARK OF THE RUM RIVER ON THE PROPERTY GENERALLY KNOWN AS 15795 JUNIPER RIDGE DR NW AND DECLARING TERMS OF SAME.

RECITALS

1. Rick Farrell, hereinafter referred to as the “Permittee”, has properly applied for a Variance to construct a detached accessory structure within the required setback of the ordinary high watermark of the Rum River on the property located at 15795 Juniper Ridge Dr NW and legally described as follows:

REILLEY ESTATES SECOND ADDITION LOT 6 BLK 1 REILLEY ESTATES SECOND ADDITION) (SUBJECT TO EASE AS SHOWN ON PLAT) (SUBJECT TO A SCENIC EASE TO THE CITY OF RAMSEY & CNTY OF ANOKA FILED 9-14-78)

(“Subject Property”)

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 of the Ramsey City Code July 12, 2018, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
3. That the Subject Property is zoned R-1 Residential (MUSA) District; the surrounding parcels to the west, north, south, and east are also zoned R-1 Residential (MUSA).
4. That the Subject Property is approximately 0.88 acres in size.
5. That the Subject Property is subject to the Scenic Overlay District of the Rum River.
6. That adjacent properties are also subject to the Scenic Overlay District of the Rum River
7. That the Permittee has proposed to construct a detached accessory building (the “Building”) in a location that would meet or exceed the required setbacks for the R-1 Residential (MUSA) zoning district but would be within the required setback of the ordinary high watermark of the Rum River.
8. That locating the proposed Building in the front yard would be more obtrusive to the view shed of Juniper Drive NW than the view shed from the Rum River.

9. That the proposed Building would be 14' x 24' feet and 336 square feet in size, would have an exterior finish that matches the home, and would include soffit, fascia, and eave overhangs to match the home.
10. That the proposed Building would comply with all other applicable standards for detached accessory buildings.
11. That the Applicant has stated that the Building would be used as a garage and for personal storage.
12. That the Subject Property has an existing pool house which is 11' x 25' feet in size and was built without a permit prior to the purchase of the home by the Applicant.
13. That the pool house on the Subject Property falls within the current scenic easements and Ordinary High Watermark.
14. That the Applicant will lay gravel to extend an existing gravel driveway to the proposed Building.
15. That the proposed Building would be heavily screened and not viewable from the Rum River due to the densely wooded nature of the rear yard.
16. That no additional trees besides those designated on the site plan would be removed.

FINDINGS OF FACT

1. That the proposed use will/will not adversely impact traffic in the area.
2. That the proposed use will/will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
3. That the proposed use will/will not include the pre-existing pool house which cannot be expanded upon.
4. That the proposed use will/will not be constructed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will/will not change the essential character of the area.
5. That the proposed use will/will not create additional requirements at public cost for public facilities and services.
6. That the proposed use will/will not be detrimental to the economic welfare of the community.

7. That the proposed use will/will not be disturbing or hazardous to existing or future neighboring uses.
8. That the proposed use will/will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.
9. That the proposed use will/will not be in accordance with the objectives of the intent of Section 117-51 (Conditional Use Permits) of the City Code.

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

That the Ramsey Planning Commission hereby grants approval of a variance (the “Variance”) to construct the Building nearer the front lot line than the home on the Subject Property contingent upon the following conditions:

CONDITIONS

1. That there shall be no additional accessory structures constructed on the **Subject Property**, unless in accordance with City Code.
2. That the **Permittee** shall construct the **Building** in accordance with all other provisions of City Code Section 117-349 (Accessory Uses and Buildings) and City Code Section 117-111 (R-1 Residential District).
3. That the **Permittee** agrees that there will not be any commercial activities within the detached accessory building unless in full compliance with City Code Section 117-351 (Home Occupations).
4. That the Permittee agrees to construct the **Building** as shown in **Exhibit 1**.
5. That the **Permittee** agrees that there will not be any habitation within the detached accessory building.
6. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
7. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Permit**.
8. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the **Building**, including a Building Permit.

CITY OF RAMSEY

By: _____
Planning Commission Chair

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

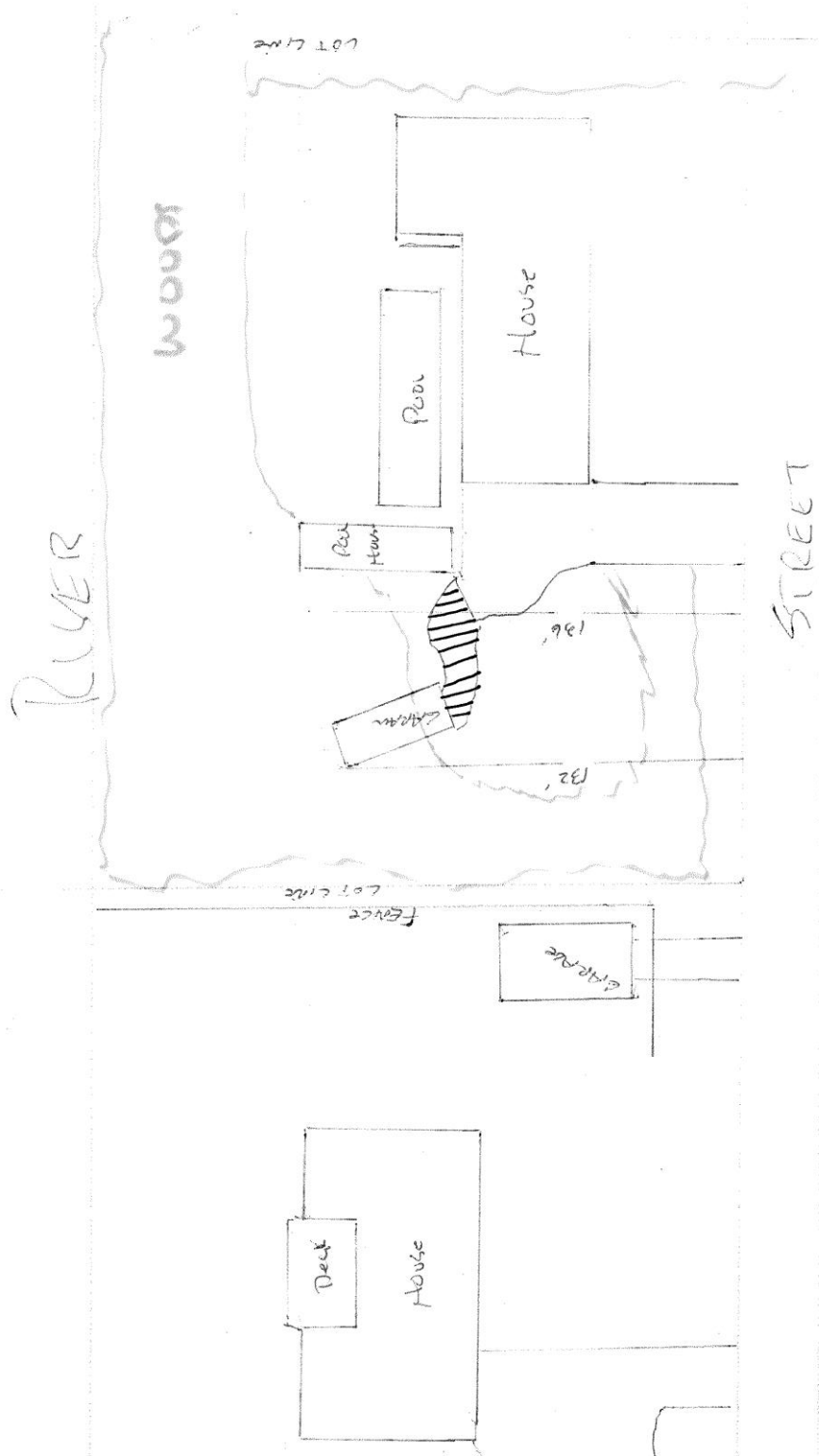
On this _____ day of _____, _____, before me a Notary Public personally appeared Randy Bauer and Jo Ann M. Thieling, to me personally known, who, being each by me duly sworn, did say that they are respectively the Planning Commission Chairperson and City Clerk of the City of Ramsey, the Municipal Corporation 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 Randy Bauer and Jo Ann M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

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

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

**Exhibit 1
Site Plan**



Regular Planning Commission

5. 2.

Meeting Date: 07/12/2018

By: Chris Anderson, Community
Development

Information

Title:

PUBLIC HEARING: Consider Request for Zoning Amendment (Text) to the E-1 Employment District and a Conditional Use Permit to Allow Motor Vehicle Sales on the Property Located at 14300 Sunfish Lake Blvd NW (Project No. 122); Case of John Buzick

Purpose/Background:

The City has received an application from John Buzick (the "Applicant") requesting a Zoning Amendment to the text of the E-1 Employment District to identify motor vehicle sales as a Conditional Use and a Conditional Use Permit to allow motor vehicle sales on the property located at 14300 Sunfish Lake Blvd NW (the "Subject Property"). That there is an existing Conditional Use Permit (CUP) for the Subject Property, which was approved by the City in 1993, that allows for a towing operation and motor vehicle repairs.

The Applicant is proposing a similar business model that he has implemented on two (2) other properties within the City. That model creates multiple tenant suites in a building that are leased out to individual motor vehicle dealerships.

Notification:

Staff attempted to notify all property owners within 350 feet of the Subject Property of the requested Conditional Use Permit and Zoning Amendment via standard U.S. mail and published the Notice of Public Hearing in the Anoka County UnionHerald.

Observations/Alternatives:

As stated in City Code, the intent of the E-1 Employment District is to accommodate general industrial activities. Permitted uses include manufacturing, labs, offices, warehousing and storage, indoor self-storage facilities, and truck terminals among others. The proposed use, motor vehicle sales, does not seem consistent and compatible with these permitted uses. However, Conditional Uses in the E-1 Employment District includes (among other uses) open or outdoor service, sale, display and rental as principal use. In other districts (namely the B-2 Highway Business District and the H-1 Highway 10 Business District), motor vehicle, implement, and recreation equipment sales and service is specifically identified and therefore, is not covered by the open or outdoor service, sale, display and rental category.

There is an existing CUP (attached to this case) for the Subject Property that allows for a towing operation and motor vehicle repair on the Subject Property. The Findings of Fact referenced a Site Plan that indicated both the towing operation (including the impound lot) and the motor vehicle repair would be accommodated by existing pavement on the Subject Property. In reviewing aerial photographs of the Subject Property back to 2011, it appears that the previous occupant was not in compliance with the terms of the CUP; namely, they were utilizing a non-paved area for storage/parking of motor vehicles either impounded and/or awaiting repair.

Motor vehicle sales is usually affiliated with high volume corridors, such as Highway 10. While the Subject Property is on County State Aid Highway 57 (Sunfish Lake Boulevard), this road does not have close to the same Average Daily Trips (ADT) that Highway 10, for example, has (ranging between roughly 2,450 to 9,600 for CSAH 57 compared to roughly 35,000 to 51,000 for Highway 10). Based on ADT, it doesn't necessarily appear to be supportive of this type of use.

The Applicant's Site Plan and summary indicates that there would ultimately be space for ninety (90) tenant stalls (each dealership is required to have five [5] per the State of Minnesota) and eleven (11) customer parking spaces. This would be accomplished by triple stacking vehicles displayed for sale along the southern lot line. The Site Plan does also show eighteen (18) stalls along the south wall of the existing building and it is assumed that that is where the eleven (11) customer parking stalls would be accommodated. The triple stacking of vehicles does not account for the required twenty-four (24) foot wide drive aisle required by City Code. Furthermore, this is based on the assumption that the towing operation would store impounded vehicles on a gravel surface west of existing pavement, which not only does not meet current standards but does not comply with the existing Conditional Use Permit either.

The Applicant does have two similar business models in operation along Riverdale Drive (7820 and 7850), which are both located within the B-2 Highway Business District. The stated intent of the B-2 District is to provide for and limit the establishment of motor vehicle oriented or dependent and convenience type, high intensity commercial and service activities characteristically located along major traffic carriers. The business model does generally have fewer vehicles displayed outside for sale than a traditional dealership (a lot of sales is conducted via the internet), but there are definitely vehicles present on those properties. Photos from the two sites are included with this case.

The City's industrial lands are somewhat limited at this point, highlighted by the recent Comprehensive Plan Amendment and Zoning Amendment to establish a new industrial park west of Armstrong Blvd. Both the H-1 Highway Business District and the B-2 Highway Business District already identifies motor vehicle, implement, and recreation equipment sales and service as a conditional use and keep those uses focused along the Highway 10 corridor. As the City continues to experience growth pressure from the industrial sector, it is important to retain sufficient areas for the general industrial purposes outlined in the E-1 District.

Alternatives

Alternative #1. Recommend City Council adopt an ordinance amending the conditional uses in the E-1 Employment District to include motor vehicle, implement, and recreation equipment sales and service and approve Resolution #18-136 granting a Conditional Use Permit for motor vehicle sales on the Subject Property. The Applicant has two established dealership operations in the city presently and has generally demonstrated that this model can be successful. However, those locations were in a zoning district in which identified motor vehicle sales as a Conditional Use. The Subject Property is located within the E-1 Employment District and this district is intended to accommodate general industrial uses. The proposed use doesn't seem to mesh with the intent of the district and certainly wouldn't seem compatible with many uses within existing industrial parks. Staff does not support this alternative.

