

**City of Ramsey**  
**Agenda**  
**Regular Planning Commission**  
**Thursday, November 1, 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 Following Planning Commission Meeting Minutes:
    - Planning Commission Work Session Minutes Dated September 9, 2018
    - Planning Commission Meeting Minutes Dated September 9, 2018
    - Planning Commission Meeting Minutes Dated October 4, 2018
5. **Public Hearing**
  1. PUBLIC HEARING: Consider a Variance Request to Allow an Addition to an Existing, Detached Accessory Building Nearer the Front Lot Line than the Home at 17630 Nowthen Blvd NW (Project No. 18-157); Case of Richard and Shirley Watson
  2. PUBLIC HEARING: Consider Conditional Use Permit (CUP) Application for Truck Garant at 6021 Hwy 21 (Project #17-151); Case of Roman Gadaskin
  3. PUBLIC HEARING: Consider Conditional Use Permit (CUP) Application for Auto Sales and Service at 6021 Hwy 21 (Project #17-151); Case of Roman Gadaskin
  4. PUBLIC HEARING: Consider Request to Rezone Property Identified by PID #35-32-25-32-0062 from R-1 Residential (MUSA) to E-1 Employment (Project No. 155); Case of Rocky MTN Investment LLC
6. **Commission Business**
  1. Review Preliminary Plat for Residential Subdivision (PUD) for Shade Tree Cottages (Case 17-130); Case of Shade Tree Communities, LLC
7. **Comprehensive Plan Update Items**
8. **Commission/Staff Input**
  1. Review Site Plan for Parkside Village, Ramsey Town Center 9th Addition Build-Out; Case of Centra Homes, LLC

2. Zoning Bulletins

9. **Adjournment**

**Regular Planning Commission**

**4. 1.**

**Meeting Date:** 11/01/2018

**By:** JoAnn Shaw, Community Development

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**Information**

**Title:**

Approve the Following Planning Commission Meeting Minutes:

- Planning Commission Work Session Minutes Dated September 9, 2018
- Planning Commission Meeting Minutes Dated September 9, 2018
- Planning Commission Meeting Minutes Dated October 4, 2018

**Purpose/Background:**

n/a

**Notification:**

**Observations/Alternatives:**

**Funding Source:**

**Recommendation:**

**Action:**

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**Attachments**

PC Work Session 9.6.18

09 6 18

10 4 18

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**Form Review**

**Inbox**

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 10/26/2018

**Reviewed By**

Tim Gladhill

**Date**

10/26/2018 01:24 PM

Started On: 10/25/2018 02:38 PM

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

The Ramsey Planning Commission conducted a work session meeting on Thursday, September 6, 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  
                                          Commissioner Gary VanScoy  
                                          Commissioner Matt Woestehoff

Members Absent:                   Commissioner Daniel Onyambu

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

**1.     CALL TO ORDER**

Chairperson Bauer called the work session meeting to order at 5:30 p.m.

**2.     TOPICS FOR DISCUSSION**

**2.01:   Receive Updates from Community Development Director**

Community Development Director Gladhill stated the purpose of this item was to receive updates on multiple topics from the Community Development Department of interest to the Planning Commission. Staff commented on the following topics:

- Planning Commission Training/Refresher Course
- Status of Comprehensive Plan Update
- Status of The COR Development Plan Update
- Status of The COR Design Guidelines
- Staffing Updates in the Community Development Department

Community Development Director Gladhill explained the City was required to complete a Comprehensive Plan Update every 10 years. He discussed the role of the Planning Commission and noted Ramsey was a home-ruled Charter City. He provided further comment on the length

of time it has taken to update the Comprehensive Plan. He commented on the differences between a conditional, interim and special use. He discussed the process the Commission follows to review variances. He described the improvements the City has made to its permitting and review process. He then reviewed Roberts Rules of Order that were followed for Planning Commission meetings. He noted the City would be working to address how to create a sense of place for the community. He stated food trucks and solar energy were other topics the City would be addressing. He was pleased to report the City was finally fully staffed and noted the new hires at City Hall.

Commissioner VanScoy questioned when the Zoning Ordinance was last updated.

Community Development Director Gladhill reported this was last done 20 years ago. He explained staff would be taking on the task of updating the Zoning Ordinance in 2019.

Commissioner Woestehoff asked how often Conditional Use Permits were approved.

Community Development Director Gladhill stated with reasonable conditions in place, all CUP's were approved. He commented he could not recall the last time a CUP was denied.

Commissioner Surma expressed concern with the high value of starter housing in Ramsey and commented on his this would impact young families trying to move into the community.

Commissioner VanScoy discussed the importance of maintaining the value of 2.5 acre lots within the rural portions of the City.

Community Development Director Gladhill stated he could place this item on a future worksession meeting for further discussion.

Commissioner Anderson thanked staff for the overview.

### **3. COMMISSION / STAFF INPUT**

None.

### **4. ADJOURNMENT**

The work session meeting of the Planning Commission adjourned at 6:50 p.m.

Respectfully submitted,

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Tim Gladhill  
Community Development Director

ATTEST:

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JoAnn Shaw  
Community Development Assistant

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

**PLANNING COMMISSION  
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Members Present:                   Chairperson Randy Bauer  
                                          Commissioner Bruce Anderson  
                                          Commissioner Cheri Gengler  
                                          Commissioner Patrick Surma  
                                          Commissioner Gary VanScoy  
                                          Commissioner Matt Woestehoff

Members Absent:                   Commissioner Daniel Onyambu

Also Present:                       Community Development Director Timothy Gladhill  
                                          City Planner Chloe McGuire Brigl

**1.     CALL TO ORDER**

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

**2.     CITIZEN INPUT**

None.

**3.     APPROVAL OF AGENDA**

Motion by (inaudible), seconded by (inaudible), to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Gengler, Surma, VanScoy, 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 August 2, 2018**

Motion by (inaudible), seconded by (inaudible), to approve the following minutes as presented:  
Planning Commission Meeting Minutes dated August 2, 2018.

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

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

### **5.01: Public Hearing: Consider Request for Zoning Amendment (Text) to the B-1 and B-2 Business Districts and a Conditional Use Permit to Allow a Religious Institution on the property located at 6760 Highway 10; Case of CREES Ministries**

#### **Public Hearing**

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

#### **Presentation**

City Planner McGuire Brigl presented the staff report stating the City has received an application from CREES Ministries (the “Applicant”) requesting a Zoning Amendment to the text of the B-2 Business District to identify Religious Institutions as a Conditional Use and a Conditional Use Permit to allow a religious institution on the property located at 6760 Highway 10 (the “Subject Property”). The property is zoned B-2 Business District and is currently a retail operation that is going out of business. Staff has brought forward zoning text amendments for both the B-1 and B-2 Business Districts to simplify the zoning code and refrain from bringing the same request forward in coming months for the B-1 district.

#### **Citizen Input**

Chairperson Bauer asked if the southern building would be used for rental storage for the neighboring property. He explained this was not allowed in the current zoning district.

City Planner McGuire Brigl reported this would be a violation of City Code and reported this use would not continue in the southern building.

Chairperson Bauer questioned if the church would have to have a separate permit in order to hold outdoor services.

Community Development Director Gladhill explained the religious institution would have to have a Special Use Permit from the City in order to hold outdoor services.

Chairperson Bauer requested further information regarding the restroom facilities within the existing building.

City Planner McGuire Brigl reported the Building Inspector and Fire Marshall would be visiting the site next Tuesday to ensure the site has adequate facilities in place.

Jonathan Juess, Round Tree Real Estate in Rogers, thanked the Commission for their consideration. He explained he had no intention of renting the southern building to the neighboring property.

Commissioner Anderson asked if CREES Ministries would have people staying overnight at their religious institution.

Mr. Juess indicated he would not have anyone living onsite or staying overnight at the religious organization. He stated the sole focus of the ministry would be on Tuesday and Saturday services for families.

Commissioner VanScoy questioned if the applicant had any questions regarding the technical review letter.

Mr. Juess stated he had reviewed the letter and had no questions.

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

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

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

### **Commission Business**

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to recommend that City Council adopt Ordinance #18-15 Amending Conditional Uses in the B-1 and B-2 Districts to Allow for Religious Institutions.

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

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #18-182 Approving CUP for a Religious Institution at 6760 Highway 10.

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

### **5.02: Public Hearing: Review Site Plan and Amended CUP for Green Valley Green House (Project 17-120)**

### **Public Hearing**

Chairperson Bauer called the public hearing to order at 7:20 p.m.

### **Presentation**

City Planner McGuire Brigl presented the staff report stating Green Valley Green House has created a Master Plan for their phased expansion of the greenhouse operations located at 6530/6560 Green Valley Road. The purpose of this review is to consider amendments to the existing Conditional Use Permit for the greenhouse to include the proposed expansion and approve the first phase of their expansion.

### **Citizen Input**

Commissioner Gengler asked if everything on the map was currently on the property.

City Planner McGuire Brigl stated the machine shed was not part of the site plan.

Brad Wolfe, co-owner of Green Valley Greenhouse, thanked staff for the thorough report. He explained he has tried to work on noise issues on his site. He reported the new site would be naturally ventilated and would not require fans. He discussed the berm and landscaping that would be located at the front of the property. He requested Item 7 within the Resolution remain as it was.

Community Development Director Gladhill explained Item 7 was redrafted to follow current building code. He reported there were portions of the building that would require a building permit, such as the restrooms and retail area.

Commissioner VanScoy asked if the number of truck trips per day would be increasing or decreasing with the proposed changes.

Mr. Wolfe stated it was his hope the number of truck trips would be decreasing after the improvements were made to the site.

Chairperson Bauer questioned how many employees the Green Valley Green House had and asked if this number would be increasing.

Mr. Wolfe described how the greenhouse was working to automate jobs through technology. He stated the expansion would not be adding a large number of employees. He estimated only one to five employees would be added over time. He commented on the retail side, the goal would be to maintain the current seasonal staff.

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

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

Chairperson Bauer closed the public hearing closed at 7:34 p.m.

### **Commission Business**

Commissioner Surma asked if the City was considering making any safety improvements to Green Valley Road.

Community Development Director Gladhill stated shoulders could be added at some point, but noted a full reconstruct would be needed at some point.

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #18-178 Granting Site Plan Approval and Approving an Amended Conditional Use Permit for Green Valley Green House's Greenhouse Operations.

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

## **6. COMMISSION BUSINESS**

### **6.01: Consider Resolution #18-185 Approving Final Plat and Site Plan for Bunker Lake Industrial Park Second Addition (Project #18-130); Case of PSD, LLC**

#### **Presentation**

Community Development Director Gladhill presented the Staff Report stating the purpose of this case is to review the proposed site plan for Bunker Lake Industrial Park Second Addition. While the resolution includes final plat approval, final plat is reviewed only by the City Council. The proposed project is located in the City's new business park located generally south of Bunker Lake Blvd and west of Armstrong Blvd. The proposed building is 60,800 square feet and would be the third building in the City's new industrial park.

#### **Commission Business**

Chairperson Bauer asked how the parking requirements for this site would be met without the City understanding what mix of tenants would be located within the building.

Community Development Director Gladhill stated with every project there is the building permit and site plan requirements for the outside shell. He reported individual buildouts also required a building permit. He explained overall staff was comfortable with the proposed parking. He noted the only concern with parking would be if the entire site were to fill with office.

Matt Cooper, PSD, stated he understood the parking concerns but noted if a large office tenant were to occupy the building parking could be added to the rear of the building. He commented on the proposed color scheme for the building.

Chairperson Bauer requested further information regarding the sidewalks.

Community Development Director Gladhill described the location of the sidewalks within this project. He commented on the infrastructure planned for the surrounding area.

Commissioner Anderson questioned what types of buildings would locate in this building.

Mr. Cooper anticipated the building would have machine shops, brew pub or warehouse uses.

Motion by Commissioner Woestehoff, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #18-185 approving the Site Plan of Bunker Lake Industrial Park Second Addition contingent upon compliance with the Staff Review, City Engineer approval, and that the developer enter into a development agreement with the City.

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

**6.02: Consider possible lot area variance application for a Minor Subdivision at 7021 158<sup>th</sup> Lane NW**

**Presentation**

Community Development Director Gladhill presented the Staff Report stating the purpose of this case is to get initial feedback from the Planning Commission as it relates to a possible future resident application for a variance to minimum lot area to allow for a minor subdivision of the property located at 7021 158th Ln NW. Staff requested feedback from the Commission on the possible lot area variance.

**Commission Business**

Commissioner VanScoy asked if these lots would be serviced by septic and well.

Community Development Director Gladhill reported this was the case.

Chairperson Bauer questioned what the purpose was of the all the vehicles in the rear yard.

Oksana Paskar, 7021 158<sup>th</sup> Lane NW, stated she has lived in Ramsey since 2002. She reported the vehicles in the rear yard belonged to her husband.

Community Development Director Gladhill reported the City had concerns regarding the activity in the rear yard. He stated there appeared to be a home occupation occurring on the property and noted these vehicles would have to be removed from the site if the lot split were to be approved by the City.

Commissioner Anderson questioned what the minimum lot size was to have well and septic.

Community Development Director Gladhill stated the minimum lot size was one acre.

Commissioner Anderson suggested the cars be removed from the rear yard and the area be cleaned up. He recommended that a lot split only be considered for lots that were one acre in size as this would conform with the surrounding properties.

Commissioner VanScoy commented he would not favor a lot split.

Chairperson Bauer stated he could only support one-acre lot splits.

Commissioner VanScoy asked if the City was considering to expand the MUSA into this area of the community.

Community Development Director Gladhill reported this was not the case.

## **7. COMPREHENSIVE PLAN UPDATE ITEMS**

### **7.01: Receive Progress Report on Comprehensive Plan Update**

Community Development Director Gladhill stated the purpose of this case is to review the current draft of the Comprehensive Plan Update. The Plan is available for public comment, including adjacent jurisdictions, at [www.cityoframsey.com/ramsey2040](http://www.cityoframsey.com/ramsey2040). The City has until December 31, 2018 to make final edits and submit to the Metropolitan Council.

Chairperson Bauer commented on the importance of technology to the community.

Commissioner Anderson stated he would like to see the parks priorities better spelled out within the Comprehensive Plan.

Chairperson Bauer reported the Park Commission has a long-range plan in place for the City.

## **8. COMMISSION / STAFF INPUT**

### **8.01: Receive Staff Update**

The Staff Update was noted.

### **8.02: Zoning Bulletins**

Zoning Bulletins were noted.

## **9. ADJOURNMENT**

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

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

The regular meeting of the Planning Commission adjourned at 8:20 p.m.

Respectfully submitted,

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Tim Gladhill  
Community Development Director

ATTEST:

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JoAnn Shaw  
Community Development Assistant

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

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, October 4, 2018, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Randy Bauer  
                                          Commissioner Bruce Anderson  
                                          Commissioner Cheri Gengler  
                                          Commissioner Daniel Onyambu  
                                          Commissioner Patrick Surma  
                                          Commissioner Matt Woestehoff

Members Absent:                   Commissioner Gary VanScoy

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

**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 Anderson, seconded by Commissioner Surma, to approve the agenda as presented.

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

**4.     APPROVE PLANNING COMMISSION MINUTES**

None.

**5.     PUBLIC HEARINGS/COMMISSION BUSINESS**

**5.01: Public Hearing: Consider Request for a Conditional Use Permit for the Operation of a Religious Institution in the B-1 General Business District (Project No. 18-151); Case of House of God Church**

**Public Hearing**

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

**Presentation**

City Planner Anderson presented the staff report stating the City has received an application from House of God (the "Applicant") for a Conditional Use Permit to operate a religious institution on the property located at 5909 167th Ave NW (the "Subject Property"). The Subject Property is zoned B-1 General Business District, which presently does not identify Religious Institutions as either a permitted or conditional use. However, the Planning Commission did conduct a Public Hearing on September 6, 2018 concerning a Zoning Text Amendment that, if adopted by City Council, would identify Religious Institutions as a Conditional Use in both the B-1 and B-2 Business Districts.

**Citizen Input**

Commissioner Anderson asked how the sign and drive-thru awning would be addressed by the applicant.

City Planner Anderson reported he has spoken to the applicant regarding these items and the applicant has agreed to remove the encroaching sign and drive-thru awning.

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

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

Chairperson Bauer closed the public hearing closed at 7:09 p.m.

**Commission Business**

Motion by Commissioner Anderson, seconded by Commissioner Woestehoff, to recommend that City Council adopt Resolution #18-208 granting a Conditional Use Permit for the operation of a religious institution on the Subject Property.

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

## **5.02: Public Hearing: Review Site Plan and Conditional Use Permit Allowing Outdoor Storage as a Principal Use at 9500 156<sup>th</sup> Avenue NW; Case of Rain for Rent**

### **Public Hearing**

Chairperson Bauer called the public hearing to order at 7:11 p.m.

### **Presentation**

Community Development Director Gladhill presented the staff report stating the purpose of this case is to review the proposed conditional use permit site plan for Rain for Rent to expand their business onto the currently vacant lot located at 9500 156th Ave NW. The subject property is just over 2.3 acres and is zoned E-1 Employment District. Outdoor storage as a principal use is allowed via conditional use permit in the E-1 District.

### **Citizen Input**

Commissioner Anderson asked what the rumble strip was for.

Community Development Director Gladhill reported the rumble strip was being required to remove gravel from tires prior to leaving the site.

Brad Duffy, Branch Manager for Rain for Rent, thanked the Commission for their consideration and stated he looked forward to continuing to grow his business in the City or Ramsey.

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

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

Chairperson Bauer closed the public hearing closed at 7:16 p.m.

### **Commission Business**

Commissioner Anderson questioned if the proposed gravel surface would be Class 5.

Community Development Director Gladhill reported this was the case.

Motion by Commissioner Gengler, seconded by Commissioner Woestehoff, to recommend that City Council adopt Resolution #18-200 for Site Plan and a Conditional Use Permit at 9500 156th Avenue NW allowing Outdoor Storage as a Principal Use contingent upon compliance with the Staff Review and City Engineer approval.

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

**5.03: Public Hearing: Review Preliminary Plat for Residential Subdivision (PUD) for Shade Tree Cottages (Case 17-130); Case of Shade Tree Communities, LLC**

**Public Hearing**

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

**Presentation**

City Planner Anderson presented the staff report stating the purpose of this case is to review a preliminary plat application for Shade Tree Cottages made by Shade Tree Communities, LLC (The Applicant) for a 35-home subdivision off Nowthen Boulevard and Potassium Street. The site was previously granted preliminary and final plat approval for a subdivision via Planned Unit Development (PUD) in 2005, but the final plat has since expired. Since the previous approval, City Code requirements for lot size and wetland setbacks have changed. The PUD zoning remains on the parcel, though the underlying zoning was R-1 (MUSA). Staff provided further comment on the request and recommended approval.

**Citizen Input**

Community Development Director Gladhill reported the R-2 zoning district was a more appropriate fit for this project. He reviewed the revisions the developer made to the concept plan based on the Planning Commission's previous comments.

Commissioner Anderson requested further information regarding the proposed lot sizes.

City Planner Anderson discussed the proposed lot sizes and addressed why a PUD was being pursued for this development. He provided further comment on the public benefit that was to be achieved through PUD's.

Community Development Director Gladhill reported this was a challenging project given the approvals that were made in the past.

Commissioner Anderson stated he saw no public benefit from this project, beyond the trails. He requested further comment from staff regarding this matter.