Alternative #2. Recommend City Council adopt an ordinance amending the conditional uses in the E-1 Employment District to include motor vehicle, implement, and recreation equipment sales and service and approve Resolution #18-136 granting a Conditional Use Permit for motor vehicle sales on the Subject Property contingent upon the Applicant providing an updated Site Plan to comply with City Code (such as eliminating the triple stacking of vehicles, provides required drive aisle widths to access any row of vehicles, provides sufficient pavement for all uses including the towing service, etc.). The proposed use does not seem compatible with the intent of the E-1 Employment District. Amending the E-1 District will affect all parcels within this zoning district, not just the Subject Property. This would include all existing industrial parks where motor vehicle sales may not be compatible. However, if the Planning Commission believes that it may be acceptable as a Conditional Use, a more detailed Site Plan should be required prior to consideration by City Council.

Alternative #3. Recommend City Council not amend the conditional uses in the E-1 Employment District and to deny the request for a Conditional Use Permit. The Applicant has successfully implemented two similar business models in Ramsey, demonstrating that this type of use can be successful. However, those were sited in the B-2 District where this type of use is generally intended. Staff is not opposed to the proposed use if located in the B-2 District but is not supportive of the use or the zoning amendment in the E-1 Employment District. Staff supports this alternative.

Funding Source:

The Applicant is responsible for all costs of this request, including the review of the Application.

Recommendation:

Staff has a number of concerns about opening up the City's industrial parks for motor vehicle sales and repair. Staff does believe adequate land is guided for this type of use along Highway 10. In addition, the City's industrial park space is limited, and demand is high for additional employment (manufacturing) growth. Generally speaking, Staff is not opposed to the proposed use, but does not support it in the Employment Districts. Staff is therefore not supportive of the requested Zoning Amendment or Conditional Use Permit.

Action:

Motion to recommend that the City Council approve/deny the request to allow motor vehicle sale, implement, and recreation equipment sales and service in the City's E-1 Employment District and recommend the City Council approve/deny the requested Conditional Use Permit for motor vehicle sales on the Subject Property.

Attachments

Site Location Map

Applicant's Summary of Proposed Business Operation

Applicant Site Plan

Applicant's Proposed Floor Plan

Existing (1993) Findings of Fact and Conditional Use Permit

Photos of Existing Vehicle Sales Operations at 7820 and 7850 Riverdale Drive

Photos of Subject Property

Aerial View of Property from 2016 & 2017

DRAFT Resolution #18-136

DRAFT Text Amendment (shown as redlined text)

Form Review

Inbox

Tim Gladhill
Chris Anderson (Originator)
Tim Gladhill
Form Started By: Chris Anderson
Final Approval Date: 07/09/2018

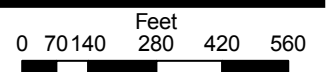
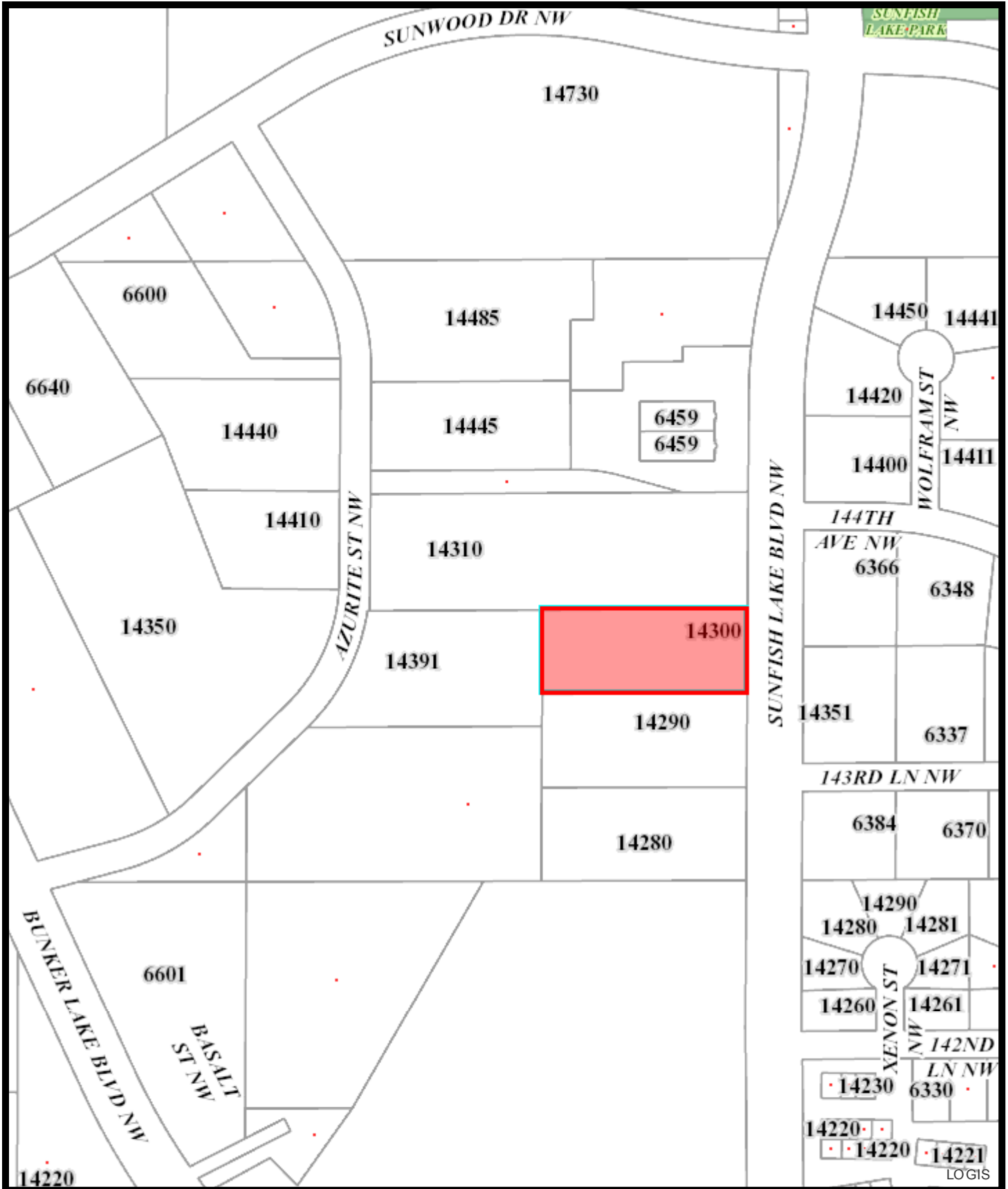
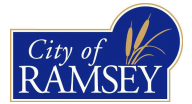
Reviewed By

Tim Gladhill
Chris Anderson
Tim Gladhill

Date

07/05/2018 09:24 AM
07/09/2018 03:51 PM
07/09/2018 05:23 PM
Started On: 06/26/2018 09:39 AM

Site Location Map



Request for Zoning Text Amendment and Conditional Use Permit

Ramsey Small Business and Entrepreneur Incubator / Multi-Tenant Pre-Owned Motor Vehicle sales, service and repair facility

We have purchased the multi-tenant property located at 14300 Sunfish Lake Blvd. to add to our other two successful Small Business and Entrepreneur Incubators currently located within the City of Ramsey as well as our facilities in Andover, Rockford, Zimmerman, Ham Lake, Forest Lake and Lake St Croix Beach. and our two in Ramsey. We have seen great demand to provide opportunities for hard working and passionate entrepreneurs who desire to locate their business's in Ramsey, MN and desire to provide these new business development opportunities.

We propose to add conforming opportunities for up to 18 Motor Vehicle Licensed Dealers, in addition to the currently existing CUP in place for Motor vehicle repair, towing and storage, at the Sunfish facility. The additional facilities will each consist of a MV Dealer office with a private entrance to be used for sales, administration, storage of records as well as parking for five vehicles each (required by MN State Statue Licensing parameters although most of the time our Tenants use minimal parking on a daily basis). Two of the units would, in addition to the above characteristics, also contain a shop component used for detailing and miscellaneous repair work. Each and every Tenant Dealer carries a \$50,000 performance bond, full garage keeper's business & liability insurance and are required to execute formal written leases before occupancy. These entrepreneur small business owner Tenants are very committed, and required, to operate their business's in a professional and consumer centric manner!

Currently at the Sunfish Lake Blvd Site there exists hard surface available guest parking of 11 standard size stalls *and* the required 75 hard surface parking for fifteen Tenant Dealer's as well as the gravel surface parking for cars in the shop or that are towed and stored by the towing company tenant. We will provide the additional required hard surface stalls of five each as we gain occupancy. Upon full occupancy we will have 90 tenant stalls and 11 customer parking stalls.

Our Small Business and Entrepreneur Incubator provides employment as well as business experience to many new business owner operators in a high quality professional environment. We have a great track record here in Ramsey and our current facilities speak for the quality of our facilities and contributes to the economic growth and wellbeing of the community.

Thank you for considering our proposed new facility and I am very much looking forward to bringing this opportunity forward in the City of Ramsey!

Sincerely

**John Buzick
Sunfish Properties LLC, Manager**

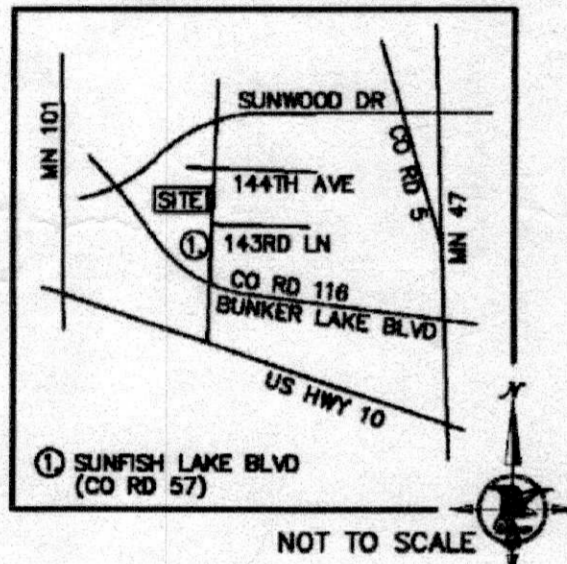
LEGEND

- Property Monument
- Fence
- Overhead Electric
- Underground Electric
- Underground Telephone
- Water
- Gas
- Sanitary Sewer
- Storm Sewer
- Electric Meter
- Power Pole
- Hydrant
- Gate Valve
- Catchbasin
- Catchbasin
- Air Conditioning Unit
- Light Pole
- Gas Meter
- Telephone Box

GENERAL NOTES:

1. The bearing system used is assumed.
2. The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
3. Subject property is identified as being in "Zone C, Area of Minimal Flooding" on Flood Insurance Rate Map, Community-Panel No. 2708B100208, effective date November 1, 1978.
4. Site area = 90,485 square feet = 2.077 acres (including Right of Way).
= 78,573 square feet = 1.827 acres (excluding Right of Way).
5. There are a total of 8 striped parking stalls on said property, of which there are 1 designated as handicap.
6. All field measurements matched recorded dimensions within the precision requirements of ALTA/ACSM specifications.
7. This survey was made on the ground and in accordance with the Minimum Standard Detail Requirements for Land Title Surveys as adopted by ALTA and ACSM.
8. There is no observable evidence of corner markers in the field or of record.
9. The surveyor was not provided zoning information by the client pursuant to Table A Item(s) 8a or 8b.
10. There is no visible above ground evidence of earth moving work, building construction or building additions within recent months.
11. There is no observable evidence of recent street or sidewalk construction or repairs.
12. There is no visible above ground evidence of the site being used as a solid waste dump, sump or sanitary landfill.
13. Distance to nearest intersection, approximately 170 feet southerly to 143rd Lane NW.
14. In preparing this survey I have relied upon the supporting documents and the Commitment for Title Insurance issued by Fidelity National Title Insurance Company, having an effective date of February 11, 2015 and bearing file number 150221698.

VICINITY MAP



EXCEPTION

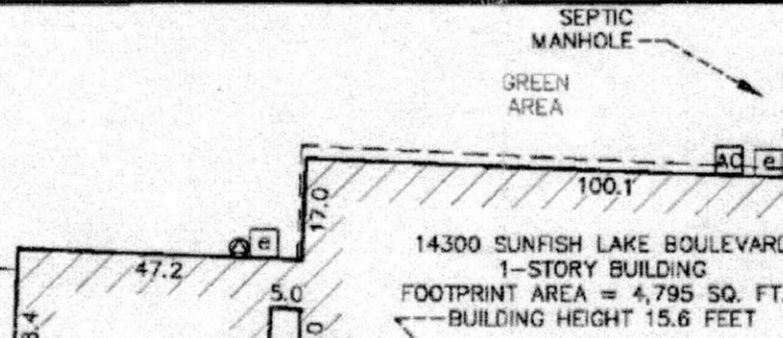
OWNER: WAL RENTAL INC.

N 89°48'07" E 500.01
437.01

SUNFISH LAKE BUSINESS PARK

OWNER: LISA & WAYNE NICHOLSON

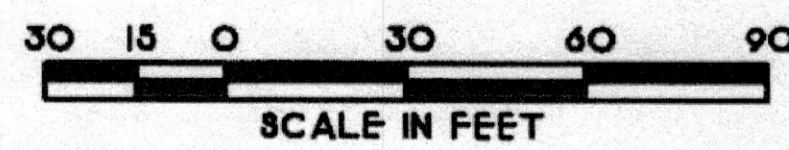
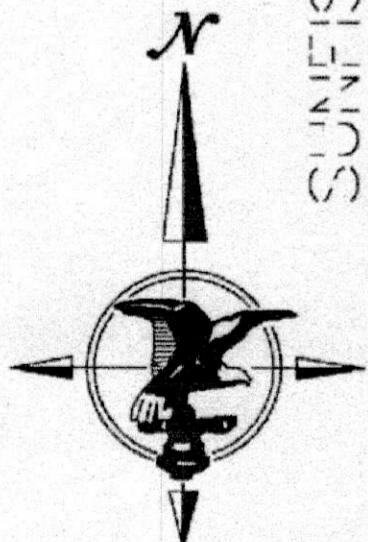
N 0°25'08" E 180.20



S 89°58'11" W 500.00

OWNER: ALICE & ALLEN KOENIG

EXCEPTION



SURVEY PERFORMED BY:
HARRY S. JOHNSON CO. INC.
 LAND SURVEYORS & CONSULTANTS
 9063 Lyndale Avenue South
 Bloomington, Mn. 55420
 (952) 884-3341
 (952) 884-5344 Fax
 Email: tom@hjsurveyors.com
 Web: www.hjsurveyors.com

LEGAL DESCRIPTION

The East 500 feet of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section numbered Twenty-seven (27), Township Thirty-two (32) North of Range Twenty-five (25) West, Anoka County, Minnesota, EXCEPT the South 400 feet and except the North 750 feet, said distances measured along the south and east lines thereof. Subject to an easement for road purposes over the East 63 feet thereof as reserved in Warranty Deed filed as Doc. # 87588 on October 16, 1975.

NOTES CORRESPONDING TO SCHEDULE B:

11. Utility and drainage easement(s), as shown on the recorded plat. (DOES NOT AFFECT SUBJECT PROPERTY)
12. Easement for road purposes over the East 63 feet thereof as reserved in Warranty Deed filed as Document No. 87588. (AFFECTS PROPERTY, AS SHOWN ON SURVEY)

STATEMENT OF POTENTIAL ENCROACHMENTS:

There are no visible above ground encroachments over or across any property lines of subject property.

LAND TITLE SURVEY

ALTA/ACSM
for:
ROCK SOLID COMPANIES

SITE: 14300 SUNFISH LAKE BOULEVARD
ANOKA, MINNESOTA

CERTIFICATION:

To POA, LLC or wholly owned assigns: Western Bank, ISAGA/ATMA; and Fidelity National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes

Items 1, 2, 3, 4, 7(a), 7(b), 8, 9, 10 11(a), 13, 16, 17 and 18 of Table A thereof.

The field work was completed on March 24, 2015.

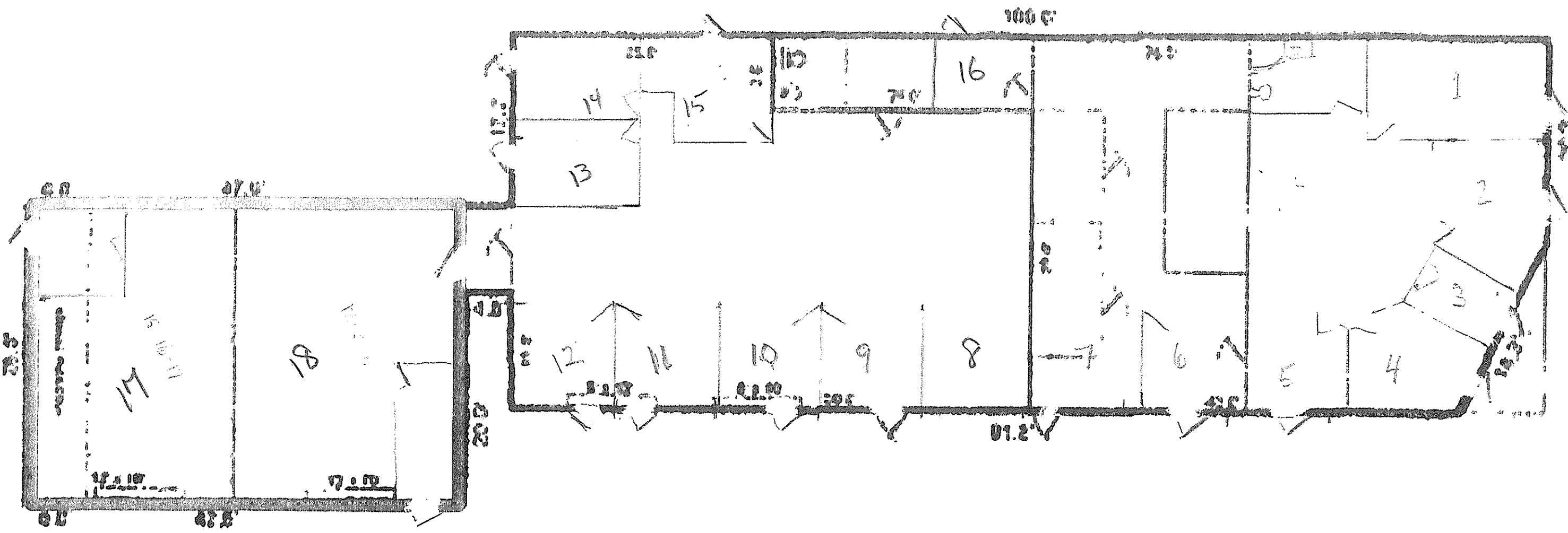
Date of Plat or Map: March 23, 2015

Thomas E. Hodortz
Thomas E. Hodortz, L.S.
Minn. Reg. No. 23677

HARRY S. JOHNSON CO., INC.
LAND SURVEYORS & CONSULTANTS
BLOOMINGTON, MINNESOTA
PHONE: 952-884-3341 FAX: 952-884-5344

Sheet No. **1 OF 1**
Book **643**
File No. **2015167**
1-3-9073

Page **31**
CAD Version **CT**



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

RESOLUTION #93-10-243

A RESOLUTION ADOPTING FINDINGS OF FACT #0347 RELATING TO A REQUEST FOR A CONDITIONAL USE PERMIT TO ESTABLISH A TOWING SERVICE WITH IMPOUND LOT AND AUTO REPAIR FACILITY IN THE INDUSTRIAL DISTRICT

WHEREAS, Champlin Towing, Inc., hereinafter referred to as "Applicant", has properly applied for a Conditional Use Permit to establish a towing service with impound lot and auto repair facility in the Industrial District on the property generally known as 14300 Sunfish Lake Blvd. N.W. and legally described as follows:

That part of the East 500 feet of the Northeast Quarter of the Southeast Quarter of Section 27, Township 32, Range 25, Anoka County, Minnesota lying north of the South 400 feet thereof and lying south of the North 750 feet thereof (as measured along the south and east lines thereof); except road; subject to easements of record.

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

1. That the Applicant appeared before the Planning and Zoning Commission for a public hearing pursuant to Section 9.03.04 (Conditional Use Permits) of the Ramsey City Code on October 5, 1993 and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated as a part of these findings by reference.
2. That the subject property is zoned Industrial and is approximately 1.86 acres in size.
3. That towing operations and auto repair facilities are not a permitted use in the Industrial District.
4. That the adjacent properties to the north, south and west are zoned Industrial and the property on the east side of Sunfish Lake Blvd. N.W. is zoned R-1 Rural Residential.
5. That the Applicant has provided a site plan consisting of two sheets, one sheet drawn by CD Systems of St. Paul and dated 9/14/93 and one sheet that includes contours drawn by Jim Kyro and Associates and dated 9/21/93. The site plan indicates that the towing service and auto repair facility would be accommodated by existing structures and pavement on the site.
6. That the Applicant has stated that an impound lot will need to be developed on the property as an accessory use to the towing service.
7. That Section 9.20.26 (Industrial District) of the Ramsey City Code allows for outside storage as an accessory use provided the area is surfaced to control dust.
8. That the proposed location for the impound lot on the site is surfaced with asphalt.
9. That a major portion of the site is fenced with chain link fencing and the Applicant is proposing to add fencing to encompass the balance of the site and divide the impound lot from the front offices and customer/employee parking area.

10. That Section 9.11.09 (Screening) of the Ramsey City Code requires that all outside storage be screened on all property lines and that screening may consist of plantings or fencing or a combination thereof.
11. That the Applicant has indicated that the towing service will employ 1 office staff person and that the shop may be occupied by a cabinet maker and the garage may be occupied by an auto mechanic. Based on this information, the eight (8) employee/customer parking spaces accounted for on the site plan would appear to be sufficient.
12. That in conversations with Anoka County Environmental Services, City Staff has determined that caution should be taken to ensure that in the impound lot, fluid residue from vehicles is contained on site and that the asphalt has been treated to a non-permeable stage.
13. That the proposed use will not be unduly dangerous or otherwise detrimental to existing or future neighboring uses.
14. That the proposed use will not substantially adversely impair the use, enjoyment or market value of any surrounding property.
15. That the proposed use will be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and the proposed use will not change the essential character of the area.
16. That the proposed use will not be hazardous or disturbing to existing or future neighboring uses.
17. That the proposed use will be served adequately by essential public facilities and services such as streets, police and fire protection.
18. That the proposed use will not create excessive additional requirements at public cost for public facilities and services.
19. That the proposed use will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any neighboring properties or persons by reason of excessive production of traffic, noise, or odors.
20. That the Applicant has stated that there would be no more than twenty (20) impounded vehicles stored in the impound lot at any one time.
21. That in conversations with the Metropolitan Pollution Control Agency, City Staff has determined that a Storm Sewer Run-off Permit is not required for the proposed use. However, the City can generally require the Applicant to conform with best management practices for the purpose of eliminating or reducing the potential for storm water contamination.

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

Mayor James Gilbertson
Councilmember Glen Hardin
Councilmember Gerald Zimmerman
Councilmember Kenneth Peterson
Councilmember Sheila Beyer

and the following voted against the same:

None


and the following abstained:

None


and the following were absent:

None

whereupon said resolution was declared duly adopted by the Ramsey City Council this the 12th day of October, 1993.


~~Chairman~~ Mayor

ATTEST:



City Administrator

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

PROPOSED RESOLUTION #93-10-244

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO ESTABLISH A TOWING SERVICE AND AUTO REPAIR FACILITY IN THE INDUSTRIAL DISTRICT

WHEREAS, Champlin Towing, Inc. has properly applied for a conditional use permit to establish a towing service with impound lot and an auto repair facility on the property generally known as 14300 Sunfish Lake Blvd. N.W. and legally described as follows:

That part of the East 500 feet of the Northeast Quarter of the Southeast Quarter of Section 27, Township 32, Range 25, Anoka County, Minnesota lying north of the South 400 feet thereof and lying south of the North 750 feet thereof (as measured along the south and east lines thereof); except road; subject to easements of record; and

WHEREAS, the Planning and Zoning Commission met on October 5, 1993, conducted the public hearing and recommended City Council approval of the request.

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

1. Based on Findings of Fact #0347, a conditional use permit to establish a towing service with impound lot and an auto repair facility is hereby granted to Champlin Towing, Inc., hereinafter referred to as "Permit Holder", at 14300 Sunfish Lake Blvd. N.W.
2. The facility shall be developed in accordance with the Site Plan drawn by CD Systems of St. Paul, Inc. and dated 9/14/93, except that the following specifications are to be met. The perimeter of the impound lot shall be fenced and wherever chain link fence is used, a tree screening shall also be established to screen the outside storage from neighboring uses. The east fence line of the impound lot shall consist of a six (6) foot high wood privacy fence. Additional trees shall be planted in the front lawn to intensify screening the impound lot from view of the public right-of-way of Sunfish Lake Blvd. N.W.
3. All plantings of tree screening described in Item #2 shall be completed within one (1) year of the date that the conditional use permit is approved and plant materials shall be maintained and replaced as necessary on a permanent basis. The number of trees to be planted shall be such that the impound lot is sufficiently screened from neighboring uses and the public right-of-way as determined by the City Engineer.
4. That the Permit Holder shall be required to implement best management practices to eliminate or reduce the potential for contamination of storm water and/or groundwater. At a minimum, these best management practices shall include the application of a blacktop sealant to the area of the impound lot, with reapplications as necessary. In addition, the Permit Holder shall collect and capture all spills at the site and said materials shall be disposed of in accordance with current regulations.
5. That the Permit Holder shall accept all responsibility for maintaining the impound lot and auto repair facility in accordance with Anoka County Environmental and Minnesota Pollution Control Agency regulations.
6. That the towing service shall be permitted for 24 hour operation.

7. Adequate water supply and on-site sewage disposal facilities shall be the responsibility of the Permit Holder.
8. Adequate off-street parking shall be provided by the Permit Holder and all impounded vehicles or vehicles awaiting mechanical repairs shall be stored within the fenced and screened impound lot.
9. With the exception of impounded vehicles and vehicles awaiting mechanical repairs on site, there shall be no exterior storage of business equipment, materials, supplies, vehicle parts or vehicles being dismantled for parts.
10. The City Administrator, or his designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.
11. The Permit Holder shall be responsible for all City costs incurred in administering and enforcing this conditional use permit.

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

Mayor James Gilbertson
Councilmember Glen Hardin
Councilmember Gerald Zimmerman
Councilmember Sheila Beyer

and the following voted against the same:

Councilmember Kenneth Peterson

and the following abstained:

None

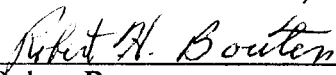
and the following were absent:

None

whereupon said resolution was declared duly adopted by the Ramsey City Council this the 12th day of October, 1993.

Champlin Towing, Inc. hereby acknowledges receipt of this conditional use permit and that they have reviewed the terms of the conditional use permit and have agreed that they will comply with the terms of the conditional use permit.

CHAMPLIN TOWING, INC.