City Planner Anderson explained the initial proposal was lacking and agreed additional public benefit could be requested from the developer. He reported action on this item could be tabled in order for the developer to provide the Planning Commission with a written response to this concern.

Chairperson Bauer requested further information regarding the proposed street widths.

City Planner Anderson reviewed the proposed street widths with the Commission.

Community Development Director Gladhill commented further on how this project would impact the adjacent wetlands.

Commissioner Gengler asked if there was still an elevation change between this development and the property to the north.

City Planner Anderson reported this was the case.

Mary Lindo-Lamont, 15421 Nowthen Boulevard, expressed concern with the cost of the proposed road being passed onto the current property owners.

City Planner Anderson stated there were several different scenarios that have occurred regarding the proposed roadway improvements and one would have the developer paying all costs, another option would be to have the developer and City split the costs, and the last option would be to split the costs equally between the City, developer and benefiting properties.

Community Development Director Gladhill anticipated that the majority of the expense for the roadway improvements would be split between the City and the developer.

Terry Lamont, 15421 Nowthen Boulevard, asked how water would flow off of the proposed site.

Community Development Director Gladhill commented on the stormwater plan for the project and noted the adjacent properties would not be impacted by water runoff.

Chairperson Bauer reported this was the Preliminary Plat phase for this project and explained the final plat would be reviewed and approved by the City Council.

Ms. Lindo-Lamont asked how long it would take to approve the Final Plat.

City Planner Anderson explained the developer would have one year from approval of the Preliminary Plat to complete the Final Plat. He stated it was his understanding the developer wanted to begin construction in 2019 and would not be pushing out the project a whole year.

Tom Greenberg, 6032 157<sup>th</sup> Lane NW, explained he has lived along 157<sup>th</sup> Lane for 40 years and has enjoyed the open space behind his home. He stated he was opposed to the Preliminary Plat and recommended the City remove the PUD zoning from this parcel, noting the property should be reverted back to R-1. He understood this was a tough piece of property to develop and stated he was not expecting this parcel to be zoned PUD with a high such a high density. He explained the proposed development would put a third street around his home, which would box him in. He expressed concern with the small buffer between his home and the new roadway. He reported he has replaced his well and septic system and was not interested in hooking up to the City's system and encouraged the Commission to deny the request.

Chairperson Bauer asked what type of development could be placed on this property if it were zoned R-1.

City Planner Anderson commented and R-1 zoning district would require 80-foot-wide lots that were 10,800 square feet in size.

Community Development Director Gladhill discussed the number of lots that could locate on this parcel if it were zoned R-1. He explained this option has been reviewed with the developer and from the pro forma standpoint, it does not work.

Jordan Lahti, 6014 157<sup>th</sup> Lane NW, stated his main concerns with the proposed development was how it would increase traffic on Radium Street. He explained he has young children and noted he feared for their safety. He recommended additional control measures be considered for the intersection of Nowthen Boulevard and 157<sup>th</sup> Lane.

Community Development Director Gladhill stated this was a priority area for the City.

Mr. Lahti questioned how many of the neighbors would have to offer their support in order for the City to extend City water and sewer.

Community Development Director Gladhill reported the City would need to have at least 60% of the neighbors offering their support in order for this to move forward. He explained another option would be for the City to offer water and sewer connections when the roadway was reconstructed at some point in the near future.

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

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

Chairperson Bauer closed the public hearing closed at 8:11 p.m.

### **Commission Business**

Commissioner Anderson asked what the width of 157<sup>th</sup> Avenue was.

Community Development Director Gladhill reported this roadway was 28 feet wide. He noted this was a private street.

Commissioner Anderson understood the expense for the reconstruction of Potassium Street was still up in the air. He commented he could not support a 24-foot width for Potassium Street and recommended that this roadway be 28 feet wide. He stated he saw very little public benefit from this project and recommended that it go back to the drawing board.

Commissioner Woestehoff asked if this project had a local developer.

Community Development Director Gladhill explained the developer was from the East Bethel area.

Motion by Commissioner Anderson, seconded by Commissioner Woestehoff, to recommend that City Council deny Resolution 18-209 granting Preliminary Plat for Shade Tree Cottages.

### **Further discussion**

Commissioner Gengler questioned why the recommendation for denial was being pursued.

Commissioner Anderson stated he believed the City could do more with this property and he was of the opinion the roadway could be wider. In addition, he did not see the public benefit through this development.

Commissioner Woestehoff was in agreement and stated he was very uncomfortable with the proposed lot sizes.

Commissioner Gengler stated she would like to hear from the developer prior to denying the request.

Commissioner Onyambu agreed stating he would like to hear from the developer as well.

Commissioner Anderson stated he understood this was a difficult parcel to develop. However, he supported the slate being cleaned with the developer starting over from the beginning on this development. He reported he would like to see this property rezoned from PUD to R-1.

Commissioner Woestehoff indicated he believed it spoke volumes that the developer was not before the Commission to address the comments and concerns that were raised at this meeting.

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

Motion by Commissioner Gengler, seconded by Commissioner Onyambu, to table action on the Preliminary Plat for Shade Tree Cottages and directing staff to work with the developer on alternatives.

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

## **6. COMMISSION BUSINESS**

### **6.01: Consider Revised Site Plan Approval of Regency Ponds Self Storage**

## **Presentation**

Community Development Director Gladhill presented the Staff Report stating in 2017, the City approved an indoor self-storage facility at the intersection of Bunker Lake Boulevard and Ramsey Boulevard. To date, construction has not commenced. The original Developer has chosen to sell the project to a different Developer. The new Developer has chosen to slightly modify the approved site plan. Generally speaking, all previous contingencies of approval have been satisfied. The project must still go through Building Permit Review.

## **Commission Business**

Commissioner Anderson asked if the current plan included a cul-de-sac.

Community Development Director Gladhill explained a cul-de-sac was not ideal. He commented on the fire lane that was proposed around the building.

Commissioner Anderson questioned if the landscaping plan had changed.

Community Development Director Gladhill reported the landscaping plan had not changed.

Motion by Commissioner Anderson, seconded by Commissioner Woestehoff, to recommend that City Council approve the revised Site Plan for Regency Ponds Self-Storage.

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

## **7. COMPREHENSIVE PLAN UPDATE ITEMS**

None.

## **8. COMMISSION / STAFF INPUT**

### **8.01: Receive Staff Update**

The Staff Update was noted.

### **8.02: Zoning Bulletins**

Zoning Bulletins were noted.

## **9. ADJOURNMENT**

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

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

The regular meeting of the Planning Commission adjourned at 8:32 p.m.

Respectfully submitted,

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Tim Gladhill  
Community Development Director

ATTEST:

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JoAnn Shaw  
Community Development Assistant

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

**Regular Planning Commission**

**5. 1.**

**Meeting Date:** 11/01/2018

**By:** Chris Anderson, Community  
Development

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**Information**

**Title:**

PUBLIC HEARING: Consider a Variance Request to Allow an Addition to an Existing, Detached Accessory Building Nearer the Front Lot Line than the Home at 17630 Nowthen Blvd NW (Project No. 18-157); Case of Richard and Shirley Watson

**Purpose/Background:**

The City has received an application from Richard and Shirley Watson (the "Applicant") for a variance to allow an addition to a detached accessory building to be nearer the front property line than the home on the property generally known as 17630 Nowthen Blvd NW (the "Subject Property"). The Subject Property is approximately 1.70 acres in size and City Code restricts the siting of detached accessory buildings to the side or rear yard of a lot when under two (2) acres in size. The existing building is 728 square feet, and the proposed addition is 728 square feet; the proposed building would be 1,456 square feet.

**Notification:**

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

**Observations/Alternatives:**

The Subject Property is zoned R-1 Residential (MUSA) and is surrounded by parcels in the same zoning district, with the exception of the parcel to the northeast, which is zoned Public/Quasi-Public and contains a utility substation. A portion of County Ditch No. 27 traverses a portion of the Subject Property, which results in much of the rear and side yards being within a General Floodplain (floodway and flood fringe designations have not been determined). Without the completion of hydrologic and hydraulic analyses, the General Floodplain is treated as floodway, which prohibits siting new buidlings withihn this area.

There is no attached garage on the Subject Property so the existing detached accessory building serves as the primary garage. The Applicant is proposing an addition to the front of the existing detached accessory building, bringing it approximately thirty (30) feet closer to the front property line than the home. However, the minimum required setback in the R-1 Residential (MUSA) district is thirty (30) feet and the proposed addition would still be approximately 100 feet from the front lot line.

There are currently four (4) detached accessory buildings on the Subject Property. City Code does limit the number of detached accessory buildings permitted based on the size of a property. The Subject Property is limited to three (3) total detached accessory buildings. However, at the time that the detached garage was constructed (1973), and up until the early 1990s, based on the size (728 square feet), City Code did not consider it an accessory building. Additionally, two (2) of the other detached accessory buildings are affiliated with an in-ground pool that was installed in 1977, well before limits on the number of accessory buildings. Since the request is to add on to an existing building, Staff is comfortable addressing the total number of accessory buildings on the Subject Property as part of this variance request.

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

1. Is the property owner proposing to use the property in a reasonable manner?
2. Is the landowner's problem due to circumstances unique to the property and not caused by the landowner?

3. If granted, would the variance alter the essential character of the locality?

The proposed addition to the detached accessory building is a reasonable use in a residential district. The need to expand toward the road (in front of the home) is the result of floodplain in the side and rear yards of the Subject Property. The existing detached accessory building already sits slightly forward of the home on the adjacent property to the south and the addition would still be well beyond the minimum required front yard setback, so the proposed addition would not alter the essential character of the locality.

**Alternatives**

Alternative 1: Adopt Resolution #18-227 granting a variance to allow an addition to an existing, detached accessory building nearer to the front property line than the home on the Subject Property. Based on the floodplain designations in most of the side and rear yards of the Subject Property, there are not any other viable options. The proposed addition would comply with all other regulations pertaining to accessory buildings (square footage, height, exterior finish, etc.). Staff supports this alternative.

Alternative 2: Deny the requested variance. The Applicant is not proposing a new, stand-alone building but rather an addition to an existing accessory building. The proposed addition appears to comply with all other standards and is well beyond the minimum setback requirement for the zoning district. The floodplain designation essentially eliminates any other location options on the Subject Property. Staff does not support this alternative.

**Funding Source:**

The Applicant is responsible for all costs related to this request.

**Recommendation:**

Staff recommends adopting Resolution #18-227 granting a variance to allow an addition to an existing detached accessory building to be nearer the front property line than the home on the Subject Property.

**Action:**

Motion to adopt Resolution #18-227 granting a variance to allow an addition to a detached accessory building to be nearer the front property line than the home on the Subject Property.

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**Attachments**

[Site Location Map](#)

[Applicant's Site Plan](#)

[Image of Existing Garage](#)

[Aerial Image with Floodplain](#)

[Resolution 18-227](#)

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**Form Review**

**Inbox**

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 10/26/2018

**Reviewed By**

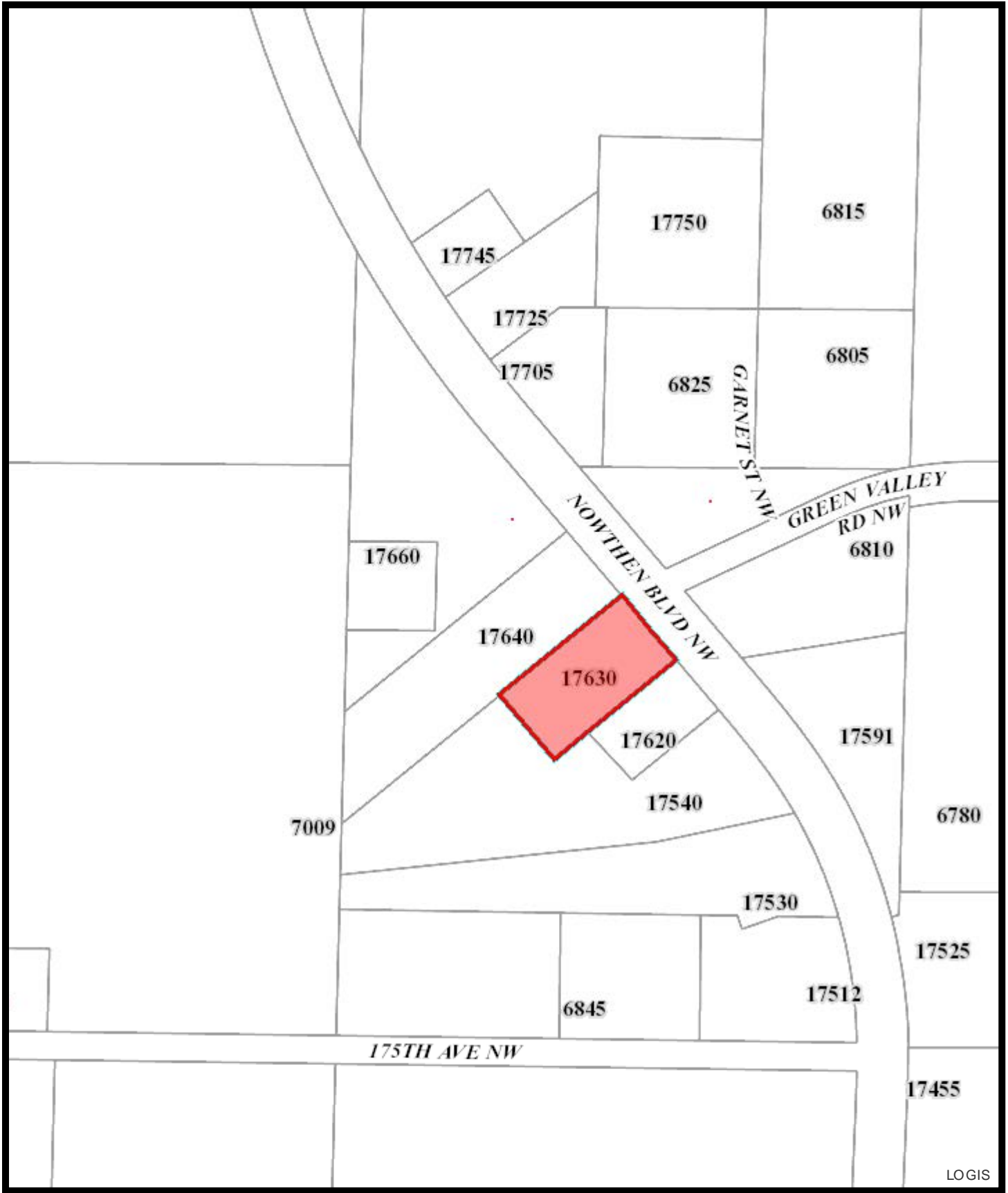
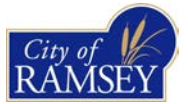
Tim Gladhill

**Date**

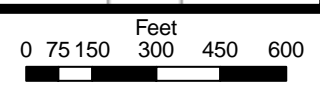
10/26/2018 01:24 PM

Started On: 10/23/2018 10:18 AM

# Site Location Map



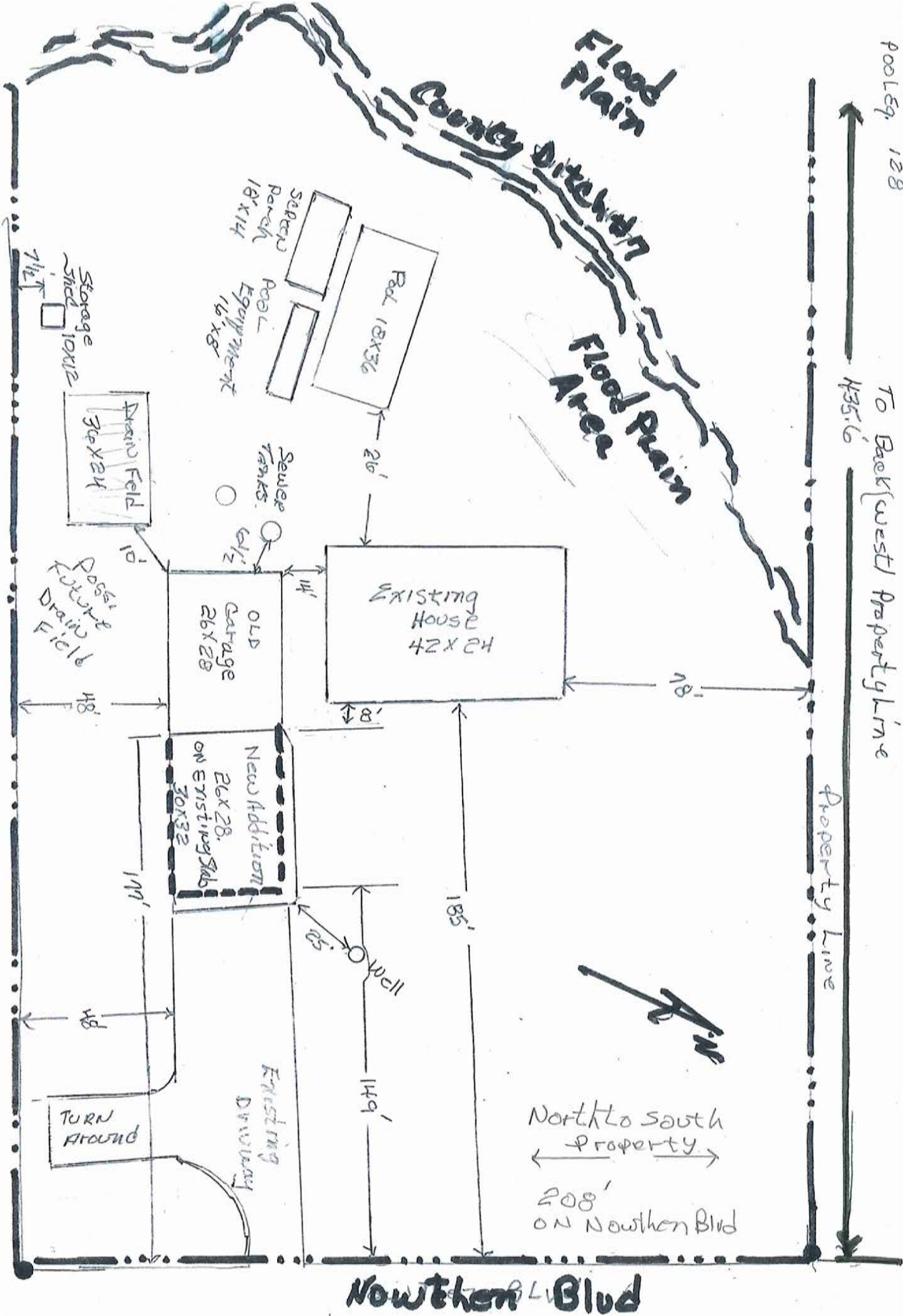
LOGIS

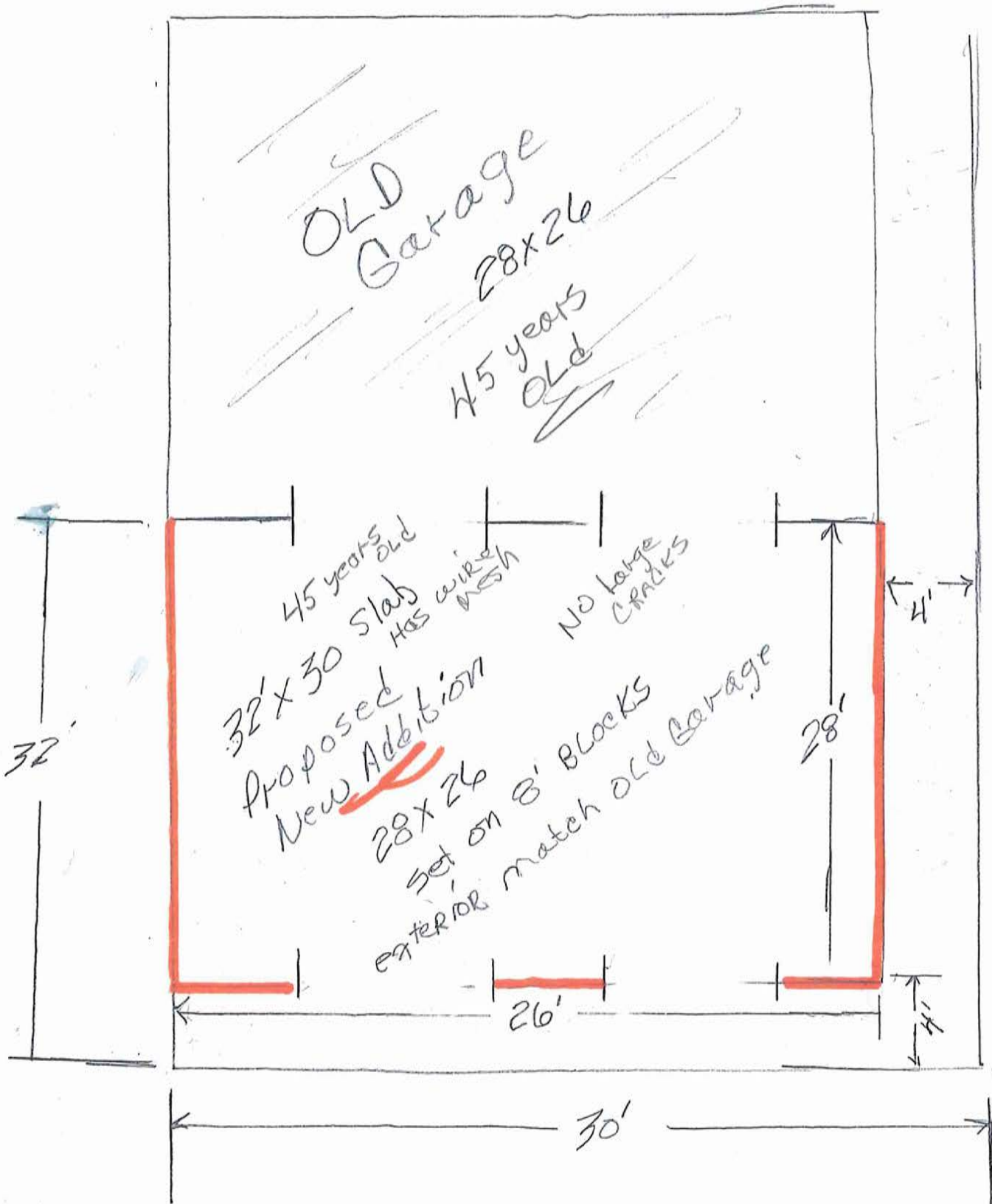


Existing Structures sq' 1228  
 Garage 728 Shed 120  
 Screens 252  
 Porch 128  
 Pool 128

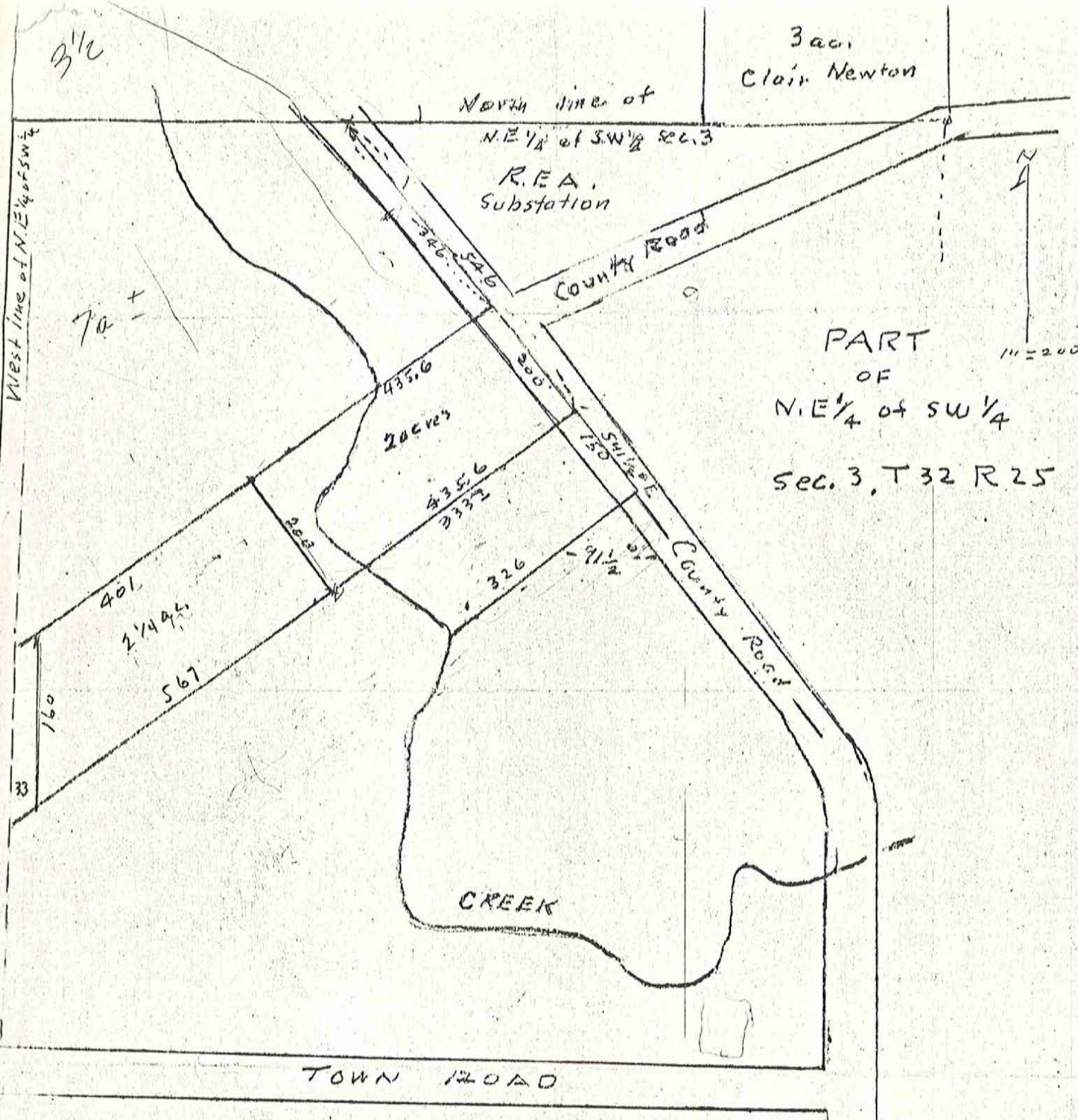
To Backwest Property Line 435.6'

Richard Watson  
 17630 Nowthen Blvd NW





17630 Nowthen Blvd NW.



8961 PLO  
 OLD 1968  
 SURVAY

Wayne J. R...  
 Reg. Surveyor  
 March 1968

Existing Garage  
Build Addition  
on to front



Existing Garage  
Build Addition  
on to front





17640

17630

17620

NORTH HENRIETTA

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

**RESOLUTION #18-227**

**A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO ALLOW AN ADDITION TO A DETACHED ACCESSORY BUILDING THAT WILL BE NEARER THE FRONT PROPERTY LINE THAN THE HOME ON THE PROPERTY GENERALLY KNOWN AS 17630 NOWTHEN BOULEVARD NW AND DECLARING TERMS OF SAME.**

**RECITALS**

1. Richard Watson and Shirley Watson, husband and wife, hereinafter referred to as the “Permittee”, have properly applied for a Variance to allow a detached accessory building nearer the front property line than the home on the property located at 17630 Nowthen Blvd NW and legally described as follows:

That part of the Northeast Quarter of the Southwest Quarter of Section 3, Township 32, Range 25 described as follows: Commencing at the northeast corner of said Quarter Quarter, thence west along north line thereof 830.2 feet to center line of CSAH No 5, thence south 41 ½ degrees east along said center line 546 feet to point of beginning, thence southwest with deflecting angle to right of 91 ½ degrees for 435.6 feet, thence north 41 ½ degrees west 200 feet, thence northeast parallel with first course 435.6 feet to said centerline, thence south 41 ½ degrees east along said center line 200 feet to point of beginning, except road subject to easement of record, Anoka County, Minnesota

(“Subject Property”)

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 of the Ramsey City Code on November 1, 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 and the surrounding parcels are also zoned R-1 Residential (MUSA), with the exception of the parcel to the northeast, which is zoned Public/Quasi-Public and contains a utility substation.
4. That the majority of the rear yard of the Subject Property, with the exception of a small area directly behind the home, is identified as General Floodplain, which essentially eliminates the Permittee’s ability to construct a new structure behind the home without a hydrological and hydraulic analysis to determine floodway and flood fringe boundaries.

5. That the Subject Property is approximately 1.70 acres in size and is eligible for a total of 2,400 square feet of accessory building space and a maximum of three (3) detached accessory buildings.
6. That there is not an attached garage on the Subject Property so the existing detached garage (728 square feet) serves as the primary garage.
7. That behind the home is an in-ground pool, pool equipment shed (128 square feet), screened-in porch (252 square feet), and small utility shed (120 square feet).
8. That the Permittee is proposing to enlarge the existing detached garage by adding on another 728 square feet (26' x 28' addition), making the overall size of the detached garage 1,456 square feet.
9. That the addition would result in 1,956 total square footage of accessory building space on the Subject Property, which is within the allowable threshold based on the size of the Subject Property.
10. That the addition to the detached garage would be approximately 100 feet from the front property line while the home on the Subject Property is about 130 feet from the front property line.
11. That the minimum required setback in the R-1 Residential (MUSA) district is thirty (30) feet and the proposed addition would not encroach on this minimum requirement.
12. That the proposed addition would have an exterior finish consisting of stucco and would include soffits, fascia and architectural shingles to match existing garage and house.

## **FINDINGS OF FACT**

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

6. That the proposed use will/will not be disturbing or hazardous to existing or future neighboring uses.
7. That the proposed use will/will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.
8. That the proposed use will/will not be in accordance with the objectives of the intent of Section 117-53 (Variances) of the City Code.

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

That the Ramsey Planning Commission hereby grants approval of a variance (the "Variance") to maintain four (4) detached accessory buildings and construct a twenty-six foot by twenty-eight foot (26' x 28') addition (the "Addition") to front of the existing detached garage that will be nearer the front property line than the home on the Subject Property contingent upon the following conditions:

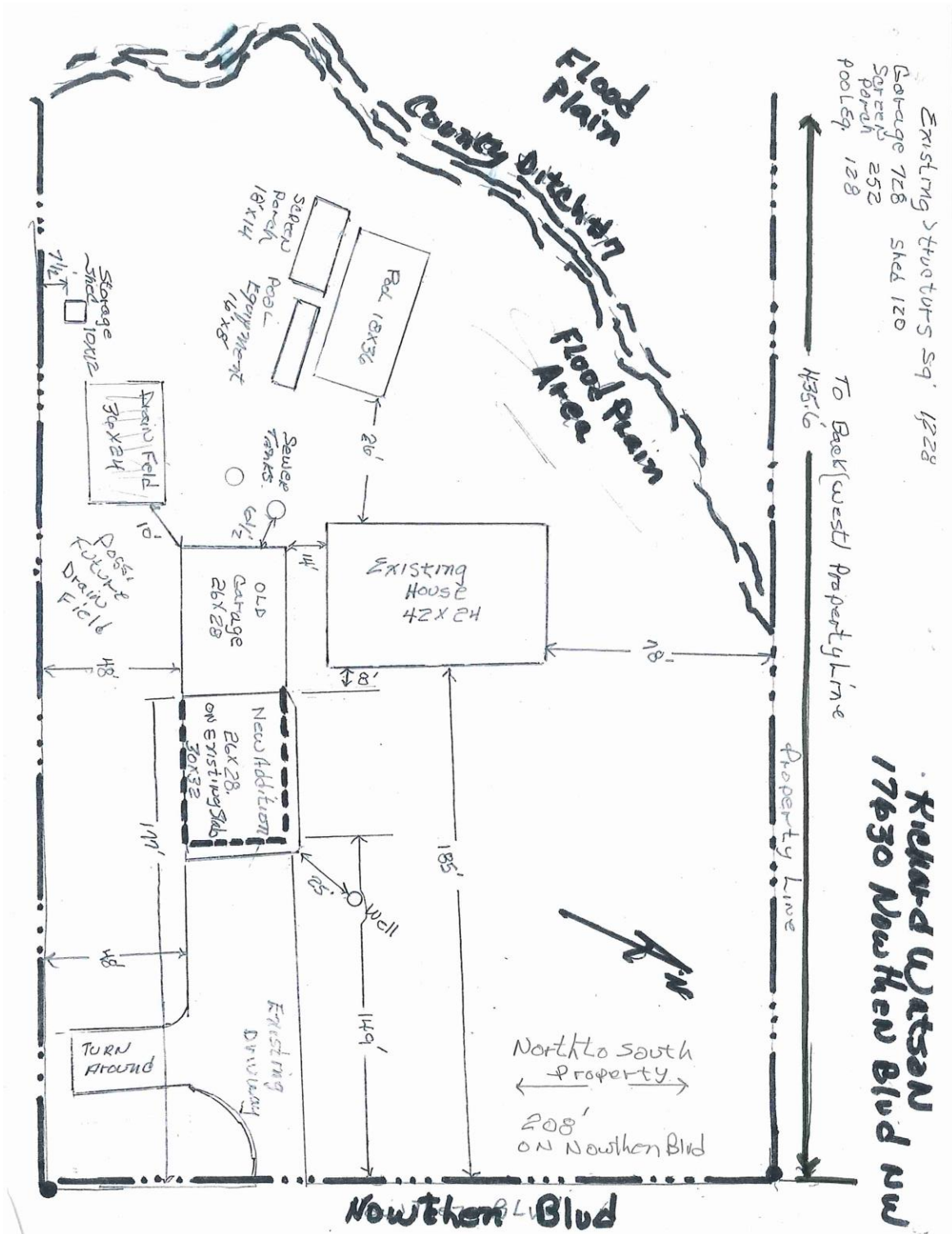
**CONDITIONS**

1. That there shall be no additional structures or additions constructed on the **Subject Property**, unless in accordance with City Code.
2. That the **Permittee** shall construct the **Addition** in accordance with all other provisions of City Code Sections 117-111 (R-1 Residential District) and 117-349 (Accessory Uses and Buildings).
3. That the **Permittee** agrees to construct the **Addition** as shown in **Exhibit 1**.
4. That the **Permittee** agrees that no part of the **Addition** or existing detached garage shall be used for a home occupation unless in compliance with City Code Section 117-351 (Home Occupations).
5. That this **Variance** shall be perpetual in duration as long as the terms are herein complied with.
6. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
7. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the **Addition**, including a Building Permit.
8. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.





**Exhibit 1  
Site Plan**



## Regular Planning Commission

5. 2.

**Meeting Date:** 11/01/2018

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

**By:** Eric Maass, Community Development

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### Information

**Title:**

PUBLIC HEARING: Consider Conditional Use Permit (CUP) Application for Truck Garant at 6021 Hwy 21 (Project #17-151); Case of Roman Gadaskin

**Purpose/Background:**

Roman Gadaskin (the "Applicant") has submitted an application for a Conditional Use Permit (CUP) at 6021 Highway 10 NW (the "Subject Property") to allow a Truck Garant, a dispatch trucking company to operate from the subject property. Dump trucks from Truck Garant are dispatched to haul construction material all over the metropolitan area. No construction material is brought back to the subject property. The Applicant is proposing to utilize this location as a dispatch center where the vehicles will be stored and where minor maintenance and fabrication would occur. The facility would not be available to the general public.

This business was first brought to the attention of Staff through its code enforcement program. Over the past several months the applicant and business owner have been working with Staff to make corrections prior to being brought forward for CUP consideration.

**Notification:**

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

**Observations/Alternatives:**

The Applicant, Roman Gadaskin has requested a conditional use permit for the company Truck Garant. Truck Garant dispatches vehicles daily to haul construction materials for various construction projects around the twin cities. Truck Garant does minor servicing like oil changes on its own vehicles and also does minor fabrication to its own vehicles. Truck Garant does not currently nor is it requesting to provide vehicle maintenance or fabrication to any outside costumers. The Property has been formerly used as a gas station.

The Comprehensive Plan guides the subject property for Commercial use and is zoned H-1 Highway 10 District. The proposed business is consistent with the Commercial use Comprehensive Plan guidance and the H-1: Highway 10 district as the proposed use is consistent with Motor vehicle service as well as light manufacturing both of which are listed as Conditional Uses in the H-1 Highway 10 district.

The Applicant would park dump trucks on the proposed parking area. Any vehicles not operable or being serviced would be stored inside of the existing structure. Currently the site has a mixture of deciduous and coniferous trees on to the north and east sides of the property. There is also a stand of deciduous trees in the middle of the property which also screen this area from the south and towards Highway 10. Any outdoor storage must continue to be screened from view and be only on a concrete or black top surface. No inoperable vehicle or vehicles parts may be stored outside.

H-1 Highway 10 District requires 1 deciduous/coniferous trees per 50 lineal feet of site perimeter or 1 tree per 1,000 square feet of building footprint area, whichever is greater. City code also requires 1 shrub per 30 lineal feet of site perimeter or 1 per 300 square feet of building footprint area, whichever is greater. The 1,300 lineal feet is the greater requirement even with the potential future 3,600 square foot expansion. As a result the lineal feet

requirement is the greater of the two and 26 deciduous/coniferous trees are required. As a result deciduous/coniferous trees are required and 43 shrubs are required. These landscaping requirements are being reviewed based on the entire site requirements and in connection with the CUP application for car sales and service from the same property. The required totals indicated below are reflective of the entire site and cover the requirements of both CUP's.

Per the city code, one parking stall is required for every 300 square feet of office space or one parking stall per 1,000 square feet of industrial space. The site plan shows the existing building to be approximately 2,000 square feet building with 9 parking stalls. The 9 proposed spaces is more than is required to meet City Code and would also be adequate parking if a future 3,600 square foot building addition were completed.

#### Alternatives

Alternative 1: Recommend approval of Resolution #18-211 approving a Conditional Use Permit for Truck Garant at 6021 Highway 10. Staff is supportive of Alternative 1.

Alternative 2: Recommend denial of Resolution #18-211 approving a Conditional Use Permit for Truck Garant at 6021 Highway 10. Staff is not supportive of Alternative 2.

#### Funding Source:

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

#### Recommendation:

Staff recommends approval of Resolution #18-211 Approving a Conditional Use Permit for Truck Garant at 6021 Highway 10

#### Action:

Motion to recommend City Council adopt Resolution #18-211 approving a Conditional Use Permit for Truck Garant at 6021 Hwy 10 contingent upon conformance with the Staff Review Memo and approval of construction plans by the City Engineer.