Robert Bouten
President











— Pavement
Boundary



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

RESOLUTION #18-136

A RESOLUTION APPROVING/DENYING A REQUEST FROM SUNFISH PROPERTIES LLC FOR A CONDITIONAL USE PERMIT TO ALLOW MOTOR VEHICLE SALES IN THE E-1 EMPLOYMENT DISTRICT AT THE PROPERTY LOCATED AT 14300 SUNFISH LAKE BLVD NW.

RECITALS

1. Sunfish Properties LLC, hereinafter referred to as the “Permittee”, has properly applied for a Conditional Use Permit to allow motor vehicle sales in the E-1 Employment District on the property generally known as 14300 Sunfish Lake Blvd NW and legally described as follows:

That part of the east 500 feet of the Northeast Quarter of the Southeast Quarter of Section 27, Township 32, Range 25 lying north of the south 400 feet thereof and lying south of north 750 feet thereof (as measured along south and east lines thereof); except road; subject to easement of record, Anoka County, Minnesota

(“Subject Property”)

2. The City of Ramsey received an application for a Zoning (Text) Amendment and a Conditional Use Permit from the Permittee on May 29, 2018.
3. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) of the Ramsey City Code on July 12, 2018, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
4. That the Subject Property is approximately 1.82 acres in size and is located within the E-1 Employment District.
5. That the surrounding properties to the north, south and west are all zoned E-1 Employment District and range in size from 2 to 4.5+ acres in size.
6. That the properties east of Sunfish Lake Blvd are zoned R-1 Residential and are approximately one (1) acre in size.
7. That motor vehicle sales is currently not identified as a permitted or conditional use in the E-1 Employment District.
8. That the Permittee has applied for a Zoning Amendment to add motor vehicle sales as a conditional use in the E-1 Employment District.

9. That the stated intent of the E-1 Employment District is to accommodate general industrial activities.
10. That the Permittee has submitted a floor plan of the building on the Subject Property that indicates the intention to install eighteen (18) individual tenant suites, each with separate access from the exterior of the building.
11. That the Permittee has submitted a site plan that shows three (3) rows of parking/display area stacked on top of each other along the south lot line and eighteen (18) additional stalls along the southern wall of the building.
12. That City Code requires a twenty-four (24) foot wide drive aisle to access any vehicles displayed and the southern two (2) rows do not comply.
13. That the Subject Property is served by a private well and septic system and that documentation must be submitted to the City demonstrating that there is sufficient capacity to accommodate the proposed building improvements.
14. That the Permittee has stated that additional paving would be installed as needed to accommodate future tenants.
15. That any grading and/or paving shall require plans prepared by the Permittee and submitted to the City for review and approval.

FINDINGS OF FACT

1. That motor vehicle sales will/will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfare.
2. That motor vehicle sales will/will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That the motor vehicle sales operation will/will not be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will/will not change the essential character of the area.
4. That motor vehicle sales will/will not be hazardous to existing or future neighboring uses.
5. That motor vehicle sales will/will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That motor vehicle sales will/will not create excessive additional requirements at public cost for public facilities and services and will/will not be detrimental to the economic welfare of the community.

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

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

1. That this Conditional Use Permit (the "Permit") shall supersede and replace the Conditional Use Permit approved by City Council in Resolution #93-10-244 and issued on October 12, 1993.
2. That the towing service with impound lot and auto repair facility shall be permitted to continue in accordance with the terms and conditions contained herein.
3. That the towing service shall be permitted for 24-hour operation.
4. The perimeter of the impound lot shall be fenced and wherever chain link fence is used, a tree screening shall also be established to screen the outside storage from neighboring uses. The east fence line of the impound lot shall consist of a six (6) foot high privacy fence. Additional trees shall be planted along the southern lot line and the east lawn area to provide screening of the motor vehicles displayed for sale.
5. That the Permittee shall provide grading and drainage plans to the City for review and approval prior to any surface parking expansion and sidewalk installation.
6. That the Permit specifically prohibits the use of outdoor speaker devices.
7. That the Permittee shall provide a separate exterior entrance to each tenant space and the Permittee shall be responsible for obtaining any applicable permits from the **City** to complete these building modifications.
8. That the Permittee shall install a sidewalk around the building to provide direct access to each tenant space and said improvements must be shown on the site plan and reviewed for compliance with applicable regulations.
9. That this Permit shall be perpetual in duration as long as the terms are herein complied with.

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 24th day of July, 2018.

Acting Mayor

ATTEST:

City Clerk

CITY OF RAMSEY

By: _____
Acting Mayor

By: _____
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:
The City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

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

Sec. 117-117. - E-1 Employment District.

- (a) *Intent.* To accommodate general industrial activities.
- (b) *Permitted uses.* The following are permitted uses, subject to general requirements and performance standards as specified by this chapter:
 - (1) Manufacturing.
 - (2) Research labs.
 - (3) Testing labs.
 - (4) Offices.
 - (5) Supply yards with building.
 - (6) Warehousing and storage.
 - (7) Self storage facilities, indoor.
 - (8) Truck terminals with building.
 - (9) Athletic facilities/fitness centers/dance studios.
 - (10) Business incubators/multitenant facilities housing manufacturing, research labs, testing labs, offices, athletic facilities/fitness centers/dance studios, motor vehicle implement and recreation equipment sales or repair, governmental or public uses, indoor commercial recreation, light manufacturing, radio and television offices and stations, and wholesale businesses, provided they are indoor operations with no outside storage or display areas. A maximum of 20 percent of the units or suites of such a facility may be occupied by enclosed retail and rental activity as a principal use.
- (c) *Accessory uses.*
 - (1) Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed 50 percent of the gross floor space of the principal use.
 - (2) Off-street parking including semi-trailer trucks, as regulated and required by this chapter.
 - (3) Off-street loading as regulated and required by this chapter.
 - (4) Signing as regulated by this Code.
 - (5) Open and outdoor storage as an accessory use of the property provided that:
 - a. Storage area is surfaced to control dust and subject to the approval of the zoning administrator.
 - b. This use does not take up parking space or loading area as required for conformity to this chapter.
 - (6) Indoor retail and rental activity as an accessory to a permitted use in a business incubator or multitenant facility provided the retail or rental activity does not occupy more than 15 percent of the gross floor area of the occupied unit or suite.
- (d) *Conditional uses.* The following are conditional uses and require a conditional use permit based upon procedures set forth in and regulated by section 117-50.
 - (1) Open and outdoor storage as a principal use, provided that:
 - a. Storage area is surfaced to control dust and subject to the approval of the zoning administrator.
 - b. This use does not take up parking space or loading area as required for conformity to this chapter.
 - c. The provisions of section 117-51 are considered and satisfactorily met.

- (2) Open or outdoor service, sale, display and rental as a principal use, provided that:
 - a. The use does not take up parking space or loading area as required for conformity to this chapter.
 - b. Sales area is surfaced with asphalt or concrete material to control dust.
 - c. The provisions of section 117-51 are considered and satisfactorily met.
- (3) Indoor retail, rental or service activity, or industrial uses other than that allowed as a permitted use or conditional use within this section provided that:
 - a. Such use meets the stated intent of this district.
 - b. Adequate off-street parking and off-street loading in compliance with the requirements of this chapter is provided.
 - c. All signing and informational or visual communication devices shall be in compliance with the applicable provisions of this Code.
 - d. The provisions of section 117-51 are considered and satisfactorily met.
- (4) Heavy manufacturing provided that:
 - a. The operation does not adversely impact abutting properties.
 - b. The physical facilities and operation are in keeping with the character of the district and surrounding properties.
 - c. The provisions of section 117-51 are considered and satisfactorily met.
- (5) Oversizing of signs.
- (6) Expansion or enlargement of lawful nonconforming uses.
- (7) Cell towers.
- (8) Micro-scale WECS.
- (9) Medium-scale WECS.

(10) Retail sales facility for CNG (compressed natural gas) or other alternative automotive fuels. Retail sales must be an accessory to an onsite fleet fueling operation.

(11) Motor vehicle, implement, and recreation equipment sales and service, provided that:

- a. The use does not take up parking space or loading area as required for conformity to this chapter.
- b. All sales, display and service related areas are surfaced with concrete or asphalt.

~~(10)~~

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

(1) *Bulk standards.*

Standard	Requirement
Minimum lot size	1 acre
Minimum lot width	200 feet

Building setbacks	
Front	35 feet
Rear	35 feet
Side	20 feet
Major and minor arterials and county and state roadways	60 feet from centerline of road right-of-way plus the local applicable setback
From service road	35 feet
Setbacks when adjacent to residential district:	
Buildings	60 feet
Off-street parking, storage areas, and driveways	40 feet
Parking and paving (includes maneuvering areas) setback from street right-of-way	20 feet
Maximum building height	65 feet
Maximum lot coverage	45 percent

(2) *Lighting.* Any lighting used to illuminate an off-street parking area, sign or structure, shall be arranged to deflect light away from an adjoining residential district 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.

(3) *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.

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

Type	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

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 not be 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.* If a landscape irrigation system is provided, the system shall be equipped with the following:
 - 1. Technology that inhibits or interrupts operation of the irrigation system during periods of sufficient moisture (rain sensor).
 - 2. One or more water efficient technologies. This could include, but is not limited to, WasterSense labeled weather-based irrigation controllers, soil moisture sensors, and/or evapotranspiration (ET) sensors.
- 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. One 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.* 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 in the setback area.

		Existing Adjacent Development				
		R-1	R-2	R-3	B-1	B-2
<i>Proposed Development</i>	E-1 Bufferyard width	60 ft.	60 ft.	60 ft.	35 ft.	35 ft.
	% increase in plantings required	30%	30%	30%	20%	20%

- (4) *Off-street loading.* All off-street loading dock/berth areas shall be a minimum of 50 feet in length and there shall be at least one dock/berth for the first 10,000 square feet of floor area and one additional berth/dock for each additional 25,000 square feet of floor area.
- (f) *Architectural standards.* All exterior wall finishes on any building shall be:
 - (1) Face brick;
 - (2) Stucco;
 - (3) Glass;

- (4) Wood;
- (5) Natural stone;
- (6) Specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture;
- (7) Other material as may be approved by the city.

Combinations of such materials shall be permitted.

(Code 1978, § 9.20.24; Ord. No. 86-2, 8-25-1986; Ord. No. 96-12, 7-29-1996; Ord. No. 97-09, 7-28-1997; Ord. No. 03-21, 8-25-2003; Ord. No. 03-22, 8-25-2003; Ord. No. 09-06, § 2(9.20.24), 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. 11-14, § 1, 10-11-2011; Ord. No. 17-04, § 2, 5-9-2017)

Regular Planning Commission

5. 3.

Meeting Date: 07/12/2018

By: PeggySue Imihy, Community
Development

Information

Title:

PUBLIC HEARING: Consider Ordinance #18-13; Amendment to City Code Chapter 117 (Zoning and Subdivision of Land) to add a Neighborhood Business District.

Purpose/Background:

In 2016, following 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. Primarily, this Zoning District is needed to correct a previous zoning action (improper use of a conditional use permit).

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 potential area for this zoning district could be used would be near the new elementary school (not proposed at this time).

Staff drafted a proposed zoning district which includes four permitted uses, four conditional uses and six prohibited uses. Following the feedback from last month's Planning Commission, Staff has moved on-sale liquor to a conditional use and added the sales of tobacco, tobacco products or tobacco related devices to the prohibited uses.

Notification:

Staff published the Notice of Public Hearing in the Anoka County UnionHerald.

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, medical clinics, and on-sale liquor. Prohibited uses include: Motor vehicle sales or repair, retail operations with drive through, gas stations, off-sale liquor.

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.

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

Alternative #1. Recommend City Council adopts Ordinance #18-13. This would update the Zoning Code to include a new district called the Neighborhood Business District. Staff supports this alternative.

Alternative #2. Recommend City Council denies Ordinance #18-13. This would leave the Zoning Code as-is and would not create a Neighborhood Business District. This alternative would leave the property at 6139 157th Lane NW in illegal non-conforming status. Staff does not support this alternative.

Alternative #3. Table the ordinance amendment in order to have Staff research additional topics or draft ordinance amendments. Staff would support this alternative if there was specific language or other case studies the Planning Commission felt necessary to review before making a recommendation to City Council.

Funding Source:

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

Recommendation:

Staff recommends Alternative #1, recommending the City Council adopt ordinance #18-13.

Action:

Motion to recommend the City Council adopt Ordinance #18-13.

Attachments

Planning Commission Minutes dated January 7, 2016

Previous Public Comment

Draft Ordinance Neighborhood Business District

Form Review

Inbox

Tim Gladhill

Form Started By: PeggySue Imihy

Final Approval Date: 07/05/2018

Reviewed By

Tim Gladhill

Date

07/05/2018 09:10 PM

Started On: 06/19/2018 02:41 PM

**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.

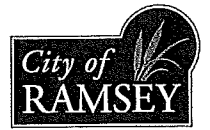
Respectfully submitted,

Tim Gladhill
Community Development Director

ATTEST:

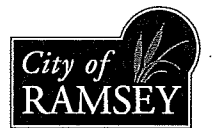
JoAnn Shaw
Community Development Assistant

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.



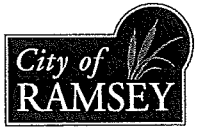
Comments:

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



Comments:

<u>OK</u>	<u>SORT OF</u>
PROF. SERVICE OFFICE	BANK



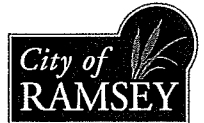
Comments:

we do not want any type of high traffic type businesses.

NO - Gas Station, bars, retail restaurants, liquor stores, or strip malls.

PROJECT NO. 16-?