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#### Attachments

Site Location Map

Site Plan

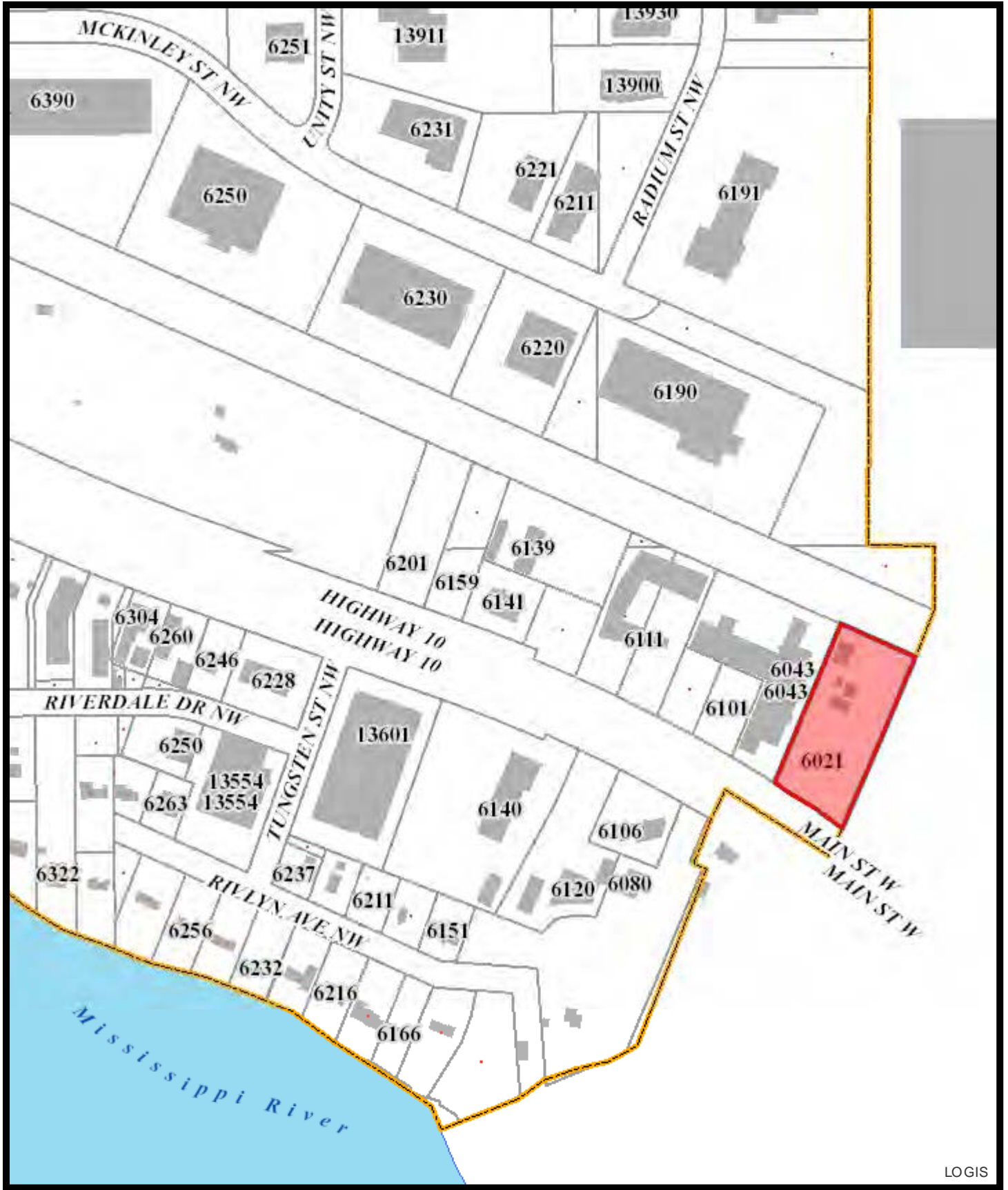
Planning Tech Report

Resolution #18-211 Approving a Conditional Use Permit for Truck Garant at 6021 Highway 10

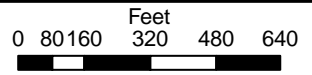
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#### Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	10/26/2018 01:22 PM
Form Started By: Eric Maass		Started On: 10/02/2018 01:39 PM
Final Approval Date: 10/26/2018		



LOGIS





EXISTING BUILDING TO REMAIN

TOTAL TRUCK PARKING SPOTS: 9

POTENTIAL FUTURE EXPANSION

BUILDING REMOVALS

NEW PAVEMENT

RETENTION POND

CONCRETE DUMPSTER PAD

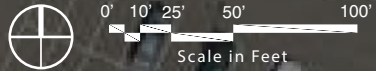
EXISTING BUILDING TO REMAIN

SHARED DRIVE

RE-PAVE AREA  
TOTAL PARKING SPOTS: 35

TWO-WAY DRIVE

LINEAR FOOTAGE OF PROPERTY - 1300 LN. FT.  
AREA OF NORTH EXISTING BUILDING - 2000 SQ. FT.  
AREA OF SOUTH EXISTING BUILDING - 1800 SQ. FT.  
AREA OF POTENTIAL FUTURE EXPANSION - 3600 SQ. FT.



# HWY 10 CONCEPT

September 28, 2018 | WSB Project number: 011112-000

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

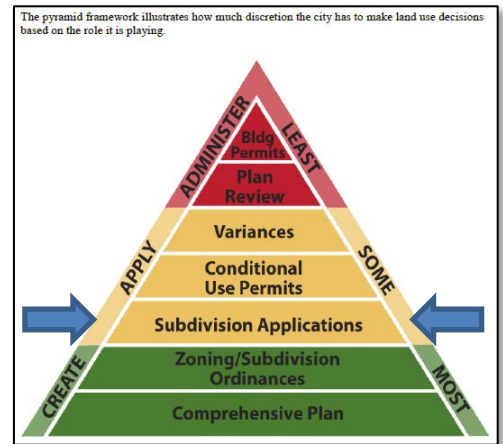
<b>DATE</b>	10/2/2018	<b>PROJECT ADDRESS</b>	6021 Hwy 10
<b>PROJECT. TITLE</b>	17-151: TRUCK GARANT CUP @ 6021 Hwy 10		
<b>ESCROW #</b>			
<b>DEPARTMENT:</b>	Community Development: Planning Division (Comprehensive Plan and Zoning Code)		
<b>TECHNICAL REVIEWER:</b>	Name: Eric Maass, Planning Consultant Email: <a href="mailto:EMaass@wsbeng.com">EMaass@wsbeng.com</a>		

**General:** The purpose of this file is to review an application and site plan for a proposed conditional use at 6021 Hwy 10. The Applicant, Roman Gadaskin has requested a conditional use permit for the company Truck Garant. Truck Garant dispatches vehicles daily to haul construction materials for various construction projects around the twin cities. Truck Garant does minor servicing like oil changes on its own vehicles and also does minor fabrication to its own vehicles. Truck Garant does not currently nor is it requesting to provide vehicle maintenance or fabrication to any outside costumers. The Property has been formerly used as a gas station.

This case is being reviewed per [Chapter 117, Article II](#) entitled Zoning and [Chapter 117, Article III](#) entitled Subdivisions.

**Comprehensive Plan/Zoning:** The Comprehensive Plan guides the subject property for Commercial use and is zoned H-1 Highway 10 District. The proposed business is consistent with the Commercial use Comprehensive Plan guidance and the H-1: Highway 10 district as the proposed use is consistent with Motor vehicle service as well as light manufacturing both of which are listed as Conditional Uses in the H-1 Highway 10 district.

**Dimensional Standards for the H-1 Employment District:** The following standards apply to requested Conditional Use Permit in the H-1 Highway 10 District.



Standard	Requirement	Existing
Minimum Lot Size	0.5 Acres	2.05 Acres
Minimum Lot Width	100 feet	200 feet
Minimum Front Yard Setback	60 feet from centerline of road plus 35 feet.	420 feet
Minimum Rear Yard Setback	35 feet	35 feet
Minimum Side Yard Setback	10 feet	15 feet
Building Height	35 Feet	< 35 feet
Maximum Structure Area	35%	11.02% (for truck garant and car sales plus potential building expansion)

No new structures are being requested to be approved at this time. However, in the future there may be a building expansion to the building at the rear of the property where Truck Garant is requesting to operate. That potential expansion is shown on the submitted site plan. Prior to such an expansion being approved, the expansion would be required to be reviewed by the City for conformance to City Code.

**Site Improvements.** H-1 Highway 10 District requires that open and outdoor storage areas shall be surface with concrete or blacktop and finished with continuous concrete curbing. Grading, drainage, and erosion control plans must be submitted and approved by the City Engineer.

**Outdoor Storage.** The Applicant would park dump trucks on the proposed parking area. Any vehicles not operable or being serviced would be stored inside of the existing structure. Currently the site has a mixture of deciduous and coniferous trees on to the north and east sides of the property. There is also a stand of deciduous trees in the middle of the property which also screen this area from the south and towards Highway 10. Any outdoor storage must continue to be screened from view and be only on a concrete or black top surface. No inoperable vehicle or vehicles parts may be stored outside.

**Landscaping.** H-1 Highway 10 District requires 1 deciduous/coniferous trees per 50 lineal feet of site perimeter or 1 tree per 1,000 square feet of building footprint area, whichever is greater. City code also requires 1 shrub per 30 lineal feet of site perimeter or 1 per 300 square feet of building footprint area, whichever is greater. The 1,300 lineal feet is the greater requirement even with the potential future 3,600 square foot expansion. As a result the lineal feet requirement is the greater of the two and 26 deciduous/coniferous trees are required. As a result deciduous/coniferous trees are required and 43 shrubs are required. These landscaping requirements are being reviewed based on the entire site requirements and in connection with the CUP application for car sales and service from the same property. The required totals indicated below are reflective of the entire site and cover the requirements of both CUP's.

	Required
Deciduous/Coniferous Trees	26
Shrubs	43

**Streets/Access.** Access to the property would remain off of Hwy 10 with an access on both the west and east sides of the property. Presently there is a driveway access to this parcel from Anoka Technical College. Staff is recommending that a condition of approval be that the driveway access connecting Anoka Technical College be removed.

**Utilities/Wells.** Public utilities currently exist on site and will be extended to the building which Truck Garant is requesting to be allowed to operate from. The site will likely require stormwater management to account for the increase impervious surface that will be added to the site as part of the proposed improvements. Stormwater easement may be required if the proposed infiltration basin is to be publicly maintained.

**Development Fees.** The Developer will be required to pay development fees consistent with the City's approved schedule of Rates and Charges. Actual rates and charges will be included in a future development agreement.

**Lighting.** The Applicant is not currently proposing the addition of any lighting to the site.

**Building Elevations.** The existing building is a metal building which is a dull yellow in color. The Applicant has not proposed any changes to the building elevations at this time. Metal exteriors are allowed in the H-1 Highway 10 zoning district.

**Parking/loading areas.** Per the city code, one parking stall is required for every 300 square feet of office space or one parking stall per 1,000 square feet of industrial space. The site plan shows the existing building to be approximately 2,000 square feet building with 9 parking stalls. The 9 proposed spaces is more than is required to meet City Code and would also be adequate parking if a future 3,600 square foot building addition were completed.

**Other comments.** None.

**Recommendation.** City Staff is recommending that the Planning Commission and City Council approve the requested conditional use permit and associated site plan approval, with the considerations listed in this staff report, contingent upon review and approval of a future site grading, drainage, erosion control, and paving plan by the City Engineer.

**Next Steps.** The developer will be required to enter into a Development Agreement with the City to ensure the timely construction of required improvements. The Development Agreement will also require a financial surety in the amount of 125% of the cost of required improvements. The financial surety shall be in the form of a Letter of Credit or cash escrow only. The Development Agreement will also require an Engineering Inspection Fee of 5% of the cost of required improvements. The escrow must be in the form of a cash escrow. The City will prepare a draft Development Agreement for your review once an engineer's estimate has been provided by the Applicant.

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

**RESOLUTION #18-212**

**A RESOLUTION APPROVING A REQUEST FROM ROMAN GADASKIN FOR A  
CONDITIONAL USE PERMIT TO ALLOW MOTOR VEHICLE SALES AND  
SERVICE IN THE H-1 HIGHWAY 10 DISTRICT AT THE PROPERTY LOCATED AT  
6021 HIGHWAY 10 NW  
IN RAMSEY, MINNESOTA.**

**RECITALS**

1. Roman Gadaskin, hereinafter referred to as the “**Permittee**,” has properly applied for a Conditional Use Permit (“the **Permit**”) to allow Motor Vehicle Sales and Service on the property generally known as 6021 Highway 10 NW and legally described as follows:

Auditors Subdivision NO 96, Lot 24, Anoka County, Minnesota

(“**Subject Property**”)

2. The City of Ramsey received an application for a Conditional Use in the H-1 Highway 10 District from the **Permittee** on September 20, 2018.
3. That the **Permittee** appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) and a public hearing pursuant to the Ramsey City Code on November 1, 2018, and that said public hearings were properly advertised and that the minutes of said public hearings are hereby incorporated by reference.
4. That the **Subject Property** is approximately 2.05 acres in size and is located within the H-1 Highway 10 District.
5. That the **Permittee** has submitted a site plan that shows an existing structure that will be utilized for the purpose of automobile sales and service.
6. That the **Subject Property** is served by a public utilities and will continue to be serviced by public utilities.
7. 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 a motor vehicles sales and service business **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 a motor vehicles sales and service business **will not** substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That a motor vehicles sales and service business **will** be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and **will not** change the essential character of the area.
4. That a motor vehicles sales and service business **will not** be hazardous to existing or future neighboring uses.
5. That a motor vehicles sales and service business **will not** impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That a motor vehicles sales and service business **will not** create excessive additional requirements at public cost for public facilities and services and **will not** be detrimental to the economic welfare of the community.
7. That a motor vehicles sales and service business **will not** involve uses, activities and equipment that **will not** 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 the **Permittee** shall provide grading and drainage plans to the City for review and approval prior to any surface parking paving, repaving, or expansion.
2. That any restriping or repaving of the parking lot will meet City requirements at the time of updating.
3. That the **Subject Property** shall have adequate parking for the use before being issued a Certificate of Occupancy.
4. That there shall be no parking related to the use along or within right of way associated with Highway 10 NW.
5. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
6. That the **Permittee** shall comply with all state, local, and federal regulations.

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 \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2018.

**PERMITTEE**

\_\_\_\_\_ hereby acknowledges receipt of this Permit and that it has reviewed the conditions of this Permit and has agreed that it will comply with the terms of this Permit.

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MINNESOTA)

) SS.

COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

\_\_\_\_\_  
Notary Public

**CITY OF RAMSEY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Acting Mayor

City Clerk

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF ANOKA )

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

\_\_\_\_\_  
Notary Public

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

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

**Regular Planning Commission**

**5.3.**

**Meeting Date:** 11/01/2018

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

**By:** Eric Maass, Community Development

**Information**

**Title:**

PUBLIC HEARING: Consider Conditional Use Permit (CUP) Application for Auto Sales and Service at 6021 Hwy 21 (Project #17-151); Case of Roman Gadaskin

**Purpose/Background:**

The purpose of this case is to consider a conditional use permit request to allow car sales and service to be conducted from 6021 Hwy 10 which is the former ICO gas station. Automotive sales and service are a conditional use within the H-1 Highway 10 zoning district. The Applicant has recieved interest from prospective dealerships that would like to utilize the site and has submitted building plans that would renovate the former gas station building for the purposes of serving as a dealership office and service center.

**Notification:**

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

**Observations/Alternatives:**

The Comprehensive Plan guides the subject property for Commercial use and is zoned H-1 Highway 10 District. The proposed business is consistent with the Commercial use Comprehensive Plan guidance and the H-1: Highway 10 district as the proposed use is consistent with Motor vehicle sales and service which is listed as a Conditional Uses in the H-1 Highway 10 district.

The H-1: Highway 10 District requires that open and outdoor storage areas shall be surface with concrete or blacktop and finished with continuous concrete curbing. Grading, drainage, and erosion control plans must be submitted and approved by the City Engineer.

The Applicant has not requested any additional outside storage outside of cars to be parked for auto sales. No inoperable or damaged vehicles may be parked outside. The Applicant has proposed a service garage and any vehicles to be serviced would be parked within the building.

The H-1: Highway 10 District requires 1 deciduous/coniferous trees per 50 lineal feet of site perimeter or 1 tree per 1,000 square feet of building footprint area, whichever is greater. City code also requires 1 shrub per 30 lineal feet of site perimeter or 1 per 300 square feet of building footprint area, whichever is greater. The 1,300 lineal feet is the greater requirement of the two. As a result 26 deciduous/coniferous trees are required and 43 shrubs are required. These landscaping requirements are being reviewed based on the entire site requirements and in connection with the CUP application for Truck Garant from the same property. The required totals indicated below are reflective of the entire site and cover the requirements of both CUP's.

	Required
Deciduous/Coniferous Trees	26
Shrubs	43

Per the city code, one parking stall is required for every 300 square feet of office space or one parking stall per 1,000 square feet of industrial space. The site plan shows the existing building to be approximately 2,000 square feet building with 35 parking stalls where only 7 are required by City Code. The 35 proposed spaces are more than what is required to meet City Code but are necessary for the property to be used for car sales.

The developer will be required to enter into a Development Agreement with the City to ensure the timely construction of required improvements. The Development Agreement will also require a financial surety in the amount of 125% of the cost of required improvements. The financial surety shall be in the form of a Letter of Credit or cash escrow only. The Development Agreement will also require an Engineering Inspection Fee of 5% of the cost of required improvements. The escrow must be in the form of a cash escrow. The City will prepare a draft Development Agreement for your review once an engineer's estimate has been provided by the Applicant.

#### Alternatives

Alternative 1: Recommend approval of Resolution #18-212 Approving a Conditional Use Permit for automotive sales and service at 6021 Highway 10. Based on the conditions listed for approval staff is supportive of Alternative 1.

Alternative 2: Recommend denial of Resolution #18-212 Approving a Conditional Use Permit for automotive sales and service at 6021 Highway 10. The proposed use appears reasonable for the property and when the conditions are adhered to as it relates to paving, striping, and building improvements, the use would be an improvement for the property. Staff is not supportive of Alternative 2.

#### Funding Source:

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

#### Recommendation:

Staff recommends approval of Resolution #18-212 Approving a Conditional Use Permit for Automotive Sales and Service for the property at 6021 Highway 10.

#### Action:

Motion to recommend City Council adopt Resolution #18-211 approving a Conditional Use Permit for Auto Sales and Service at 6021 Hwy 10, contingent upon conformance with the Staff Review Memo and approval of construction plans by the City Engineer.

---

### Attachments

[Site Location Map](#)

[Site Plan](#)

[Planning Tech Report](#)

[Facade Improvements](#)

[Resolution #18-212 Approving Car Sales and Service at 6021 Highway 10](#)

---

### Form Review

**Inbox**

Tim Gladhill

Form Started By: Eric Maass

Final Approval Date: 10/26/2018

**Reviewed By**

Tim Gladhill

**Date**

10/26/2018 01:23 PM

Started On: 10/02/2018 01:43 PM

# Site Location Map



Logansport, Arkansas County





EXISTING BUILDING TO REMAIN

TOTAL TRUCK PARKING SPOTS: 9

POTENTIAL FUTURE EXPANSION

BUILDING REMOVALS

NEW PAVEMENT

RETENTION POND

CONCRETE DUMPSTER PAD

EXISTING BUILDING TO REMAIN

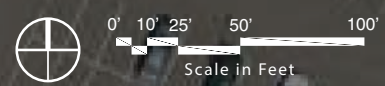
RE-PAVE AREA

TOTAL PARKING SPOTS: 35

LINEAR FOOTAGE OF PROPERTY - 1300 LN. FT.  
AREA OF NORTH EXISTING BUILDING - 2000 SQ. FT.  
AREA OF SOUTH EXISTING BUILDING - 1800 SQ. FT.  
AREA OF POTENTIAL FUTURE EXPANSION - 3600 SQ. FT.

# HWY 10 CONCEPT

September 28, 2018 | WSB Project number: 011112-000



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

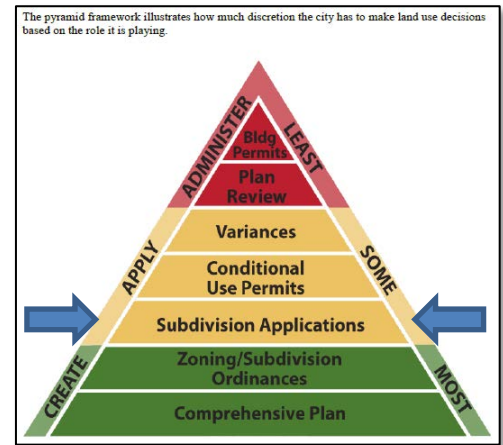
<b>DATE</b>	10/2/2018	<b>PROJECT ADDRESS</b>	6021 HWY 10
<b>PROJECT. TITLE</b>	17-151: AUTO SALES AND SERVICE CUP @ 6021 HWY 10		
<b>ESCROW #</b>			
<b>DEPARTMENT:</b>	Community Development: Planning Division (Comprehensive Plan and Zoning Code)		
<b>TECHNICAL REVIEWER:</b>	Name: Eric Maass, Planning Consultant Email: <a href="mailto:EMaass@wsbeng.com">EMaass@wsbeng.com</a>		

**General:** The purpose of this file is to review an application and site plan for a proposed conditional use at 6021 Hwy 10. The Applicant, Roman Gadaskin has requested a conditional use permit for the automobile sales and service from the former ICO Gas Station building.

This case is being reviewed per [Chapter 117, Article II](#) entitled Zoning.

**Comprehensive Plan/Zoning:** The Comprehensive Plan guides the subject property for Commercial use and is zoned H-1 Highway 10 District. The proposed business is consistent with the Commercial use Comprehensive Plan guidance and the H-1: Highway 10 district as the proposed use is consistent with Motor vehicle sales and service which is listed as a Conditional Uses in the H-1 Highway 10 district.

**Dimensional Standards for the H-1 Highway 10 District:** The following standards apply to requested Conditional Use Permit in the H-1 Highway 10 District.



Standard	Requirement	Existing
Minimum Lot Size	0.5 Acres	2.05 Acres
Minimum Lot Width	100 feet	200 feet
Minimum Front Yard Setback	60 feet from centerline of road plus 35 feet.	95 feet
Minimum Rear Yard Setback	35 feet	315 feet
Minimum Side Yard Setback	10 feet	60 feet
Building Height	35 Feet	< 35 feet
Maximum Structure Area	35%	11.02% (for truck garant and car sales plus potential building expansion)
Parking and Pavement Setback from street ROW	20 feet	> 20 feet

No new structures are being requested to be approved at this time but the Applicant is proposing façade improvements to the currently existing former ICO gas station building.

**Site Improvements.** The H-1 Highway 10 District requires that open and outdoor storage areas shall be surface with concrete or blacktop and finished with continuous concrete curbing. Grading, drainage, and erosion control plans must be submitted and approved by the City Engineer.

**Outdoor Storage.** The Applicant has not requested any additional outside storage outside of cars to be parked for auto sales. No inoperable or damaged vehicles may be parked outside. The Applicant has proposed a service garage and any vehicles to be serviced would be parked within the building.

**Landscaping.** H-1 Highway 10 District requires 1 deciduous/coniferous trees per 50 lineal feet of site perimeter or 1 tree per 1,000 square feet of building footprint area, whichever is greater. City code also requires 1 shrub per 30 lineal feet of site

perimeter or 1 per 300 square feet of building footprint area, whichever is greater. The 1,300 lineal feet is the greater requirement of the two. As a result 26 deciduous/coniferous trees are required and 43 shrubs are required. These landscaping requirements are being reviewed based on the entire site requirements and in connection with the CUP application for Truck Garant from the same property. The required totals indicated below are reflective of the entire site and cover the requirements of both CUP's.

	Required
Deciduous/Coniferous Trees	26
Shrubs	43

**Streets/Access.** Access to the property would remain off of Hwy 10 with an access on both the west and east sides of the property. Presently there is a driveway access to this parcel from Anoka Technical College. Staff is recommending that a condition of approval be that the driveway access connecting Anoka Technical College be removed.

**Utilities/Wells.** Public utilities currently exist on site and are proposed to continue to be used. The site will likely require stormwater management to account for the increase impervious surface that will be added to the site as part of the proposed improvements. Stormwater easement may be required if the proposed infiltration basin is to be publicly maintained.

**Development Fees.** The Developer will be required to pay development fees consistent with the City's approved schedule of Rates and Charges. Actual rates and charges will be included in a future development agreement.

**Lighting.** The Applicant is not currently proposing the addition of any lighting to the site.

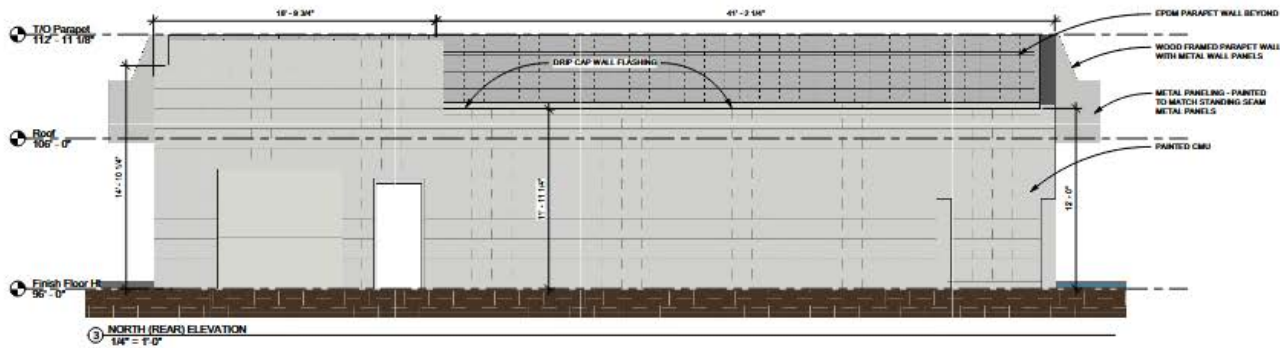
**Building Elevations.** The existing building is a metal building which is a soft yellow in color. The Applicant has not proposed any changes to the building elevations at this time. Metal exteriors are allowed in the H-1 Highway 10 zoning district.

**Parking/loading areas.** Per the city code, one parking stall is required for every 300 square feet of office space or one parking stall per 1,000 square feet of industrial space. The site plan shows the existing building to be approximately 2,000 square feet building with 35 parking stalls where only 7 are required by City Code. The 35 proposed spaces are more than what is required to meet City Code but are necessary for the property to be used for car sales.

**Other comments.** None.

**Recommendation.** City Staff is recommending that the Planning Commission and City Council approve the requested conditional use permit and associated site plan approval, with the considerations listed in this staff report, contingent upon review and approval of a future site grading, drainage, erosion control, and paving plan by the City Engineer.

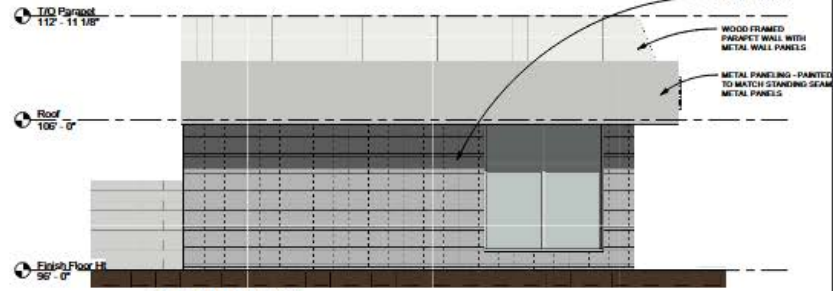
**Next Steps.** The developer will be required to enter into a Development Agreement with the City to ensure the timely construction of required improvements. The Development Agreement will also require a financial surety in the amount of 125% of the cost of required improvements. The financial surety shall be in the form of a Letter of Credit or cash escrow only. The Development Agreement will also require an Engineering Inspection Fee of 5% of the cost of required improvements. The escrow must be in the form of a cash escrow. The City will prepare a draft Development Agreement for your review once an engineer's estimate has been provided by the Applicant.



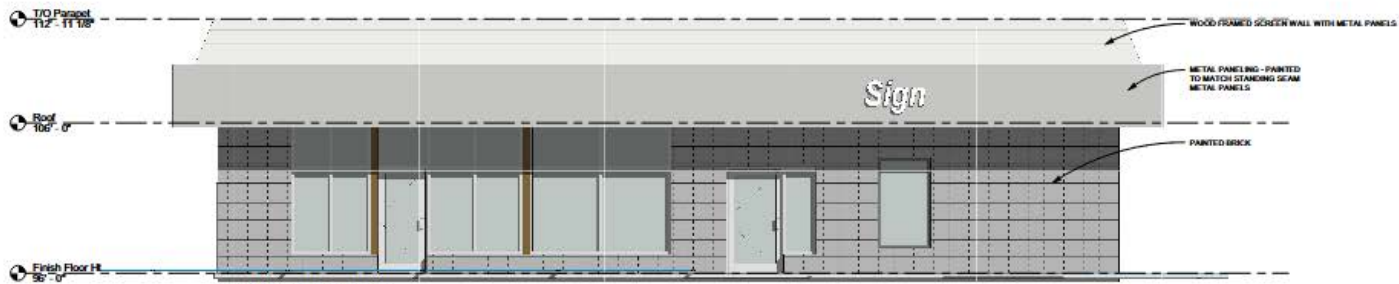
3 NORTH (REAR) ELEVATION  
1/4" = 1'-0"



4 EAST (RIGHT) ELEVATION  
1/4" = 1'-0"



2 WEST (LEFT) ELEVATION  
1/4" = 1'-0"



1 SOUTH (FRONT) ELEVATION  
1/4" = 1'-0"

REVISION	DATE



InSpire Architects  
466 148th Avenue NE  
Ham Lake MN 55304  
763-807-1044  
Jeff@inspirearchitects.com

The information contained herein may not be used or copied in any manner without the written permission of InSpire Architects.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota  
Print Name: Jeffrey Hoffmann  
Signature: *Jeffrey Hoffmann*

7/16/2018 6:48:56 PM  
License # 44333

Sheet Title: ELEVATIONS  
MERCANTILE/ OFFICE/  
WAREHOUSE  
Project Name: 6521 Highway 10  
Riverview, MN 55303

Project number: 2018-25  
Date: 7/16/2018 6:48:56 PM  
Drawn by: Author  
Checked by: Checker  
Construction Documents

A101

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

**RESOLUTION #18-212**

**A RESOLUTION APPROVING A REQUEST FROM ROMAN GADASKIN FOR A  
CONDITIONAL USE PERMIT TO ALLOW MOTOR VEHICLE SALES AND  
SERVICE IN THE H-1 HIGHWAY 10 DISTRICT AT THE PROPERTY LOCATED AT  
6021 HIGHWAY 10 NW  
IN RAMSEY, MINNESOTA.**

**RECITALS**

1. Roman Gadaskin, hereinafter referred to as the “**Permittee**,” has properly applied for a Conditional Use Permit (“the **Permit**”) to allow Motor Vehicle Sales and Service on the property generally known as 6021 Highway 10 NW and legally described as follows:

Auditors Subdivision NO 96, Lot 24, Anoka County, Minnesota

(“**Subject Property**”)

2. The City of Ramsey received an application for a Conditional Use in the H-1 Highway 10 District from the **Permittee** on September 20, 2018.
3. That the **Permittee** appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) and a public hearing pursuant to the Ramsey City Code on November 1, 2018, and that said public hearings were properly advertised and that the minutes of said public hearings are hereby incorporated by reference.
4. That the **Subject Property** is approximately 2.05 acres in size and is located within the H-1 Highway 10 District.
5. That the **Permittee** has submitted a site plan that shows an existing structure that will be utilized for the purpose of automobile sales and service.
6. That the **Subject Property** is served by a public utilities and will continue to be serviced by public utilities.
7. 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 a motor vehicles sales and service business **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 a motor vehicles sales and service business **will not** substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That a motor vehicles sales and service business **will** be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and **will not** change the essential character of the area.
4. That a motor vehicles sales and service business **will not** be hazardous to existing or future neighboring uses.
5. That a motor vehicles sales and service business **will not** impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That a motor vehicles sales and service business **will not** create excessive additional requirements at public cost for public facilities and services and **will not** be detrimental to the economic welfare of the community.
7. That a motor vehicles sales and service business **will not** involve uses, activities and equipment that **will not** 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 the **Permittee** shall provide grading and drainage plans to the City for review and approval prior to any surface parking paving, repaving, or expansion.
2. That any restriping or repaving of the parking lot will meet City requirements at the time of updating.
3. That the **Subject Property** shall have adequate parking for the use before being issued a Certificate of Occupancy.
4. That there shall be no parking related to the use along or within right of way associated with Highway 10 NW.
5. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
6. That the **Permittee** shall comply with all state, local, and federal regulations.

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 \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2018.

**PERMITTEE**

\_\_\_\_\_ hereby acknowledges receipt of this Permit and that it has reviewed the conditions of this Permit and has agreed that it will comply with the terms of this Permit.

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MINNESOTA)

) SS.

COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

\_\_\_\_\_  
Notary Public

**CITY OF RAMSEY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Acting Mayor

City Clerk

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF ANOKA )

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

\_\_\_\_\_  
Notary Public

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

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

## Regular Planning Commission

5. 4.

**Meeting Date:** 11/01/2018

**By:** Chris Anderson, Community  
Development

---

### Information

**Title:**

PUBLIC HEARING: Consider Request to Rezone Property Identified by PID #35-32-25-32-0062 from R-1 Residential (MUSA) to E-1 Employment (Project No. 155); Case of Rocky MTN Investment LLC

**Purpose/Background:**

The City has received an application from Rocky Mtn Investment LLC (the "Applicant") to rezone the property identified by PID # 35-32-25-32-0062 (the "Subject Property") from R-1 Residential (MUSA) to E-1 Employment. The Applicant is attempting to work with a nearby business (just to the east of the Subject Property but on the north side of the street) that is interested in utilizing the land for outside storage.

**Notification:**

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

**Observations/Alternatives:**

The Subject Property, which is currently vacant with no improvements, is zoned R-1 Residential (MUSA). The properties to the west, south and southeast are also zoned R-1 Residential (MUSA) while the properties to the east and north (across Riverdale Drive) are zoned E-1 Employment. The Subject Property is 10,807 square feet in size, which does comply with the minimum lot size required in the R-1 Residential District. As a point of reference, the minimum required lot size in the E-1 Employment District is one (1) acre (note though that this is an existing lot of record and amending the zoning district would not require the lot to meet that bulk standard).

The Applicant is seeking this Zoning Amendment to accommodate a potential sale of the Subject Property to a local, nearby business who desires to utilize it for outside storage. Outside storage is not permitted in the R-1 Residential District. In the E-1 Employment District, outside storage as an accessory use of a property is permitted; however, as the principal use, it would require a Conditional Use Permit. It is worth noting that since the Subject Property abuts residentially zoned parcels, there are greater setbacks for outside storage (forty [40] feet from residential properties), which would restrict where this type of use could occur.

It is Staff's understanding that the Subject Property has been used periodically for outside storage. However, a review of both the Property File and County records, it does not appear that that use was ever approved or authorized by the City. Thus, it does not appear that there are any lawful, non-conforming rights that would allow this type of use on the Subject Property.

Both the current 2030 Comprehensive Plan and the DRAFT 2040 Comprehensive Plan show the Subject Property guided as Low Density Residential. Should the Zoning Amendment be approved, a Comprehensive Plan Amendment would also be necessary to ensure consistency between the zoning and land use designation.

Alternatives

Alternative 1: Motion to recommend approval of the requested Zoning Amendment to rezone the Subject Property from R-1 Residential (MUSA) to E-1 Employment District. While the properties to the east and north are zoned E-1 Employment, the Subject Property also abuts residentially zoned parcels to the west and south. The size of the Subject Property doesn't appear conducive to a typical industrial type of use, with the possible exception of outside

storage. However, it does meet the minimum bulk standards of the R-1 Residential (MUSA) District. If Alternative 1 is approved, the applicant would still need to request a Conditional Use Permit to utilize the space principally for outdoor storage. Staff does not support this alternative.

Alternative 2: Motion to recommend the zoning of the Subject Property remain as R-1 Residential (MUSA). While the Subject Property may not be a prime residential location due to it abutting parcels zoned E-1 Employment, it also doesn't appear large enough to accommodate an industrial type of user, other than possibly for outside storage. Based on the limited area that could possibly be utilized for outside storage, that itself doesn't seem viable either. With no apparent lawful non-conforming rights associated with the Subject Property, Staff would support this Alternative.

**Funding Source:**

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

**Recommendation:**

Staff recommends that the zoning of Subject Property remain as R-1 Residential (MUSA).

**Action:**

Motion to recommend the zoning of the Subject Property remain as R-1 Residential (MUSA).