NEIGHBOR HOOD OFFICE DISTRICT



Comments:

• Maintain the rural ambience & ~~continue~~ continue to limit the amount of traffic into the neighborhood.

Comments:

- Press for speed reduction in the neighborhood, ~~with~~ with a retail or like business in the area. Speeds & amount of traffic will increase. Traffic noise now is somewhat bearable. As far as safety - Now then Blvd has had many severe / fatal accidents, with more traffic - more accidents.

Comments:

- Maintain current buffers of adjacent properties.

ORDINANCE #18-13

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

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

AN ORDINANCE AMENDING ARTICLE II DIVISION 4 SECTION 117 (ZONING AND SUBDIVISIONS) OF THE RAMSEY CITY CODE.

The City of Ramsey Ordains:

SECTION 1 AUTHORITY

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

SECTION 2 AMENDMENTS

Section 117-XXX. – Neighborhood Business District is amended as follows:

- (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.
 - (4) On-Sale Liquor.
- (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) Off -sale liquor.
- (5) Adult uses - principal and adult uses - accessory.
- (6) Sales of tobacco, tobacco products, or tobacco-related devices.

(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	

- (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 magazing 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		
		R-1	R-2	R-3
Proposed Development	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%

- 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.

SECTION 3. EFFECTIVE DATE

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

PASSED by the City Council of the City of Ramsey, Minnesota the _____ day of _____, 2018.

Acting Mayor

ATTEST:

City Administrator

- Introduction date:
- Posting dates:
- Adoption date:
- Publication date:
- Effective date:

Regular Planning Commission

5. 4.

Meeting Date: 07/12/2018

By: PeggySue Imihy, Community
Development

Information

Title:

PUBLIC HEARING: Consider Ordinance #18-12; Text Amendment to City Code Section 117-351 Home Occupations Ordinance

Purpose/Background:

Under staff direction from the City Council and the Planning Commission, a text amendment has been made to City Code Section 117-351, Home Occupations. This text amendment specifically limits the the number of allowed employees and prohibits outdoor storage.

?Based on recent Applications, Staff was directed to consider additional standards based on the following:

- ?More explicit prohibition on outside storage.
- Creation of categorical prohibitions (such as contracting companies that traditionally have significant outdoor storage)
- Additional limitations on number of employees to reduce number of vehicle trips to site

Notification:

Staff published the Notice of Public Hearing in the Anoka County UnionHerald.

Observations/Alternatives:

Alternative #1. Recommend City Council adopts Ordinance #18-12. This would update the Zoning Regulations restrict the number of allowed employees and prohibit outdoor storage for home occupations. Staff supports this alternative.

Alternative #2. Recommend City Council denies Ordinance #18-12. This would leave the Zoning Regulations as-is, which has created concern about number of allowed employees and does not prohibit outdoor storage. Staff does not support this alternative.

Alternative #3. Table the ordinance amendment in order to have Staff research additional topics or draft ordinance amendments. Staff would support this alternative if there was specific language or other case studies the Planning Commission felt necessary to review before making a recommendation to City Council.

Funding Source:

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

Recommendation:

Staff recommends Alternative #1, recommending the City Council adopt ordinance #18-12.

Action:

Motion to recommend the City Council adopt Ordinance #18-12.

Attachments

City Code Section 117-351 Amended

Draft Ordinance

Memo

City Code Section 117-351

Form Review

Inbox

Tim Gladhill

Form Started By: PeggySue Imihy

Final Approval Date: 07/05/2018

Reviewed By

Tim Gladhill

Date

07/05/2018 10:30 PM

Started On: 06/19/2018 02:31 PM

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.

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o. Outdoor storage of goods, supplies, materials, debris, equipment, machinery or maintenance items is prohibited. All home occupation related items shall be kept in an enclosed structure on properties

- (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~~ *Home occupations that do not involve prohibited activities and/or operate beyond the parameters in subsection (1) and/or (2)* 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)

ORDINANCE #18-12

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

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

AN ORDINANCE AMENDING ARTICLE II DIVISION 4 SECTION 117-351 (HOME OCCUPATIONS) OF THE RAMSEY CITY CODE.

The City of Ramsey Ordains:

SECTION 1 AUTHORITY

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

SECTION 2 AMENDMENTS

Section 117-351 – Home Occupations, subdivision (1) is amended as follows:

- (o) Outdoor storage of goods, supplies, materials, debris, equipment, machinery or maintenance items is prohibited. All home occupation related items shall be kept in an enclosed structure on the property.

Section 117-351 – Home Occupations, subdivision (2a) is amended as follows:

1. The owner of a home occupation 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.

Section 117-351 – Home Occupations, subdivision (3) is amended as follows:

Home occupations that do not involve prohibited activities and/or operate beyond the parameters in subsection (1) and/or (2) 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.

SECTION 3. EFFECTIVE DATE

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

PASSED by the City Council of the City of Ramsey, Minnesota the _____ day of _____, 2018.

Acting Mayor

ATTEST:

City Administrator

Introduction date:

Posting dates:

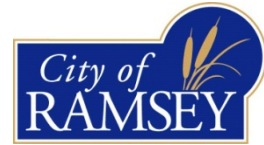
Adoption date:

Publication date:

Effective date:

DRAFT

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
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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 by 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. 1.

Meeting Date: 07/12/2018

By: Tim Gladhill, Community Development

Information

Title:

Receive Update from Continental Properties Regarding Potential Project (Springs at Ramsey)

Purpose/Background:

Earlier this evening, the City hosted a public workshop on a potential rental townhome development. While there is no formal application at this point, this is an opportunity to hear from the potential Developer before plans are prepared.

- What major barriers exist for this project?
- What questions should be answered as part of an official application?

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

No action is requested at this time.

Attachments

Workshop Notice

Form Review

Inbox

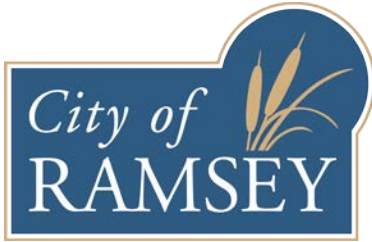
Tim Gladhill (Originator)
Form Started By: Tim Gladhill
Final Approval Date: 07/05/2018

Reviewed By

Tim Gladhill

Date

07/05/2018 09:11 PM
Started On: 07/05/2018 11:03 AM



7550 Sunwood Drive NW • Ramsey, MN 55303

City Hall: 763.427.1410 • Fax: 763.427.5543

www.cityoframsey.com

You Are Invited!
Help Ramsey review a proposed, private development project.
The Springs at Ramsey (by Continental Properties)

You are invited to a land use workshop. The City values your feedback and involvement as an existing resident adjacent to a proposed future development area. Continental Properties is proposing a 320-unit rental townhome/apartment home development along Armstrong Boulevard north of Bunker Lake Boulevard. For more information on the type of development being proposed, please visit <https://www.springsapartments.com> (this is for reference only; the proposed Ramsey project is not located on this website).

This is an opportunity to have a conversation with City Staff and the Developer before a formal application is considered. Ramsey is committed to more meaningful and organic conversations around key policy topics in formats more comfortable for our community compared to a traditional public hearing. Please consider joining us for this important policy topic.

Thursday, July 12, 2018 from 5:30 p.m. to 6:30 p.m.
Alexander Ramsey Room, Ramsey Municipal Center,
7550 Sunwood Drive NW
Ramsey, MN 55303

You may also submit comments to tgladhill@cityoframsey.com or by calling 763-433-9826.

Sincerely,

CITY OF RAMSEY

Tim Gladhill
Community Development Director



SPRINGS AT RAMSEY

RAMSEY, MN

Regular Planning Commission

8. 1.

Meeting Date: 07/12/2018

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

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 07/05/2018

Reviewed By

Tim Gladhill

Date

07/05/2018 08:51 AM

Started On: 07/02/2018 09:14 AM

Zoning Bulletin

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Rezoning—City amends zoning ordinance to allow for previously prohibited uses in zoning district

Residents allege zoning amendment constitutes illegal rezoning and impermissible spot-zoning

Citation: *Gerald Emmett Beard v. City of Ridgeland*, 2018 WL 1869589 (Miss. 2018)

Contributors

Corey E. Burnham-Howard

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MISSISSIPPI (04/19/18)—This case addressed the issue of whether a city’s amendment of a zoning ordinance to allow for certain previously prohibited uses constituted an illegal zoning and/or impermissible “spot zoning.”

The Background/Facts: In February 2014, the City of Ridgeland (the “City”) adopted a comprehensive Zoning Ordinance and Map. Soon thereafter, the City’s Director of Community Development pursued the siting of a Costco in the City, offering to Costco six potential sites to consider. Ultimately, Costco chose its preferred site (the “Site”). Under the 2014 Zoning Ordinance, the Site was zoned C-2. C-2 districts did not permit—as permitted or conditional uses—gas stations, fast-food drive-through restaurants, drive-through pharmacies, banks, drive-through automatic teller machines (“ATMs”), food-product carry-out or delivery stores, or laundry and dry-cleaning pickup stations. After working closely with Costco representatives on the language, the City drafted and then adopted, in June 2015, a zoning amendment that created as a permitted use in C-2 districts a “Large Master Planned Commercial Development” (“LMPCD”). The zoning amendment allowed uses previously prohibited in C-2 districts, including service stations, banks, drive-through ATMs, food product and carry-out and delivery stores, laundry and dry-cleaning pickup, fast-food drive-through restaurants, and drive-through pharmacies.

Area residents (the “Residents”) challenged the June 2015 zoning ordinance amendment as invalid for, among other things, failure by the City to provide proper notice before its adoption. The City then repealed the zoning amendments, noticed a public hearing, and in April 2016, adopted a new amended zoning ordinance (of substantially similar language to the June 2015 amendment).

The Residents challenged the adoption of the April 2016 amended zoning ordinance. They argued that the amendment constituted illegal rezoning or spot-zoning.

The City argued that the zoning change was “a mere textual amendment.”

The circuit court affirmed the City’s April 2016 zoning amendment

The Residents appealed, arguing again that the April 2016 zoning amendment constituted illegal rezoning and/or impermissible spot-zoning.

DECISION: Judgment of Circuit Court reversed, and matter remanded.

The Supreme Court of Mississippi agreed with the Residents, concluding that the April 2016 zoning amendment constituted both illegal rezoning and impermissible spot-zoning.

In arguing that the zoning amendment was illegal rezoning, the Residents had pointed to a City zoning ordinance, which provided criteria for rezoning. That ordinance allowed re-zoning only if: (1) there was a mistake in the original zoning; or (2) “the character of the neighborhood has changed to such an extent as to justify reclassification, and that there is a public need for re-zoning.” No mistake had been claimed, and the Residents contended that in the short time between the 2014 adoption of the Zoning Ordinance and Map and the 2016 zoning amendment, there had been no substantial change in the neighborhood character. The appellate court agreed. It held that “the City il-

legally rezoned” the Site “[b]ecause, almost immediately after adopting a new comprehensive zoning ordinance and map in 2014, the City sought to change the zoning of the proposed Costco site to allow numerous prohibited uses, and . . . those additional uses effectively transformed the [Site] from a C-2 district to a C-3 district”

The Residents had also argued that the 2016 zoning amendment was primarily for the private interest of Costco so that it could build on the Site, and therefore constituted impermissible spot-zoning. Looking at the City Zoning Ordinance’s guidelines for amendments to zoning ordinance text, the court found that under those guidelines, a rezoning would be considered illegal spot-zoning “if the proposed amendment is for a small parcel of land singled out for special and privileged treatment.” Here, the court found that the 2016 zoning amendment was “created and . . . focused solely on Costco and its activities.” Because the City “engaged in illegal spot-zoning by singling out a parcel of land for special and privileged treatment,” the court found that the April 2016 zoning amendment was “arbitrary, capricious, and unsupported by substantial evidence.”

See also: *Modak-Truran v. Johnson*, 18 So. 3d 206 (Miss. 2009).

Variance—Board of Zoning Adjustment grants variance for church addition based on “exceptional condition” in that building structure contributed to local historic district

Neighbors argue contributing nature of structure is not sufficient to constitute “exceptional condition” warranting a variance

Citation: *Dupont Circle Citizens Association v. District of Columbia Board of Zoning Adjustment*, 2018 WL 1748313 (D.C. 2018)

DISTRICT OF COLUMBIA (04/12/18)—This case addressed the issue of whether the presence on property of a structure that contributes to a historic district constitutes an “exceptional condition” justifying a zoning variance.

The Background/Facts: St. Thomas’ Episcopal Parish (the “Parish”) has occupied its current site in the District of Columbia (“D.C.”) for 120 years. In 1970, the main church was destroyed by fire. Since that time, the church has operated out of the only remaining structure on the property—the Parish Hall.

In September 2015, the Parish proposed to build an addition to the Parish Hall. Although one building would remain, its western side would include a four-story church element, and its eastern side would include a multifamily

residential building with approximately 56 units in seven stories. Because the zoning district in which the Parish was located limited buildings to no more than 80% of the lot, and the proposed project would occupy 86.7% of the lot, the Parish sought an area variance from D.C.'s Board of Zoning Adjustment (the "BZA").

The BZA granted the Parish's requested variance. In doing so, the BZA found that the fact that the Parish Hall was a contributing building to the local historic district amounted to an "exceptional condition that would create a practical difficulty in complying with the existing lot occupancy regulations." The BZA concluded that such practical difficulty warranted variance relief.

Two neighborhood associations (the "Neighbors") challenged the BZA's order granting the area variance to the Parish. The Neighbors argued that the Parish had failed to meet the requirements for an area variance. The Neighbors disagreed that the fact that the Parish Hall contributed to the local historic district amounted to an "exceptional condition," warranting an area variance.