---

**Attachments**

[Site Location Map](#)

[Application](#)

[Photos of Subject Property](#)

[Exhibit Showing Usable Area for Outside Storage](#)

---

**Form Review**

**Inbox**

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 10/26/2018

**Reviewed By**

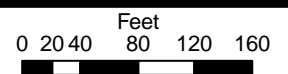
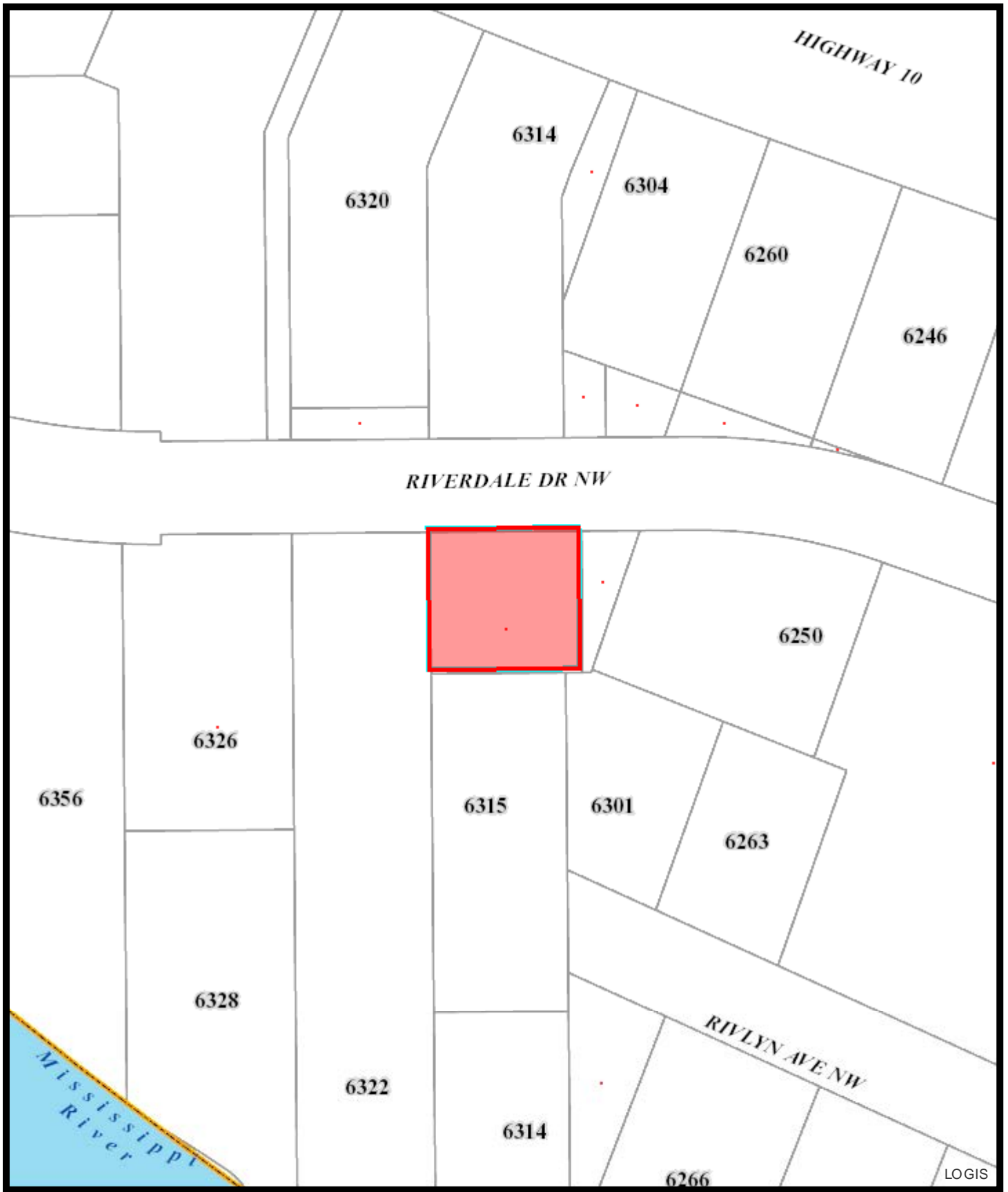
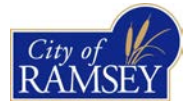
Tim Gladhill

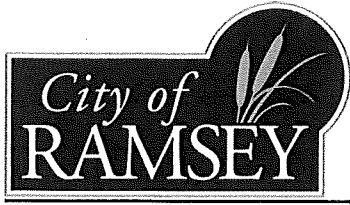
**Date**

10/26/2018 01:25 PM

Started On: 10/24/2018 04:42 PM

# Site Location Map





**RECEIVED**  
 SEP 21 2018  
 BY: \_\_\_\_\_

**Land Use Application**

18-155

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

**Applicant Contact Information**

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

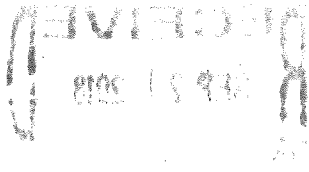
Name:	Gregory Dahlholmer		
Street Address:	17224 172nd AVE SE		
City, State, ZIP:	Big Lake MN 55309		
Home Phone:	763 263 1736	Work Phone:	763 295 3347
Email:		Fax Number:	763 295 4947
Name of Business (if applicable):	Rocky MTN INVESTMENT LLC		
Business Address (if applicable)	PO BOX 336		
Business City, State, ZIP	Monticello MN 55362		
Business Phone:	763 295 3347	Business Fax:	763 295 4947

**Subject Property Information**

(Location of Application)

Address	Riverdale Dr NW
PIN	35-32-25 32-0062 R00L
Legal Description	see attached
Zoning District	

Contact the Planning Division at 763-433-9824 or [planning@cityoframsey.com](mailto:planning@cityoframsey.com) to request a Zoning Verification



**Property Owner Information**  
(If different than Applicant)

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

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

Small Lot Apox 11,000 Sq Foot <del>FIX</del> as COMM/IND		
But zone RES. IT IS LOCATED NEXT OTHER		
business places in the area. Would like to		
change to Employee & Employer zoning		
Black smith Shop	11,000 sq. ft.	SEE ATTACHED

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

Applicant Signature	<i>Gregory Dahlheim</i>	Co-Applicant Signature	<i>Joseph Dahlheim</i>
Printed Name	Gregory Dahlheim	Printed Name	Joseph Dahlheim
Title	Partner	Title	Partner
Date	9-20-18	Date	9-20-18

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

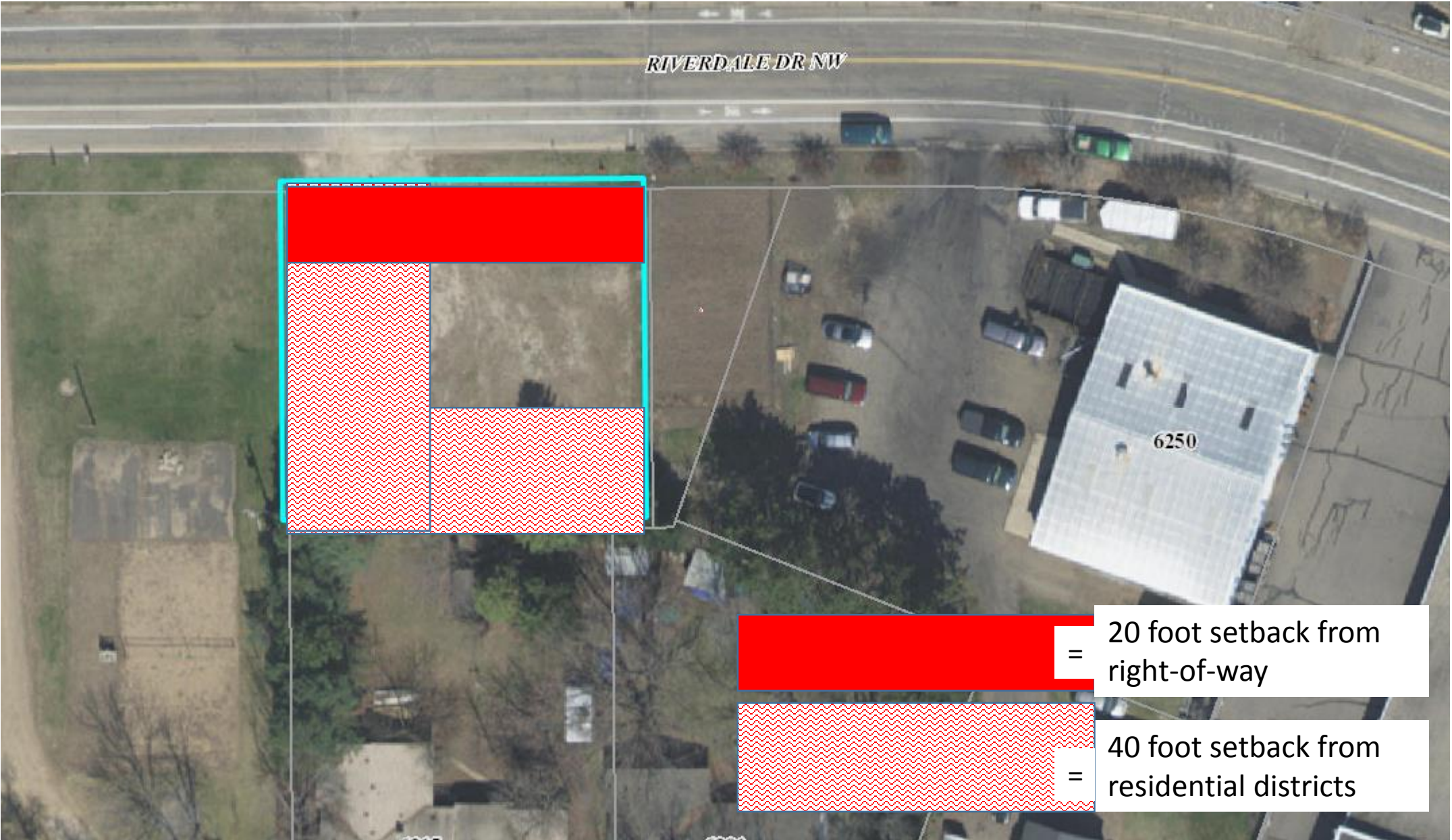
Property Owner Signature	<i>Gregory Dahlheim</i>	Property Owner Signature	<i>Joseph Dahlheim</i>
Printed Name	Gregory Dahlheim	Printed Name	Joseph Dahlheim
Title	Partner	Title	Partner
Date	9-20-18	Date	9-20-18

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



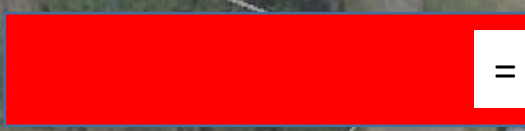
THIS PROPERTY IS THE  
SUBJECT OF A LAND  
USE APPLICATION  
FOR MORE INFORMATION  
CALL CITY OF RAMSEY  
763-427-1400

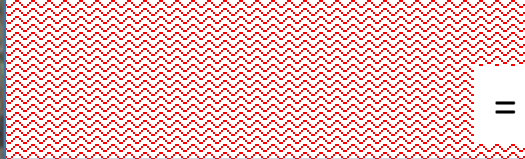




RIVERDALE DR NW

6250

 = 20 foot setback from right-of-way

 = 40 foot setback from residential districts

**Regular Planning Commission**

6. 1.

**Meeting Date:** 11/01/2018

**By:** Chloe McGuire Brigl, Community Development

**Information**

**Title:**

Review Preliminary Plat for Residential Subdivision (PUD) for Shade Tree Cottages (Case 17-130); Case of Shade Tree Communities, LLC

**Purpose/Background:**

The purpose of this case is to review a preliminary plat application for Shade Tree Cottages made by Shade Tree Communities, LLC (The Applicant) for a 35 home subdivision off Nowthen Boulevard and Potassium Street. The site was previously granted preliminary and final plat approval for a subdivision via Planned Unit Development (PUD) in 2005, but the final plat has since expired. Since the previous approval, City Code requirements for lot depth and wetland setbacks have changed. The PUD zoning remains on the parcel, though the underlying zoning was R-1 (MUSA).

**Notification:**

Staff attempted to notify all Property Owners within a 700 foot radius of the Subject Property of the Public Hearing via Standard US Mail. The Public Hearing was also published in the City's official newsletter, the Anoka County Union Herald. A public hearing was held on October 4, 2018. Staff also held a public workshop on the topic on February 1, 2018.

**Observations/Alternatives:**

**2005 Approval**

A Planned Unit Development (PUD) was approved in 2005 on the site. The approved PUD was for a mix of small-lot, single family homes and more traditional single family homes. The PUD was approved in 2005 based on:

- 50%+ private open space onsite
- Net density under 3 units per acre (fitting with the underlying zoning)
- Mix of housing styles
- Clustering of homes to protect natural features

Findings of fact in 2005 show:

- No detrimental impact to surrounding land uses or economic values
- No burden on public system
- Protection of natural features

**Current Proposal and Focus of Conversation**

Since 2005, standards for lot depth and wetland setbacks have changed. The net density of this project meets the current requirements and meets the requirements of the previous approval. The proposed homes would typically be located in the R-2 zoning district, though the overall density of the project meets the R-1 requirements. Current changes that the Planning Commission should focus on are:

- Lot width requirements
- Wetland setbacks
- Road widths

PUDs allow flexibility to cluster homes in order to create a better product and protect natural features. Staff does believe that this PUD generally meets the intent of the PUD district.

Please note that Staff will request that Joe Langel, City Attorney be present at the City Council meeting when this

item comes forward.

### **Planning Commission and City Council Meetings**

The Planning Commission was introduced to this topic on October 4, 2018 and tabled the topic until this meeting. October 4, 2018 draft minutes are included as an attachment to this case. The City Council met on October 23, 2018 to hear an update on the case. The City Council asked about the viewshed of the properties to the north, the protection of the wetlands, trail maintenance, and if a homeowner's association would care for the shared spaces. There will be a homeowner's association (HOA) for this project, to maintain any private spaces and the private road. The proposed homes are one story homes, some with basements (walkouts) and others without, based on the topography of the land. Public trails are typically maintained by the City of Ramsey, and there is a required 16.5 foot buffer from the wetlands that must be in place during construction.

The applicant has agreed that all internal trails will be public since the last discussion.

Staff will not bring this forward to City Council until there is a landscape plan that the EPB can review.

### **Funding Source:**

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

### **Recommendation:**

Staff Recommends Approval of Resolution 18-209 Granting Preliminary Plat for Shade Tree Cottages, contingent upon compliance with the Staff Review Letter and City Engineer Approval.

### **Action:**

Motion to recommend City Council approve Resolution 18-209 Granting Preliminary Plat for Shade Tree Cottages, contingent upon compliance with the Staff Review Letter and City Engineer Approval.

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### **Attachments**

[Site Location Map](#)

[Plan Set](#)

[Draft Oct 4th Planning Commission Minutes](#)

[Staff Review Letter](#)

[Resolution 18-209](#)

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### **Form Review**

#### **Inbox**

Chris Anderson

Tim Gladhill

Form Started By: Chloe McGuire Brigl

Final Approval Date: 10/26/2018

#### **Reviewed By**

Chris Anderson

Tim Gladhill

#### **Date**

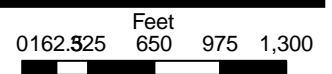
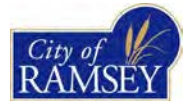
10/25/2018 09:55 AM

10/26/2018 01:23 PM

Started On: 10/19/2018 12:56 PM

# Site Location Map

Shade Tree Cottages

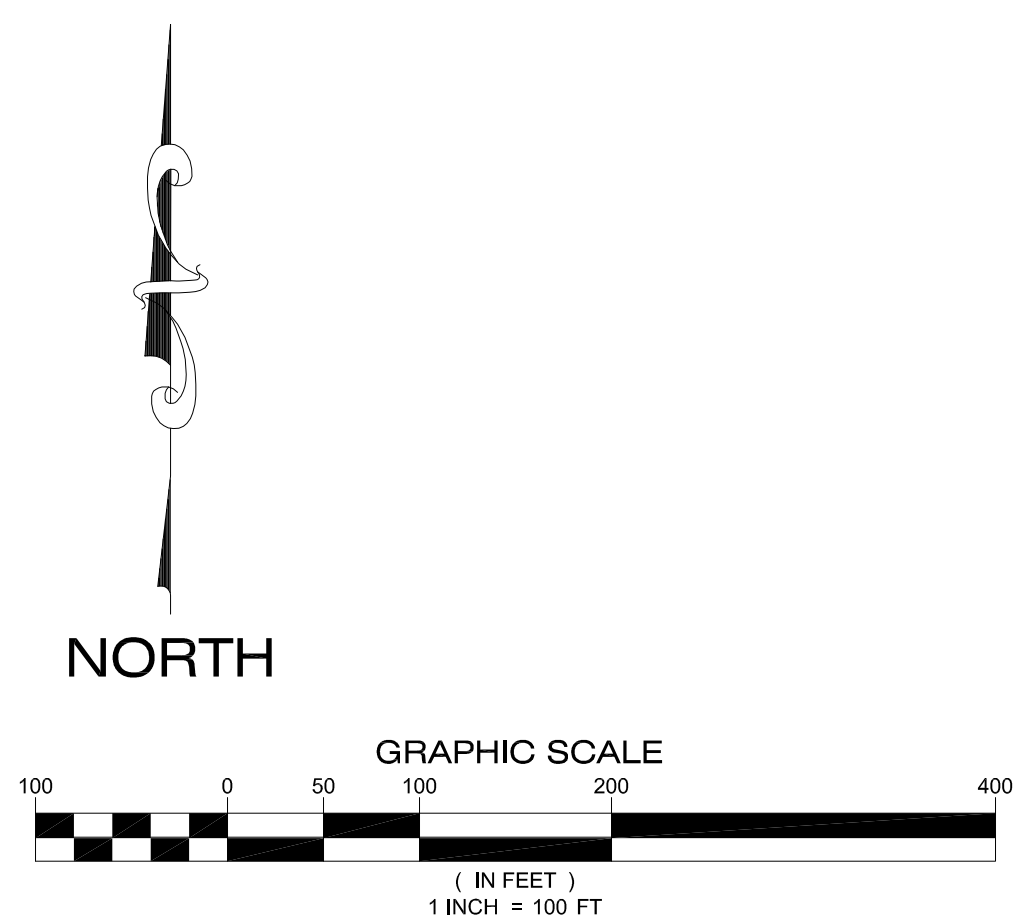
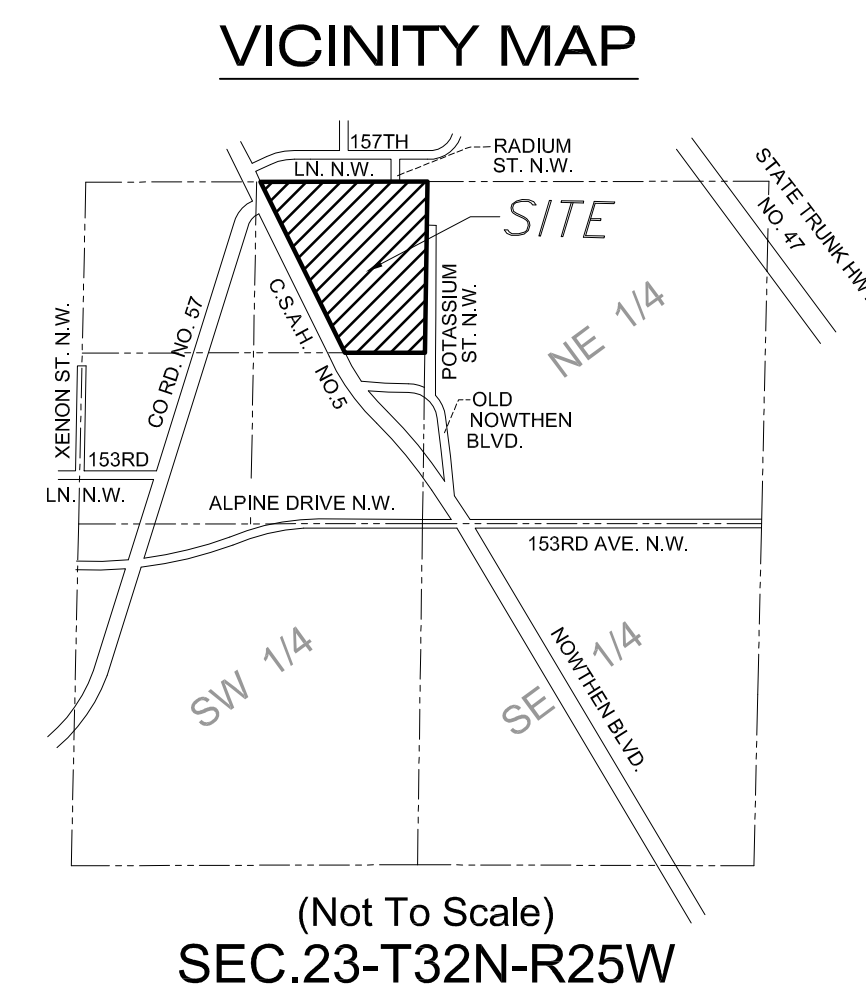
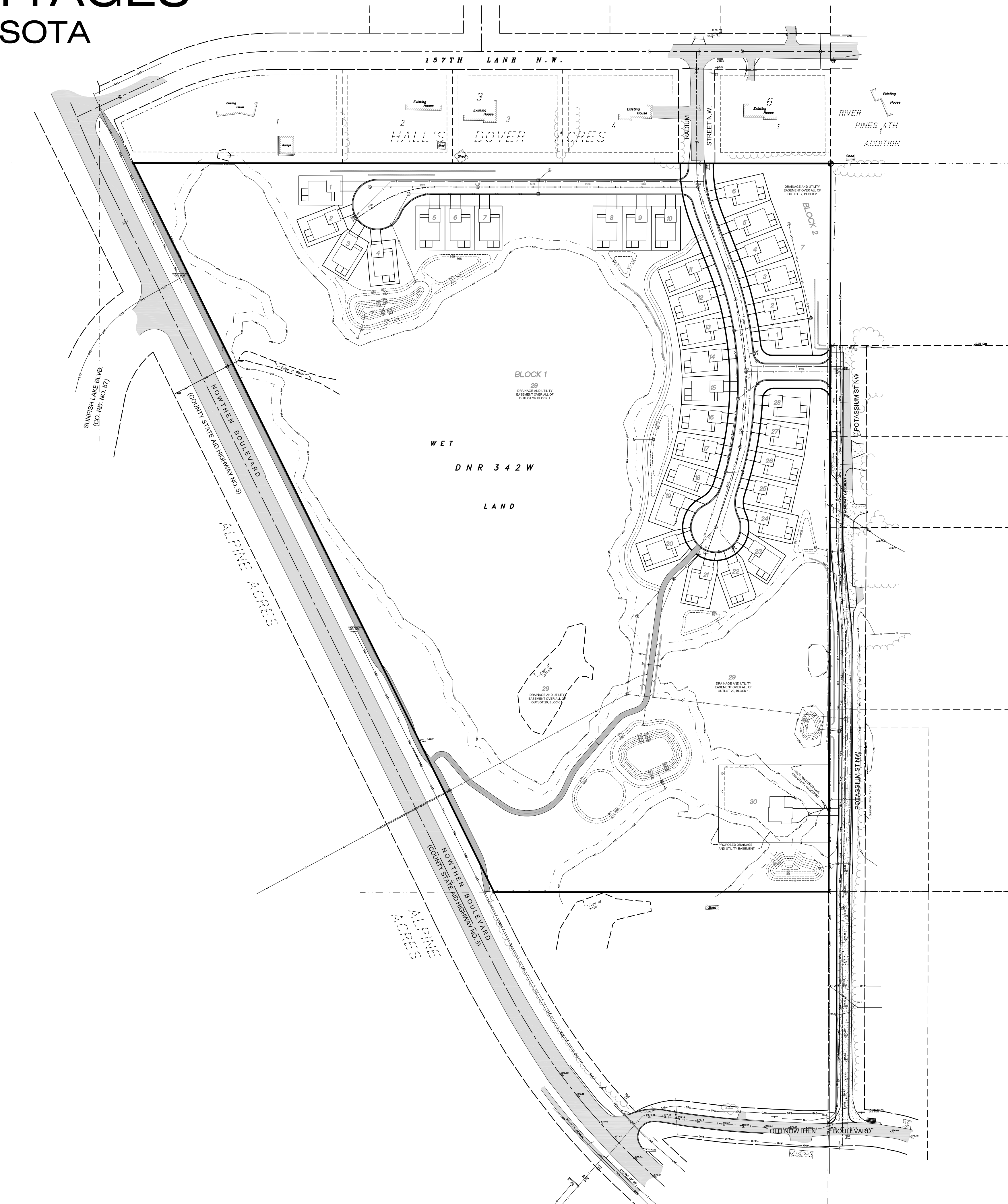