DECISION: Judgment of Board of Zoning Adjustment vacated, and matter remanded.

The District of Columbia Court of Appeals agreed with the Neighbors. It held that the presence of a contributing structure to a historic district is "not sufficient to constitute an exceptional condition" warranting a variance.

The court explained that a board of zoning adjustment may grant an area variance if it finds: "(1) there is an extraordinary or exceptional condition affecting the property; (2) practical difficulties will occur if the zoning regulations are strictly enforced; and (3) the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan." The court further explained that "the extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; however, the critical requirement is that the extraordinary or exceptional condition must affect a single property." That requirement may be satisfied by, among other things, "features of the lot such as irregular shape or narrow width, a characteristic of the land, [a] condition inherent in the structures built upon the land, or prior zoning actions regarding the property.' "

Here, the court recognized that the presence of a historic landmark building which restricted development opportunities would amount to an "exceptional condition." However, in comparison, the court disagreed with the BZA that the presence of a contributing structure to a historic district—such as the Parish Hall here—was sufficient to constitute an exceptional condition. The court said that "[t]he presence of a contributing structure is thus less akin to the presence of a landmark building than to the property's inclusion in a historic district, which does not qualify as an exceptional circumstance."

Defending the BZA's finding of exceptional condition on another ground, the Parish argued that as a "public service organization" a more flexible standard should be applied to it with regard to finding exceptional conditions. This "public service doctrine," established by case law, provides that: "[w]here a public service organization applies for an area variance . . . it must show (1) that the specific design it wants to build constitutes an institutional necessity,

not merely the most desired of various options, and (2) precisely how the needed design features require the specific variance sought.”

The Neighbors argued that the Parish’s argument was moot because the Parish did not qualify as a public service organization but was “merely a private organization dedicated to particular religious beliefs and practices.”

Here, the court held that a church could be a public service organization entitled to additional flexibility in a board’s variance analysis. However, here, the BZA had not explicitly found that the Parish itself was a public service organization. Thus, concluding that the Parish could “not demonstrate an exceptional condition affecting its property through the mere presence of a structure that contributes to a historic district,” the court vacated the BZA’s decision and remanded for consideration of whether the Parish was entitled to additional flexibility as a public service organization and whether the requested variance could be justified under the public service doctrine.

See also: *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091 (D.C. 1979).

See also: *Draude v. District of Columbia Bd. of Zoning Adjustment*, 527 A.2d 1242, 40 Ed. Law Rep. 808 (D.C. 1987).

Case Note:

In remanding the matter, the court said that the BZA should consider that the variance was requested because of the Parish’s desire to erect both a church and a residential building on the lot, which formerly was occupied only by the church.

Fees—Property owners bring class action against county, seeking to recover development impact fees

Parties dispute whether impact fees are subject to the rational nexus/rough proportionality test for a government taking

Citation: *Dabbs v. Anne Arundel County*, 2018 WL 1724642 (Md. 2018)

MARYLAND (04/10/18)—This case addressed the issue of whether area-wide impact fees are subject to the rational nexus/rough proportionality test for a government taking.

The Background/Facts: Beginning in 1987, Anne Arundel County (the “County”) imposed road and school impact fees on land developers and builders. Under the County’s Impact Fee Ordinance, those who paid impact fees might become eligible for refunds of those fees under certain circumstances such as the County’s failure to utilize or encumber within a specified period of time the collected fees for present or future eligible capital improve-

ments—like the “expansion of the capacity of public schools, roads, and public safety facilities.”

Eventually, property owners in the county brought a class action lawsuit against the County, seeking to recover development impact fees. The “Dabbs” Class demanded refunds for an unspecified amount of impact fees collected by the County between fiscal years (“FY”) 1997-2003. The Dabbs Class sought that refund on the ground that the impact fees were not expended or encumbered in a timely manner as required under the County’s Impact Fee Ordinance.

The circuit court found that the County had applied the Impact Fee Ordinance as required, and concluded that there were no impact fees available for refund.

The Dabbs Class appealed. On appeal, the Dabbs Class argued that the County’s Impact Fee Ordinance was subject to the “rational nexus/rough proportionality test” for a government taking. In two different cases (*Nollan* and *Dolan*), the United States Supreme Court had held that “a unit of government may not condition the approval of a land-use permit on the owner’s relinquishment of a portion of his property unless there is a ‘nexus’ and ‘rough proportionality’ between the government’s demand and the effects of the proposed land use.” Here, the Dabbs Class argued that with regard to impact fees, the County had to “demonstrate that its expenditure of impact fees was attributable reasonably to new development and each such expenditure reasonably benefitted ‘new development’ and/or individual ‘against whom the fee was charged.’” The Dabbs Class argued that the County could not meet that test, and that therefore the impact fees should be refunded.

The Court of Special Appeals rejected the Dabbs Class’ argument. The court held that the rough proportionality/rough nexus test had no application here.

The Dabbs Class then petitioned for certiorari, which was granted by the Court of Appeals of Maryland.

DECISION: Judgment of Court of Special Appeals affirmed.

The Court of Appeals of Maryland held that area-wide impact fees, such as those imposed under the County’s Impact Fee Ordinance, were not subject to the rational nexus/rough proportionality test for a government taking.

In so holding, the court explained that the rational nexus/rough proportionality test for a government taking had been expanded recently by the United States Supreme Court (in *Koontz*) to “apply to a narrow set of monetary exactions, i.e., a condition of the payment of money for favorable governmental action on a required permit application for a specific parcel of land.” The United States Supreme Court had held that “a monetary exaction for mitigation as a condition for issuing a land-use permit to enable development of an individual property must meet the nexus and rough proportionality requirements [test].” In other words, the Supreme Court held that “challenges to governmental demands for money (except application fees) in connection with the permit review process for a specific property are subject to nexus and rough proportionality analysis.”

Analyzing the Supreme Court cases, the Court of Appeals of Maryland emphasized that the nexus and rough proportionality analysis applied very

narrowly: “when the government commands the relinquishment of funds linked to a specific, identifiable property interest such as a bank account or parcel of real property” Here, the Court of Appeals of Maryland found that the County’s Development Impact Fee Ordinance did not fit that narrow window for application of the nexus and rough proportionality analysis. The court found that the Ordinance here did not direct a property owner to make a conditional monetary payment to obtain approval of an application for a permit of any particular kind, nor did it impose the condition on a particularized or discretionary basis. Rather, the court found that the Ordinance was “imposed broadly on all properties, within defined geographical districts, that may be proposed for development,” leaving “no discretion in the imposition or the calculation of the fee.” In other words, the Ordinance here imposed an impact fee on a generalized district-wide basis, making no determination as to whether an actual permit would issue to a payor individual with a property interest. And, the County impact fee was “predetermined” based on a specific monetary schedule and applied to all persons wishing to develop property in the district.

The Court of Appeals of Maryland said the law recognized that cases such as that here where impact fees are imposed on a generally applicable basis are not subject to a rough proportionality or nexus analysis.

See also: *Waters Landing Ltd. Partnership v. Montgomery County*, 337 Md. 15, 650 A.2d 712 (1994).

See also: *Dolan v. City of Tigard*, 512 U.S. 374, 114 S. Ct. 2309, 129 L. Ed. 2d 304, 38 Env’t. Rep. Cas. (BNA) 1769, 24 Env’t. L. Rep. 21083 (1994).

See also: *Nollan v. California Coastal Com’n*, 483 U.S. 825, 837, 107 S. Ct. 3141, 97 L. Ed. 2d 677, 26 Env’t. Rep. Cas. (BNA) 1073, 17 Env’t. L. Rep. 20918 (1987).

See also: *Koontz v. St. Johns River Water Management Dist.*, 570 U.S. 595, 599, 133 S. Ct. 2586, 2591, 186 L. Ed. 2d 697, 76 Env’t. Rep. Cas. (BNA) 1649 (2013).

Case Note:

The Dabbs Class had also argued that amendments to the County’s Impact Fee Ordinance unconstitutionally interfered with their vested rights in refunds. The circuit court rejected those claims. The Court of Special Appeals affirmed. The Court of Appeals of Maryland also affirmed, finding the amendments to the County Impact Fee Ordinance, which codified the County’s pre-existing administrative procedures for counting impact fee encumbrances, did “not work substantive change in policy” interfering with the vested rights of the Dabbs Class. Moreover, the Court of Appeals found that the Dabbs Class’ alleged right to refund of the development impact fee did not vest, and thus, the county had the right to repeal the refund provision of the ordinance.

Standing—Landowners challenge constitutionality and construction of statutes governing rezoning of another's property

City argues that landowners lack standing to bring such challenges

Citation: *Byron v. Synco Properties, Inc.*, 2018 WL 1385339 (N.C. Ct. App. 2018)

NORTH CAROLINA (03/20/18)—This case addressed the issue of whether landowners, in seeking to invalidate city approval of another property owner's rezoning application, had standing to challenge the constitutionality and construction of the statutes governing the rezoning.

The Background/Facts: In late 2014, SYNCO Properties, Inc. ("SYNCO") filed an application with the City of Charlotte (the "City") to rezone a tract of land it owned in the city. Pursuant to North Carolina statute (N.C. Gen. Stat. § 160A-385 (2013))—the "Protest Petition Statute"—several local property owners (the "Petitioners") filed a protest petition (the "Protest Petition") with the City opposing the proposed rezoning. Then, in July 2015, the North Carolina General Assembly, via Session Law 2015-160, replaced the protest procedure in the Protest Petition Statute with a "Citizen Comment" procedure, effective August 1, 2015. Thereafter, in September 2015, SYNCO withdrew its rezoning application, but then filed a new rezoning application the following day. In January 2016, the City Council approved SYNCO's second rezoning application.

William M. Byron and Dana T. Byron (the "Byrons") filed a declaratory judgment action seeking to invalidate the City Council's approval of SYNCO's rezoning application. The Byrons were landowners in the city, but they had not been among the Petitioners who had filed a Protest Petition opposing SYNCO's first rezoning application.

In their declaratory judgment action, the Byrons brought several claims, including allegations that: (1) the City and SYNCO misinterpreted the Protest Petition Statute and its applicability (and thus violated the Protest Petition Statute); (2) the City's actions violated the Byrons' due process rights; and (3) replacement of the protest petition procedures with citizen comment procedures deprived the Byrons of their constitutional right to petition the government for redress. Generally, with regard to those claims, the Byrons argued that because SYNCO filed its first rezoning application prior to the effective date of the Session Law 2015-160 (which replaced the protest petition procedure with the "Citizen Comment" procedure), the rezoning under its second rezoning application was a "zoning ordinance change[] initiated" prior to the session law's effective date. The Byrons argued that the City was thus required to have followed the Protest Petition Statute in the consideration of SYNCO's

rezoning application. The Byrons further argued that since the City failed to do so, as a result, the City's rezoning decision in favor of SYNCO was invalid.

The City and SYNCO argued that the Byrons lacked standing to bring their claims (i.e., the legal right to bring their action in court).

The trial court found that the Byrons had standing, but nonetheless dismissed all the claims against the City and SYNCO.

The Byrons appealed. The Byrons argued on appeal only that the trial court: (1) incorrectly concluded that the City was not required to apply the Protest Petition Statute to the rezoning due to its misinterpretation of the effective date of Session Law 2015-160; (2) wrongfully concluded their challenges to certain zoning statutes and session laws were moot; and (3) impermissibly dismissed their constitutional challenges to those zoning statutes and session laws. The Byrons did not appeal their claimed inherent invalidity of the rezoning decision itself.

Again, the City and SYNCO argued that the Byrons lacked standing to bring those claims.

DECISION: Judgment of superior court affirmed.

The Court of Appeals of North Carolina agreed with the City and SYNCO and held that the Byrons lacked standing to bring their appealed claims.

In so holding, the court distinguished the different standing doctrines applicable to: (1) zoning ordinance challenges; (2) statutory construction and validity claims; and (3) constitutional challenges to zoning ordinances. The court said "[a] rezoning ordinance may be challenged in a declaratory judgment action 'only . . . by a person who has a specific personal and legal interest in the subject matter affected by the zoning ordinance and who is directly and adversely affected thereby.'" Comparatively, "[s]tanding to challenge a statute requires that the statute directly and adversely affect the plaintiff." And, "standing to challenge the constitutionality of a zoning ordinance or statute requires that the plaintiff demonstrate injury or immediate danger of injury to a constitutionally protected interest in the property subject to that ordinance or statute."

Here, in applying the standing doctrines, the court emphasized that the Byrons sought to "revive their declaratory judgment action only as to their challenges of the interpretation and constitutionality of the statutes and session laws governing the City's rezoning decision, rather than the inherent validity of the rezoning decision itself." Thus, the court did not look to whether the Byrons had standing to challenge the rezoning decision (as they had sought to do in the claims not at issue on appeal), "but whether they had standing to seek a declaratory judgment determining the construction and constitutionality of the session laws and statutes governing that rezoning."

The court concluded that the Byrons lacked standing to challenge the City's interpretation of Session Law 2015-160 and the applicability of the Protest Petition Statute. Looking at the standing doctrines, the court said that the Byrons could only seek a declaratory judgment proclaiming their preferred interpretation of the statute if they were "directly and adversely affected" by its enactment and replacement of the protest petition procedures with citizen comments. However, the court noted that the Byrons were never entitled to

access the remedies of Protest Petition Statute (as the statute allowed the remedy only by property owners within a certain proximity to the proposed rezoning). Thus, the court concluded that the Byrons, as parties not subject to or able to avail themselves of the Protest Petition Statute, were not “directly and adversely affected” by the unavailability of a statutory procedure they were never entitled to enjoy in the first instance—and therefore did not have standing to bring their claim interpreting the language “initiated on” in Session Law 2015-160.

The court further held that the Byrons did not have standing to bring their constitutional claims. The court found that the Byrons claims were solely as persons with a “general interest as . . . citizen[s] in good government in accordance with the provisions of the Constitution[,]” rather than as those “who [are] in immediate danger of sustaining a direct injury.”

See also: *Wake Cares, Inc. v. Wake County Bd. of Educ.*, 190 N.C. App. 1, 660 S.E.2d 217, 231 Ed. Law Rep. 951 (2008), decision aff'd, 363 N.C. 165, 675 S.E.2d 345 (2009).

See also: *Charles Stores Co. v. Tucker*, 263 N.C. 710, 140 S.E.2d 370 (1965).

Zoning News from Around the Nation

CONNECTICUT

The state’s General Assembly recently passed House Bill 5515, “which would empower local zoning commissions throughout the state to regulate the brightness and illumination of advertising signs and billboards.” The bill exempts from such regulations signs that do not have the technological capability to have brightness adjusted. The bill next goes to the state Senate for consideration.

Source: *New Haven Independent*; www.newhavenindependent.org

LOUISIANA

The Louisiana House Municipal Affairs Committee recently voted to “approve a ban that would forbid local governments from requiring developers to include affordable housing in new developments.” Municipalities could still provide incentives to developers to encourage the building of affordable housing. Opponents of the bill included City of New Orleans officials, while proponents of the bill included the Home Builders Association of Greater New Orleans.

Source: *The Times-Picayune*; www.nola.com

PENNSYLVANIA

In late April, the Philadelphia Planning Commission put a 45-day hold on City Council legislation “intended to overhaul community notification requirements about zoning changes.” The proposed regulation would, among other

things, “require developers to send up to two rounds of certified mail to neighbors in a 250-foot radius of a property seeking a zoning change.” Opponents claim such requirements are onerous and unnecessary. The bill is reportedly being changed to revise the “certified mail” requirement to a “certificate of mailing” requirement.

Source: *WHYY*; <https://whyy.org>

ZONING PRACTICE

JUNE 2018



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 6

PRACTICE COASTAL ADAPTATION



Zoning for Coastal Flood Resilience

By Joseph DeAngelis

Flooding poses a considerable threat to the well-being of coastal cities and towns. Most coastal communities are well acquainted with the flood risks from the array of potential tropical disturbances, less impactful but more frequent coastal storm events, and increasingly common nuisance flooding due to rainstorms and high and king tides. Impacts associated with sea-level rise have ceased to be a prospect and are now becoming a reality for municipalities on the coast.

While the integration of hazards and climate resilience into comprehensive planning efforts has been a welcome development in recent years, local implementation processes are where coastal adaptation measures must take root. Where a hazard mitigation and emergency management plan may have sufficed in the past, the integration of coastal flood adaptation into the standard repertoire of local implementation techniques is vital to long term resilience. Zoning and land-use regulations are well suited to address long-term flood resilience by directing both the general form and location of coastal development.

This edition of *Zoning Practice* will summarize the spectrum of risk coastal flooding poses to cities, discuss zoning and land-use approaches that can help communities to adapt, and highlight relevant zoning reform efforts in Mandeville, Louisiana; Norfolk, Virginia; and New York City.

HIGH AND DRY ON THE WATERFRONT—FIVE YEARS LATER

2017 was a landmark year for coastal storms. Three of the five costliest hurricanes in U.S. history all came in the space of a single, mercilessly active hurricane season. September 2017 alone was rated as the most powerful month for Atlantic coastal storms on record. Hurricanes Irma, Maria, and Harvey covered the spread of major hurricane impacts. Hurricane Irma's winds topped out at 185 mph, making it the most powerful Atlantic storm on record. Hurricane Maria brought devastating wind, rain, and coastal flooding to Puerto Rico, where the death toll likely lingers in the range of 500 to 1,000 people, far in excess of the official toll of 64. Hurricane Harvey

brought biblical rainfall to the sprawling Houston metropolitan area. In Nederland, Texas, Harvey dumped 60.58 inches of rain, the largest volume of rainfall attributable to a single storm in the lower 48.

These storms, together with Hurricanes Katrina and Sandy, signal that the billion-dollar future isn't just more likely, but imminent. Taken with rising sea levels due to climate change, the risks to coastal cities and towns are clear: Flooding is likely to increase in regularity and worsen in intensity in the near and medium-term future. While the role of the federal government is considerable, particularly in the context of the National Flood Insurance Program (NFIP), the Federal Emergency Management Agency's (FEMA) ubiquitous Flood Insurance Rate Maps, and the Natural Hazard Mitigation Grant Program, state and local governments must ensure that they are doing all they can to mitigate coastal flooding. Zoning is one of the major tools at the disposal of municipalities that are looking to reduce the exposure and vulnerability of its citizens and structures to coastal flooding. From lot-level design requirements and standards to overlay districts, rezonings, and map amendments, the zoning code and map are powerful ways of addressing flood resilience at a variety of scales.

The November 2013 issue of *Zoning Practice*, "High and Dry on the Waterfront" by Jim Schwab, FAICP, looked at the impact of FEMA's new Advisory Base Flood Elevation Maps for the City of New York, and the city's initial steps in addressing coastal flood adaptation through the zoning code. This issue also came on the one-year anniversary of Hurricane Sandy, an event that put New York City's vulnerability to extreme coastal flooding in stark relief. In this context, the city grappled with how the zoning code and the city's built environment actively conflicted with the basics of coastal flood adaptation. How do height limits in lower density parts of the city interfere with elevation requirements in the wake of new FEMA flood maps? What about residential buildings with accessory basement residences? How do you even begin to discuss the

elevation of attached and multifamily buildings? What happens to a commercial district when two dozen buildings with ground-floor retail uses require dry or wet floodproofing?

As Schwab acknowledges in the article, while New York City is often considered an outlier around issues such as zoning codes and the built environment, the challenges outlined above are not exclusive to New York. Given the direct flood impacts of Hurricanes Maria and Harvey on major metropolitan areas with diverse building stocks and wide ranges of density, the lessons learned in New York City post-Sandy have a surprisingly wide applicability. Later in this article I will dig deeper into the evolution of New York City's zoning and land-use strategy for coastal flood adaptation since "High and Dry on the Waterfront" and look at how the city's unique focus on both lot-scale interventions and zoning map changes may be a model for other cities.

COASTAL FLOOD RISK AND ZONING CONSIDERATIONS

According to FEMA, 39 percent of the U.S. population lives in counties that are adjacent to open ocean, major estuaries, or one of the Great Lakes. A much smaller percentage live within FEMA's one percent annual chance (or 100-year) floodplain. (A one percent annual chance (or 100-year) flood means that there is an equal chance annually of major flooding, not that major flooding is only allowed to occur once every 100 years within a specific geographically defined area.) FEMA's flood insurance rate maps follow historical precedent, and future flood events tend not to consider the lines drawn on regulatory maps. That maps follow the historic paths of floods and not vice-versa is a surprisingly common realization for both the public and practitioners, and one I encountered often as a community planner for the East Shore of Staten Island after Hurricane Sandy.

Of course, coastal inundation flooding is not solely the domain of tropical disturbances. Nor'easters and similar offshore events can also cause storm surge and inundation of populated coastal areas. High tide and "king tide" (the annual highest tide

event) flooding is increasingly common due to both sea-level rise and recent coastal development.

There is no specific point in time that sea-level rise will suddenly take effect and permanently inundate a community. Rather, in the near to medium term, a gradual rise in sea levels will have cumulative impacts in the form of more regular nuisance flooding and more extreme coastal flood events. According to the National Oceanic and Atmospheric Administration's (NOAA) 2017 publication *Global and Regional Sea Level Rise Scenarios for the United States*, the intermediate-high scenario of 14 inches of local sea-level rise by 2030 (which NOAA considers increasingly likely) will increase instances of damaging or disruptive flooding 25-fold over the present baseline. This means that regular inundation during high tides, more extreme inundation during king tides, and inundation further inland during and after tropical disturbances are the likeliest impacts that communities will need to plan for. The good news is coastal communities may already be experienced in planning for coastal flooding. The bad news is that future flooding is likely to be of the more regular, and more extreme, variety.

Zoning is a convenient and effective means of addressing coastal flood adaptation. At the building or lot scale, the zoning code can ensure that new and existing buildings are permitted to adapt to FEMA floodplain regulations. The zoning code can also build in additional requirements for buildings both in and outside of the floodplain to encourage additional adaptation to potential future sea-level rise or more extreme flood scenarios. The zoning code can also serve to enhance the local pedestrian experience in the case of building elevations or dry floodproofing through design standards and incentives built into the zoning code.

To this end, Mandeville, Louisiana, has developed a series of design standards for the elevation of buildings in historic districts intended to mitigate against the visual and practical impacts of elevation, and ensure that the character of the community and the experience of the citizen are preserved. At the district scale, zoning can play a considerable role in directing and incentivizing development away from high flood-hazard areas and toward parts of the jurisdiction

capable of supporting growth. Whether through existing zoning districts, new flood-specific overlays, or some combination of the two, map and code changes can effectively mitigate against the impact of flooding upon the community. Norfolk, Virginia, is deeply engaged in the use of zoning to direct development away from its highest hazard areas, particularly in light of local sea-level rise impacts. In many cases, some combination of the two above strategies may be necessary. Over the last five years, New York City has taken a comprehensive look at how local zoning regulations can best permit attractive, contextual, and resilient as-of-right development, while developing ways to accommodate coastal retreat and dedensification in the highest risk areas.

MANDEVILLE, LOUISIANA

Mandeville, Louisiana, is a city of about 12,000 people located north of New Orleans directly across Lake Pontchartrain. Though initially settled in the mid-19th century, the city experienced explosive growth toward the end of the 20th century with the completion of the Lake Pontchartrain Causeway, a pair of 24-mile-long bridges connecting Mandeville with the outskirts of New Orleans. With growth came considerable challenges, particularly around flood hazards. Much of the recent development was typical of mid-century slab-on-grade development popular elsewhere in the U.S., and few were elevated to accommodate floodwaters. Likewise, many new residents were unfamiliar with flood hazards associated with Lake Pontchartrain. Much of Mandeville is



Louissette Scott, Mandeville, Louisiana



Retaining the historic character even after home elevation was a driving force behind Mandeville's design regulations and guidelines.

located within a FEMA Special Flood Hazard Area, meaning both the enforcement of NFIP regulations and purchase of flood insurance for mortgage holders is required. Hurricane Katrina significantly impacted Mandeville, with 9.5 feet of storm surge off Lake Pontchartrain resulting in 423 NFIP claims and local damage costs of nearly \$24 million.

The historic context of Mandeville poses particular challenges for flood hazard mitigation. However, existing precedent for elevated pre-causeway historic homes did point a way forward. The problem to solve is essentially twofold: How does the local zoning code interfere with elevation, and what design standards are necessary to mitigate the visual impact of elevation? These questions have wide applicability beyond historic districts. Height requirements in residential districts would likely preclude elevation in

many cases, or severely restrict the building envelope in others. Further, questions of setback, siting, the location of parking, ingress and egress, and direct access to the structure all must be considered if homes are to be raised or built to their FEMA-required elevations (or higher). The mitigation of these changes likewise may mean specific design interventions to maintain either historic context or neighborhood character.

The *Old Mandeville Business District Area Plan*, developed in the wake of Hurricane Katrina, spells out a series of design regulations and guidelines for homes and businesses within the district. The goals of the plan are straightforward: Enable historic Mandeville to retain its historic context while allowing for structural elevation that will mitigate flood impacts and ensure compliance with FEMA regulations.

Following adoption, the city incorporated the plan's design regulations and guidelines into its zoning code by reference (§7.5.10.5.1). Design regulations in the plan are heavily focused on screening, regulating the use of space below elevated buildings, and mitigating perceptions of height. They also tend to be sensitive to the particulars of individual sites. The following constitutes a brief summary of both site and building design regulations:

- *Site design requirements:* Ensuring proper use of the public frontage including the provision of pedestrian and on-street parking space where rights of way exist; landscaping with shrubs, trees, and greenery; the use of hedges and fencing to separate private and public realms; and screening on-site parking located beneath the structure with foundation plantings and vegetative screens. Requirements also include the screening of piers and columns that have been used to raise structures with paneling and plantings of at least half the height of the piers. Finally, building entries must face the street on which the building fronts, and walkways should provide direct access from the sidewalk to the front door.
- *Building design requirements:* Uses below the building Base Flood Elevation are restricted to access, parking, and storage. Given the increased height of buildings due to elevation, specific elements such as turrets, towers, and cupolas cannot exceed 50 feet in height. Front

entry porches must use materials, colors, and proportions appropriate for the local architectural context. Large and multi-family buildings must use treatments similar to single-family housing to ensure local architectural consistency.

Design guidelines included in the plan function as recommended practices that go beyond code requirements. These include guidelines for specific design elements such as canopies, galleries, and locally significant materials and colors, and design strategies for mitigating height and size perception.

The impacts of Hurricane Isaac on Mandeville in 2012 are notable for entirely different reasons than Katrina in 2005. While Mandeville experienced a similar storm-surge event during Isaac, NFIP claims were reduced by half and financial losses by 71 percent. While much of this is likely attributable to post-Katrina flood mitigations (home elevation, community preparedness, etc.), having a zoning code and design guidelines that consider NFIP elevation requirements in addition to neighborhood context no doubt played a role.