# SHADE TREE COTTAGES

CITY OF RAMSEY, MINNESOTA

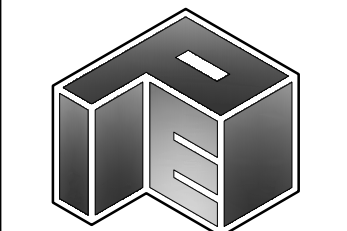
~for~

SHADE TREE COMMUNITIES, LLC.  
1696 229TH LANE  
EAST BETHEL, MN 55005  
(612) 812-9656



## SHEET INDEX

- G.001 COVER SHEET
- C.001 GRADING & DRAINAGE PLAN
- C.002 GRADING & DRAINAGE PLAN
- C.003 UTILITY PLAN - STORM SEWER
- C.004 UTILITY PLAN - STORM SEWER
- C.005 UTILITY PLAN - SANITARY SEWER & WATERMAIN
- C.006 UTILITY PLAN - SANITARY SEWER & WATERMAIN
- C.007 DETAILS
- V.001 SITE PLAN
- V.002 SITE PLAN
- V.003 PRELIMINARY PLAT
- V.004 PRELIMINARY PLAT
- V.005 TREE INVENTORY & PROTECTION PLAN
- V.006 TREE INVENTORY & PROTECTION PLAN
- V.007 TREE INVENTORY & PROTECTION PLAN



SITE PLANNING & ENGINEERING  
**PLOWE**  
ENGINEERING, INC.  
6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210  
FAX: (651) 361-8701

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

DRAWN BY: AG CHECK BY: AG JOB NO.: 18-1794 DATE: 09-06-18

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY**  
ADAM GINKEL  
Date: 09.06.2018 License No. 43963

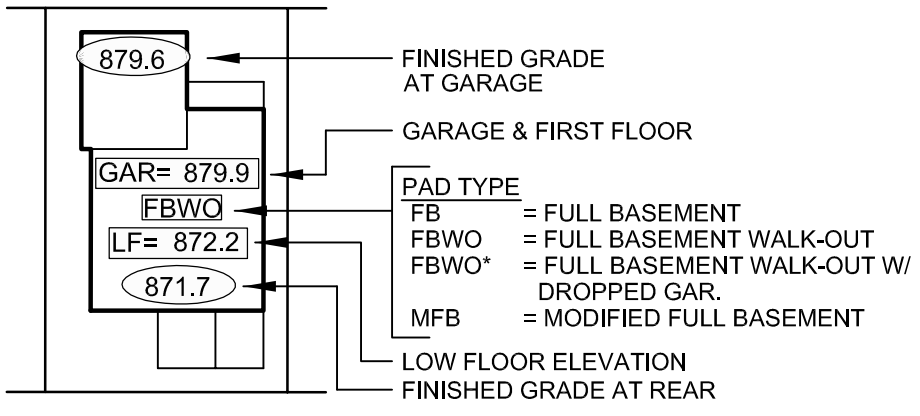
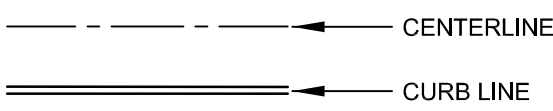
**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**COVER SHEET**

PREPARED FOR: SHADE TREE COMMUNITIES, LLC

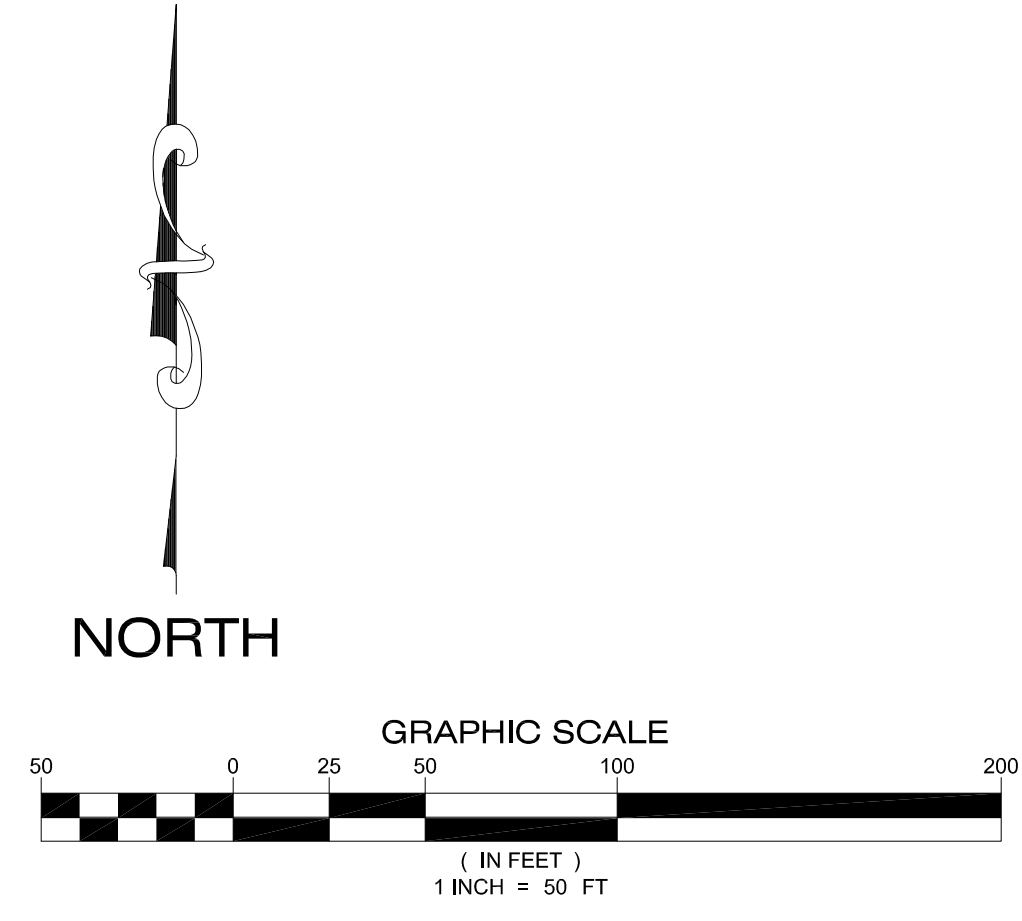
SHEET  
**G.001**

LOT	BLOCK	HOUSE TYPE	100-YEAR FLOOD ELEVATION			STR. C-L GRADE	YARD SLOPES				
			GARAGE ELEV.	LOWEST FLOOR	LOWEST OPENING		SOURCE	ELEV.	FRONT	BACK	
1	1	FBWO	882.1	874.4	874.4	CDS	W1	866.2	6.0%	11%	
2	1	FBWO	881.8	874.1	874.1	CDS	W1	866.2	6.5%	13%	
3	1	FBWO	881.5	873.8	873.8	CDS	POND 1	870.0	5.9%	11%	
4	1	FBWO	881.3	873.6	873.6	CDS	POND 1	870.0	5.7%	6%	
5	1	FBWO	881.0	873.6	873.6	880.0	POND 1	870.0	5.1%	6%	
6	1	FBWO	880.7	873.0	873.0	879.4	POND 1	870.0	6.3%	3%	
7	1	FBWO	879.9	872.2	872.2	878.5	POND 1	870.0	6.7%	7%	
8	1	FBWO	881.7	874.3	874.3	880.8	BASIN 2	872.1	4.7%	9%	
9	1	FBWO	883.6	875.9	875.9	882.4	BASIN 2	872.1	5.9%	10%	
10	1	FBLO	885.3	877.6	880.1	884.0	BASIN 2	872.1	6.3%	15%	
11	1	FBLO	884.6	876.9	879.4	884.1	W1	866.2	2.2%	7%	
12	1	FBWO	884.2	876.5	876.5	883.7	W1	866.2	2.2%	5%	
13	1	FBWO	883.8	876.1	876.1	883.2	W1	866.2	2.6%	13%	
14	1	FBWO	883.3	875.6	875.6	882.8	W1	866.2	2.2%	15%	
15	1	FBWO	882.4	875.0	875.0	882.0	BASIN 4	869.5	1.8%	8%	
16	1	FBWO	881.0	873.3	873.3	880.2	BASIN 4	869.5	3.4%	6%	
17	1	FBWO	879.5	871.8	871.8	878.7	BASIN 4	869.5	3.4%	9%	
18	1	FBWO	879.0	871.3	871.3	878.3	BASIN 4	869.5	3.0%	12%	
19	1	FBWO	878.5	870.8	870.8	878.0	CDS	BASIN 4	869.5	6.8%	5%
20	1	FBWO	878.0	870.3	870.3	877.5	CDS	W1	866.2	6.0%	5%
21	1	FBWO	878.0	870.3	870.3	877.5	CDS	BASIN 5	867.9	7.1%	8%
22	1	FBWO	878.0	870.3	870.3	877.5	CDS	BASIN 5	867.9	7.3%	9%
23	1	FBWO	878.0	870.3	870.3	877.5	CDS	W3	866.5	6.4%	15%
24	1	FBWO	878.3	870.6	870.6	877.8	CDS	BASIN 6	867.8	5.2%	11%
25	1	FBLO	878.5	870.8	873.3	877.5	BASIN 6	867.8	4.2%	8%	
26	1	FBLO	880.0	872.3	874.8	878.7	BASIN 6	867.8	5.4%	5%	
27	1	FBLO	881.2	873.6	876.1	880.1	BASIN 6	867.8	4.6%	5%	
28	1	FB	882.6	874.9	882.6	881.3	BASIN 6	867.8	5.4%	5%	
29	1					OUTLOT					
30	1	FBWO*	875.5	868.5	868.5	869.3	W3	866.5	7.8%	5%	
1	2	MFB	885.2	878.2	885.6	883.0	N/A	--	7.4%	6%	
2	2	MFB	885.5	878.5	885.9	883.3	N/A	--	7.4%	6%	
3	2	MFB	885.8	878.8	886.2	883.6	N/A	--	7.4%	5%	
4	2	MFB	886.2	879.2	886.6	884.0	N/A	--	7.4%	8%	
5	2	MFB	886.6	879.6	887.0	884.4	N/A	--	7.4%	10%	
6	2	MFB	887.0	880.0	887.4	884.9	N/A	--	7.1%	8%	

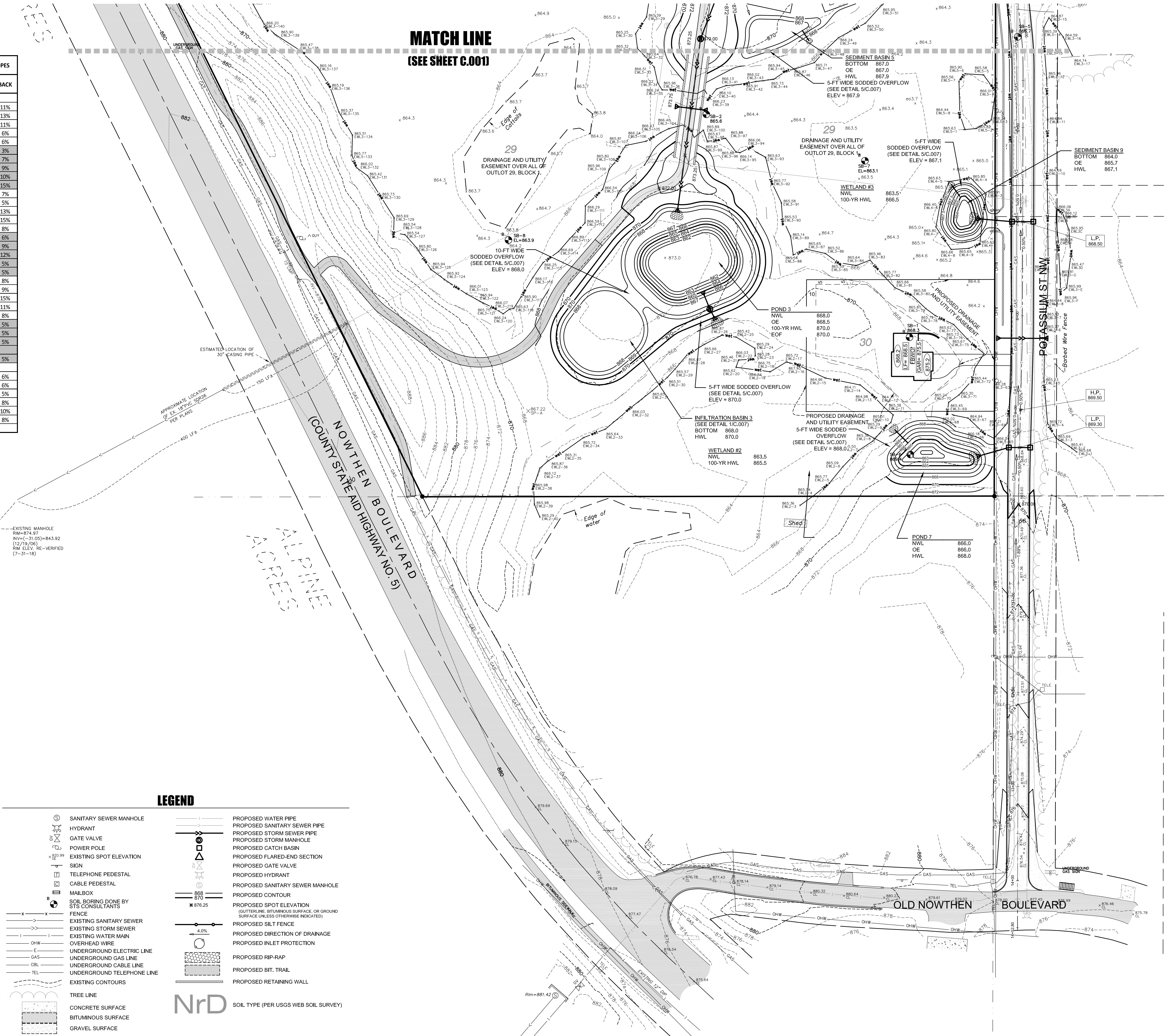
FB FULL BASEMENT  
 FBWO FULL BASEMENT WALK-OUT  
 FBWO\* FULL BASEMENT WALK-OUT W/ DROPPED GARAGE (1 COURSE)  
 FBLO FULL BASEMENT LOOK-OUT  
 MFB MODIFIED FULL BASEMENT



TYPICAL LOT LAYOUT



LEGEND	
	SANITARY SEWER MANHOLE
	HYDRANT
	GATE VALVE
	POWER POLE
	EXISTING SPOT ELEVATION SIGN
	TELEPHONE PEDESTAL
	CABLE PEDESTAL
	MAILBOX
	SOIL BORING DONE BY STS CONSULTANTS
	FENCE
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING WATER MAIN
	OVERHEAD WIRE
	UNDERGROUND ELECTRIC LINE
	UNDERGROUND GAS LINE
	UNDERGROUND CABLE LINE
	UNDERGROUND TELEPHONE LINE
	EXISTING CONTOURS
	TREE LINE
	CONCRETE SURFACE
	BITUMINOUS SURFACE
	GRAVEL SURFACE
	PROPOSED WATER PIPE
	PROPOSED SANITARY SEWER PIPE
	PROPOSED STORM SEWER PIPE
	PROPOSED STORM MANHOLE
	PROPOSED CATCH BASIN
	PROPOSED FLARED-END SECTION
	PROPOSED GATE VALVE
	PROPOSED HYDRANT
	PROPOSED SANITARY SEWER MANHOLE
	PROPOSED CONTOUR
	PROPOSED SPOT ELEVATION (GUTTERLINE, BITUMINOUS SURFACE, OR GROUND SURFACE UNLESS OTHERWISE INDICATED)
	PROPOSED 4.0% SLOPE
	PROPOSED SILT FENCE
	PROPOSED DIRECTION OF DRAINAGE
	PROPOSED INLET PROTECTION
	PROPOSED RIP-RAP
	PROPOSED BIT. TRAIL
	PROPOSED RETAINING WALL
	SOIL TYPE (PER USGS WEB SOIL SURVEY)