NORFOLK, VIRGINIA

Norfolk, Virginia, is at the leading edge of incorporating sea-level rise information into its local planning processes. Notably, the integration of coastal flood resilience has gone beyond the inclusion of flood-hazard and sea-level rise data in various plans and documents, but has also focused on how flood-hazard and sea-level rise information can inform implementation processes such as the capital improvements program or the zoning code.

Located in the Chesapeake Bay, and home to both the world's largest naval base and the second largest port network on the East Coast, Norfolk has a long and enduring relationship with water. Yet this reliance on the water has obvious drawbacks, particularly in an age of sea-level rise. Norfolk's awareness of its own exposure and vulnerability is the driving force behind its considerable adaptation

efforts, which have recently included a 2013 comprehensive plan update, investment in local flood-resilient infrastructure, and participation in both the Dutch Dialogues and Rockefeller's 100 Resilient Cities initiative. An enduring theme of the 2013 comprehensive plan update revolved around ensuring that flood resilience can be operationalized within the city's array of implementation processes. To that end, the plan update called for a revised zoning ordinance that considered the risks of sea-level rise on the built environment. The code revision, titled *Zone Norfolk* and adopted unanimously by Norfolk's city council in January 2018, seeks to tackle the problem with a strategy that fuses site-specific requirements with a districtwide overlay approach.

At the site scale, Norfolk built its most recent revisions atop earlier elevation requirements adopted in 2013. These rules require an additional three feet of freeboard above the base flood elevation for buildings within the Special Flood Hazard Area, and 18 inches of freeboard in the "shaded X" area, which includes buildings between the 100-year (or one percent annual chance) floodplain and the 500-year (or point-two percent annual chance) floodplain (§3.9.7). As a part of the most recent code revision, the city now requires builders to elevate all new single-family detached dwellings outside of defined flood hazard areas between 16 and 24 inches (§5.9.3.D). This approach is notable as it considers the likelihood of more extreme flooding inside of and more extensive flooding outside of the FEMA-defined flood hazard area, which is generally based on historic flooding and doesn't consider sea-level rise.



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As a coastal city, Norfolk has long relied on water as the lifeblood of its economy. The prospect of sea-level rise complicates that relationship.

NORFOLK'S RESILIENT POINT SYSTEM FOR RESIDENTIAL DEVELOPMENT

Resilient Development Activity for Risk Reduction	Points Earned
Construct building to meet 110-mile wind-load design requirements of the Virginia Uniform Statewide Building Code	2.00
Elevate the ground-story finished floor and all significant electrical and mechanical equipment no less than three feet above highest adjacent grade	1.00 plus 0.50 per ft. above 3 ft.
Construct an impact-resistant (hail, tree damage) roof	0.50
Install impact- (hurricane or wind) resistant windows	0.50
Install operable storm shutters	0.50
Establish operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power, and transition back to normal operation	0.50

A hallmark of the recent code revision is the "Resilience Quotient" concept, a point-based system that requires risk mitigation, sustainable energy, and stormwater management measures for all new development (§5.12). Each new proposed development may elect to undergo evaluation for inclusion of these considerations during the site plan review process or to forego that portion of the review process and select from a menu of specific interventions. Each proposed development is required to have a certain number of points, ranging from four points for one- to five-unit developments, to 10 points for large multifamily development. With regard to flood risk mitigation, the menu options include elevating mechanical systems, on-site stormwater retention, and the installation of permeable surfaces.

Norfolk has also developed a series of zoning map overlays that serve to classify local flood risk citywide and prescribe specific interventions for each overlay.

- Coastal Resilience Overlays are applied to areas with the highest flood risk (§3.9.18). These areas require higher elevations of the first floor, limit parking and hard pavement, and require additional landscaping and open space.
- Upland Resilience Overlays are applied to lower-risk areas that are more capable of accommodating growth (§3.9.19). New construction within an Upland Resilience Overlay is also permitted to reduce its own resilience requirements in exchange for placing conservation easements on higher-risk properties.
- Neighborhood Resilience Overlays are also lower-risk areas, and are intended

for more typical cases. They allow for customized design standards that are appropriate to the local context (§3.9.16).

Norfolk's multifaceted approach of utilizing the zoning code to not only encourage but require flood-resilient development is likely a harbinger of things to come for coastal municipalities. Norfolk's model proves a way forward for medium-sized coastal cities looking to turn coastal adaptation and resilience goals identified in a climate adaptation or comprehensive plan into zoning reality.



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Attached buildings in coastal neighborhoods pose a series of retrofitting challenges, particularly in the context of mandatory flood insurance and revised flood insurance rate maps.

NEW YORK CITY

New York City—fresh off a multiyear post-Hurricane Sandy planning effort—has taken an approach similar to Norfolk, though on a decidedly larger scale. Given the diverse local building stock and its unique vulnerability to catastrophic coastal flooding and sea-level rise, the city's efforts are wide ranging and comprehensive from a zoning and land-use perspective.

In "High and Dry on the Waterfront," Schwab described New York's initial post-Sandy flood zoning measures to ease the structural flood mitigations and ensure that these mitigations weren't disruptive to the existing urban fabric. These measures largely mirrored Mandeville's approach; that is, explicit zoning relief to permit elevation (or dry floodproofing) and design guidelines to screen and integrate newly elevated properties into the streetscape.

Soon after the publication of that article, the city engaged in a community-based, five-borough planning effort led by the Department of City Planning (DCP) to take these initial measures several steps further. The Resilient Neighborhoods Initiative, as it later came to be known, identified communities in all five boroughs that had been hit particularly hard by Hurricane Sandy. They would be subject to FEMA's new Advisory



➦ Zoning relief enabled the elevation of the historic building stock in coastal New York City neighborhoods after Hurricane Sandy. Code amendments currently under review seek to mitigate the downsides of elevation.

Base Flood Elevation maps, and would also be required to purchase flood insurance (at rising actuarial rates) for these new elevations. Local DCP planning staff then engaged in wide-ranging assessments and public engagement processes in these communities to develop specific, actionable amendments to the city's zoning code and map. Additional local recommendations would also be fed into a large Citywide Flood Resilient Text Amendment, which would apply to flood-prone neighborhoods throughout the city.

The effort is notable in that many of the coastal communities impacted by Sandy bear a more than passing resemblance to other coastal communities throughout the nation. The East Shore of Staten Island, Gerritsen Beach, Howard Beach, Sheepshead Bay, and the Rockaways all feature smaller-scale single- and two-family residences (including a large proportion of historic beach bungalows), and neighborhood retail, much of it based on late-19th and early-20th century settlement and development patterns. These communities, much like other coastal communities nationwide, have significant historic connections with the water, particularly around tourism, recreation, and shipping. Consequently, this means exposure to coastal inundation and sea-level rise with limited adaptive capacity.

The East Shore of Staten Island, where I worked as a community planner as part of the Resilient Neighborhoods Initiative,

is a convenient case study for wider zoning and land-use applicability. My former planning director would often remark that Staten Island is more like the rest of the country than the rest of New York City, a sentiment that rings particularly true on the topic of coastal flood adaptation. The East Shore was hit particularly hard by Sandy, with coastal inundation up to a mile inland, and thousands of significantly damaged or destroyed homes and businesses. These impacts transformed the community into something of a hub of federal, state, and local government activity, with federally sponsored seawall construction, state-sponsored property buyouts, and city reconstruction and elevation efforts all under way concurrently. In this environment, DCP sought to develop a series of locally calibrated zoning recommendations tailored to this post-Sandy environment.

Zoning for long-term retreat formed the core of these recommendations. Several neighborhoods along the East Shore that suffered near-total housing losses due to their proximity to the water and extremely low elevation had elected to participate in a large-scale federally funded (and state-administered) voluntary property buyout program following the storm. Although the program was notable for its high participation rate, it also led to some significant issues. Any property purchased by the state would need to remain as open space in perpetuity, but what would happen to those home

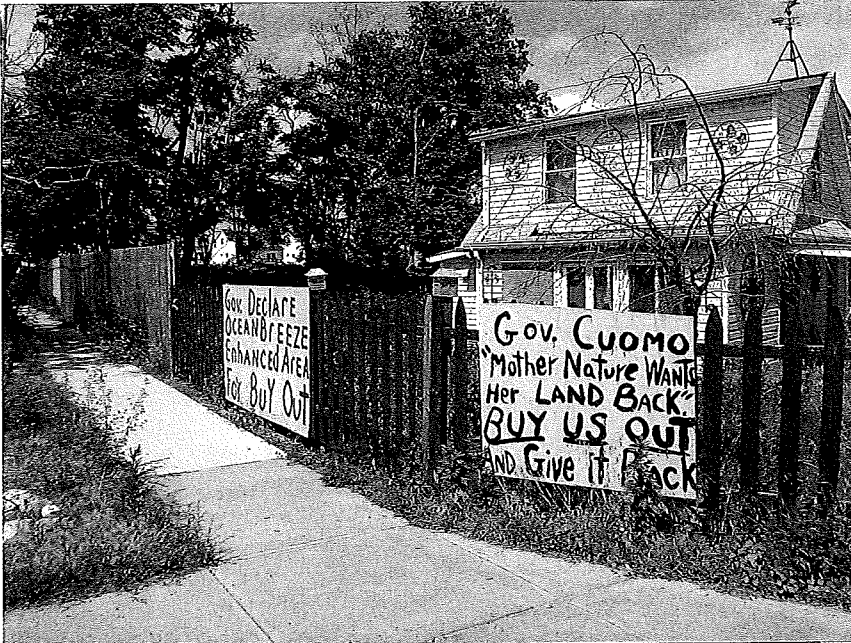
owners who elected not to participate? What about vacant land in these buyout areas with development potential? What would the zoning permit property owners to build in an area that both the state and federal government consider too high risk for long-term development? How would the city supply services to a dwindling population? What would this patchwork of open space, new development, and property holdouts look like?

To begin answering these questions, DCP created the East Shore Special Coastal Risk District, a map and code revision specifically tailored to the boundaries of the local property buyout areas and with the intent of only permitting contextual development and incentivizing long term coastal retreat (§137). Generally, the overlay applies more intense planning commission scrutiny to any future development, reduces permitted development from two-family and attached structures to only single-family detached, modifies existing bulk regulations to increase wetland buffers, and eases regulatory burdens on home elevation and rebuilding for those few home owners who choose to stay.

Lessons learned on Staten Island's East Shore fed directly into New York's work on their Citywide Flood Resilient Text Amendment, a measure meant to allow for and mitigate the impacts of flood-resilient construction. While the text amendment is not yet final, proposed changes are undergoing vetting through a comprehensive citywide public engagement process. Proposed changes from DCP include:

- Allowing property owners to reallocate lost floor area from the ground floor and sub-grade spaces elsewhere in the structure
- Reducing required side or rear yards relative to overall height to allow squatter and more proportional residential buildings
- Enacting new height limits where possible that are based on the new local Design Flood Elevation (one to two feet over the Base Flood Elevation) where side- and rear-yard relief is possible
- Permit relief from height limits, where possible, for developers and property owners who wish to go above the Design Flood Elevation
- Require design interventions to screen and mitigate elevation impacts on the local streetscape

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Widespread damage and some areas with near total housing losses led many residents on the East Shore to lobby for property buyouts. Three neighborhoods, including the one pictured here, eventually participated in a federally funded program that purchased homes in predetermined areas at prestorm value.

- Make permanent, with modifications, the standards of temporary 2013 Flood Resilience Text Amendment

CONCLUSION

There are a few key takeaways from the three case studies here that may be helpful for other coastal municipalities:

Your zoning code can be used to enable local elevation and mitigate its impacts through design standards and

bulk regulations. Design standards can help to encourage a continuity of local character and give developers and home owners a menu of potential options that can mitigate increased height, exposed piers and piles, and open spaces beneath the structure.

The zoning and building code can be used to add additional freeboard above the FEMA Base Flood Elevation to account for sea-level rise.

RESOURCES

Homewood, George. 2018. "Planning for Resilience in Norfolk." Norfolk, Virginia: City of Norfolk. Available at <https://bit.ly/2FIHuoS>.

Mandeville (Louisiana), City of. 2007. B-3 Old Mandeville Business District Area Plan: Design Regulations and Guidelines. Available at <https://bit.ly/2FJGuAJ>.

New York (New York) Planning Department, City of. 2018. "Climate Resiliency." Available at <https://on.nyc.gov/2n4muzh>.

U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA). 2017. "New Regional Sea Level Scenarios Help Communities Prepare for Risks." Available at <https://bit.ly/2jQdvSt>.

U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA). 2018. "Coastal Flood Risks: Achieving Resilience Together." Available at <https://bit.ly/2rkMmv3>.

Scoring systems built into the site plan review process add predictability for developers and home owners.

Zoning overlays, like those used in Norfolk and New York City, can be complicated, but they are also versatile tools to designate and apply regulations to areas of special concern (high risk, long-term retreat, capable of accommodating future density, etc.).

Coastal municipalities are starting to take significant steps toward aligning their coastal flood adaptation goals with local implementation processes, and zoning remains one of the most powerful tools at their disposal in guiding the overall form of and general direction of development. The three cities included here demonstrate that even at a wide range of scales, zoning can greatly aid the goals of long-term flood resilience.

ABOUT THE AUTHOR

Joseph DeAngelis is a planner, researcher, and coeditor of *Zoning Practice* with the American Planning Association in Chicago. Previously, he was a resiliency planner for the New York City Department of City Planning, where he worked on long-term planning and zoning solutions for communities impacted by Hurricane Sandy.

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CITY OF RAMSEY
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