SITE PLANNING & ENGINEERING  
**PLOWE**  
 ENGINEERING, INC.  
 6776 LAKE DRIVE  
 SUITE 110  
 LINO LAKES, MN 55014  
 PHONE: (651) 361-8210  
 FAX: (651) 361-8701

NO.	DATE	DESCRIPTION
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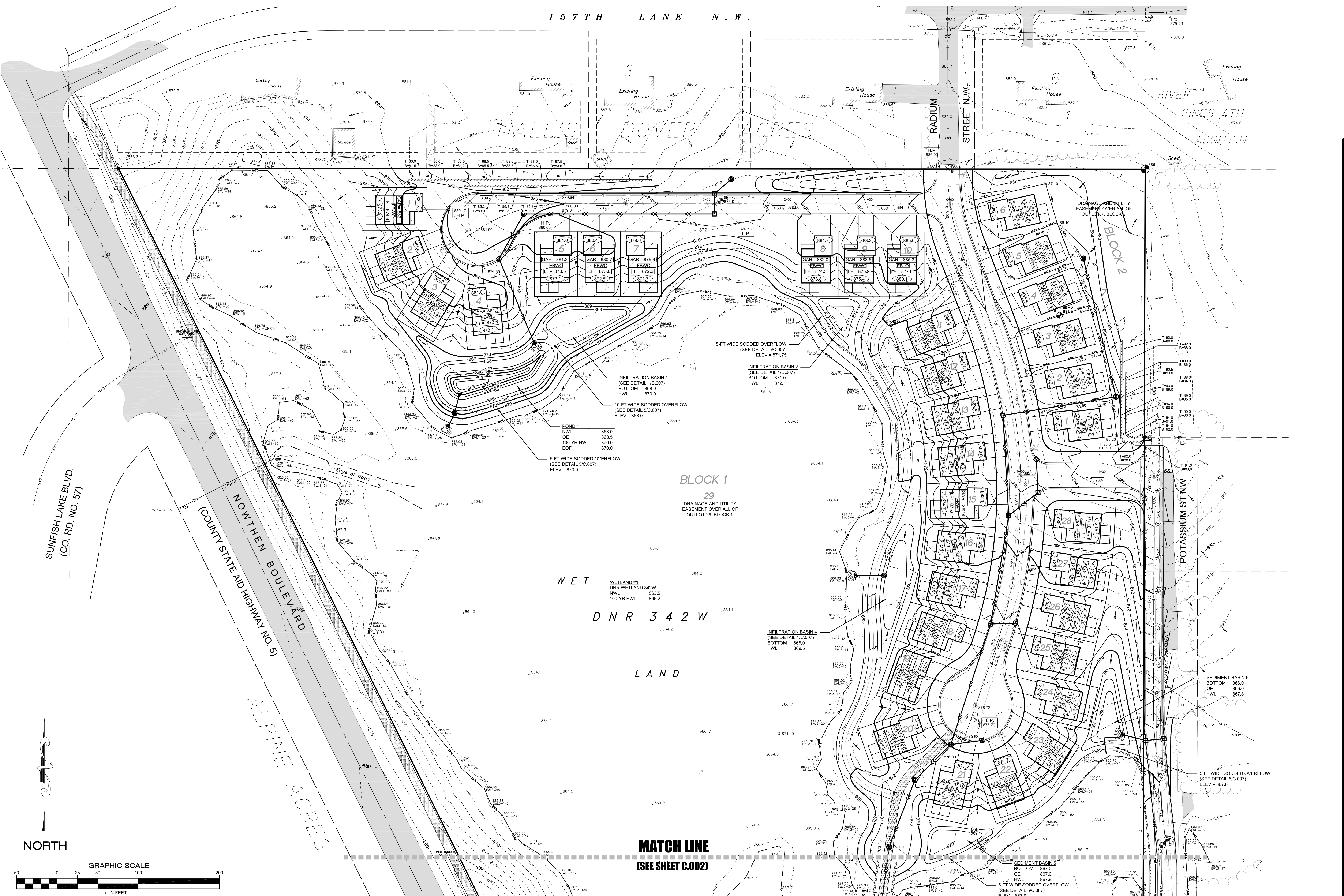
DRAWN BY: AG  
 CHECK BY: AG  
 JOB NO.: 18-1794  
 DATE: 09-06-18

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
**PRELIMINARY**  
 ADAM GINKEL  
 Date: 09.06.2018 License No. 43963

**SHADE TREE COTTAGES**  
 CITY OF RAMSEY, MN  
**GRADING & DRAINAGE PLAN**  
 PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**C.002**

157TH LANE N.W.



SUNFISH LAKE BLVD.  
(CO. RD. NO. 57)

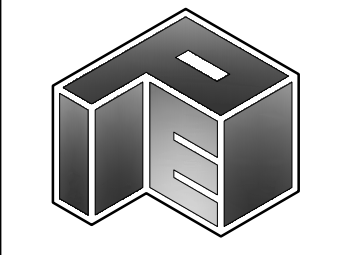
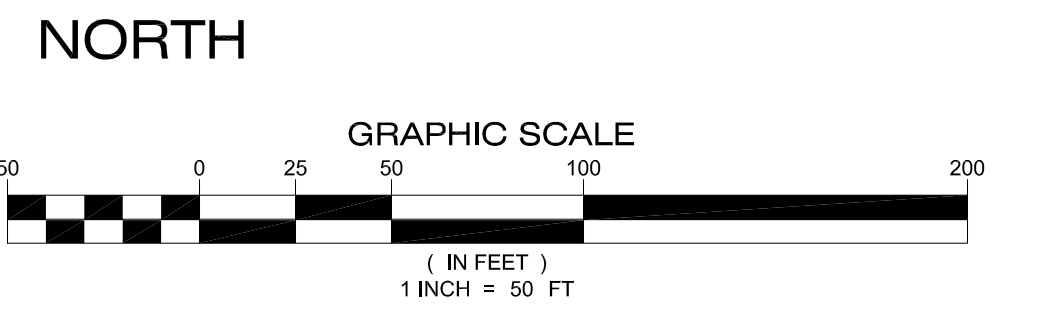
NO W THEN BOULEVARD  
(COUNTY STATE AID HIGHWAY NO. 5)

ALPINE ACRES

WETLAND #1  
DNR WETLAND 342W  
NWL 863.5  
100-YR HWL 866.2

LAND

**MATCH LINE**  
(SEE SHEET C.002)



**SITE PLANNING & ENGINEERING**

**PLOWE**  
ENGINEERING, INC.  
6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014

PHONE: (651) 361-8210  
FAX: (651) 361-8701

NO.	DATE	DESCRIPTION
1	09-06-18	
2	18-1784	
3		
4		
5		

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY**

ADAM GINKEL  
Date: 09.06.2018 License No. 43963

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN

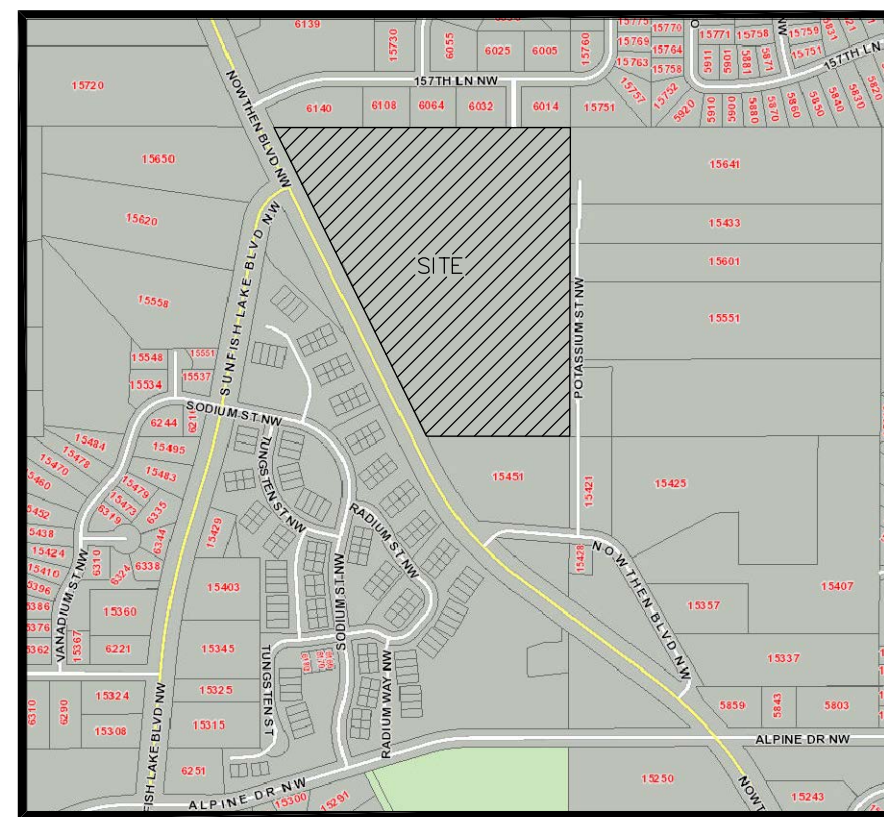
**GRADING & DRAINAGE PLAN**

PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**C.001**

# VICINITY MAP

PART OF SEC. 23, TWP. 32, RNG. 25



ANOKA COUNTY, MINNESOTA  
(NO SCALE)

## OWNER AND SUBDIVIDER

SHADE TREE COMMUNITIES, LLC.  
1696 229TH LANE  
EAST BETHEL, MN 55005  
(612) 812-9656

## CIVIL ENGINEER

PLOWE ENGINEERING, INC.  
6776 LAKE DRIVE N.E. SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

## SURVEYOR

E.G. RUD & SONS, INC.  
6776 LAKE DRIVE N.E. SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

## PROPERTY DESCRIPTION

All that part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 32, Range 25, lying east of the Eastern Right-of-Way of County State Aid Highway No. 5, in Anoka County, Minnesota.

## DENSITY COMPUTATIONS

TOTAL AREA SITE AREA..... 28.41± ACRES  
PROPOSED SINGLE UNIT TOWNHOME LOTS 34  
PROPOSED SINGLE FAMILY LOTS 1  
PROPOSED RIGHT OF WAY AREA..... 1.30± ACRES  
UPLAND AREA..... 15.3± ACRES  
GROSS DENSITY..... 1.23± UNITS/ACRE  
NET UPLAND DENSITY..... 2.3± UNITS/ACRE

## ZONING AND SETBACKS

CURRENT ZONING: PUD- PLANNED UNIT DEVELOPMENT WITH R-1 SINGLE FAMILY UNDERLYING

PROPOSED ZONING: PUD- PLANNED UNIT DEVELOPMENT

PROPOSED PUD SINGLE UNIT TOWNHOME SETBACKS:  
(LOTS 1-28, BLOCK 1 & LOTS 1-6, BLOCK 2)

FRONT STREET: 25 FEET FROM CURB  
SIDE STREET: 25 FEET FROM CURB  
SIDE YARD: 15 FEET BETWEEN BUILDINGS  
PLAT BOUNDARY: 30 FEET FROM PLAT BOUNDARY  
WETLANDS AND STORMWATER PONDS: 16.5 FEET

PROPOSED PUD SINGLE FAMILY LOT SETBACKS:  
(LOT 30, BLOCK 1)

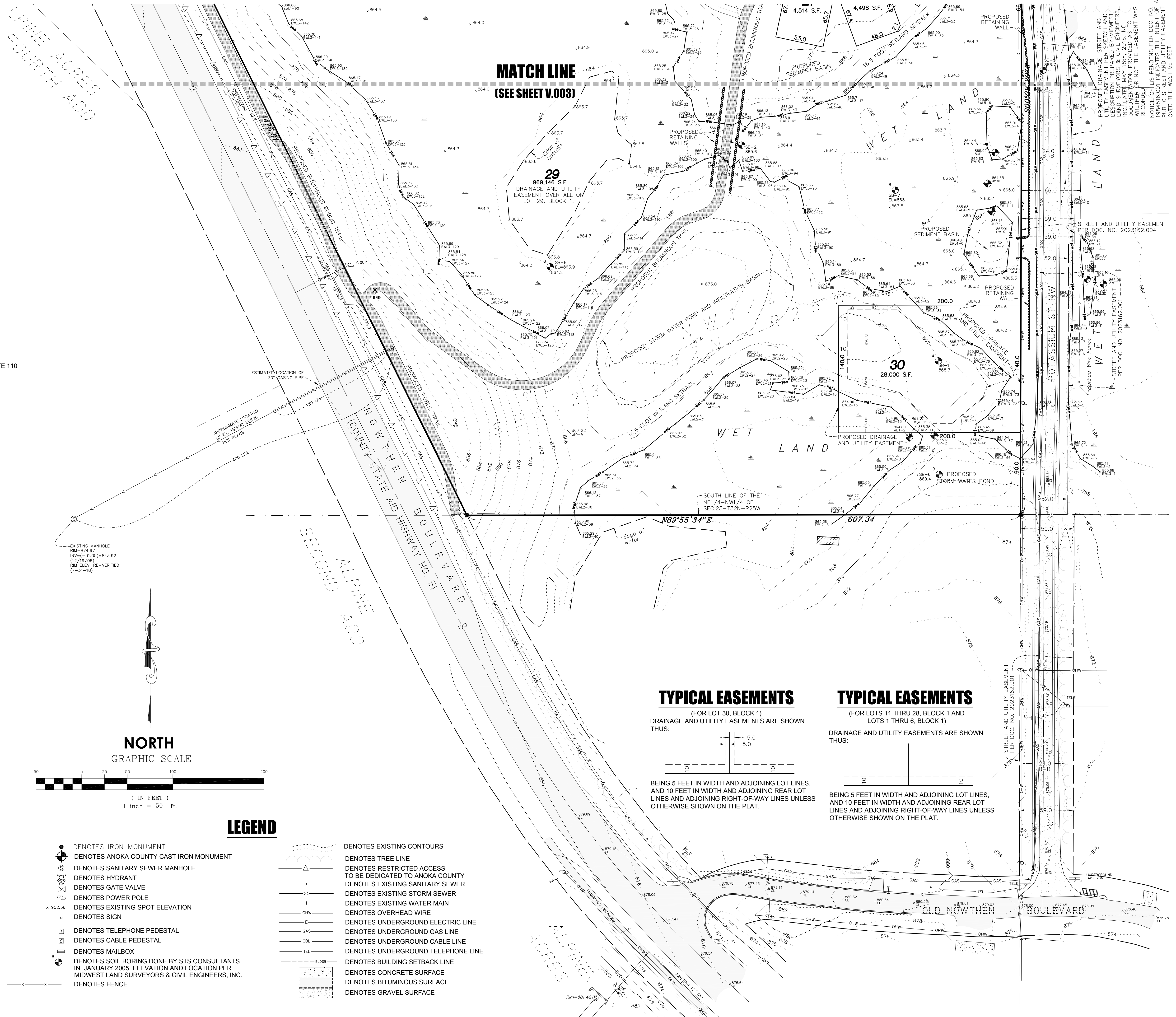
FRONT STREET: 30 FEET  
HOUSE SIDE YARD: 10 FEET  
GARAGE SIDE YARD: 6 FEET  
REAR YARD: 30 FEET  
WETLANDS AND STORMWATER PONDS: 16.5 FEET

MINIMUM LOT AREA 10,800 S.F.  
MINIMUM LOT WIDTH 70 FEET AT SETBACK LINE

OVERALL PROPOSED PUD DEVELOPMENT REQUIREMENTS  
DENSITY 3 UNITS PER ACRE (NET)

## NOTES

- Bearings shown are on the Anoka County Coordinate System.
- Contours and topography shown are a combination of plans prepared by MIDWEST Land Surveyors and Civil Engineers, Inc. 4-25-05 and field work completed by E.G. Rud & Sons, Inc. on July 31st, 2018.
- Wetlands were field located by E.G. Rud & Sons, Inc. on 11-07-17 and additional wetlands located on July 31st, 2018.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance flood plain). According to Flood Insurance Rate Map Community No. 270881 Panel 0170 Suffix E, Map Number 27003C0170E by the Federal Emergency Management Agency, effective date December 18, 2015.
- This survey was based on Title Commitment File No. 1808-1549-CC, prepared by Liberty Title, Inc. as issuing agents for Old Republic National Title Insurance Company, dated August 31st, 2018.
- Wetland Delineation done by Jacobson Environmental, PLLC in November of 2017. Additional wetlands were delineated in July of 2018.
- The proposed cul-de-sac length for 157th Ave N.W. (Private Street) is 588.3 feet. The proposed cul-de-sac length for Radium Street N.W. (Public Street) is 289.9 feet.
- Proposed location of Storm water Basins and Ponds provided by Plowe Engineering, Inc. on 9-05-18.



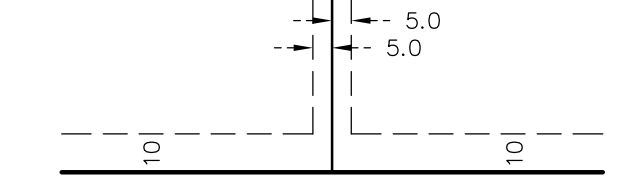
**MATCH LINE**  
(SEE SHEET V.003)

**29**  
989,145 S.F.  
DRAINAGE AND UTILITY EASEMENT OVER ALL OF LOT 29, BLOCK 1.

**30**  
28,000 S.F.

### TYPICAL EASEMENTS

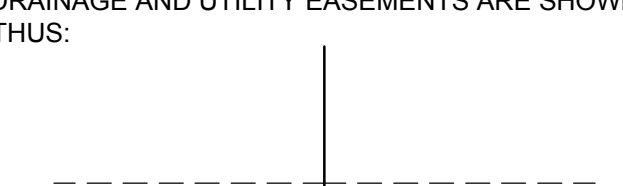
(FOR LOT 30, BLOCK 1)  
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING REAR LOT LINES AND ADJOINING RIGHT-OF-WAY LINES UNLESS OTHERWISE SHOWN ON THE PLAT.

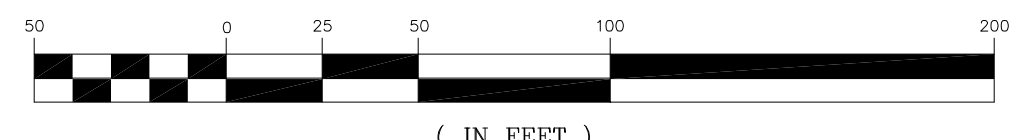
### TYPICAL EASEMENTS

(FOR LOTS 11 THRU 28, BLOCK 1 AND LOTS 1 THRU 6, BLOCK 1)  
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING REAR LOT LINES AND ADJOINING RIGHT-OF-WAY LINES UNLESS OTHERWISE SHOWN ON THE PLAT.

**NORTH**  
GRAPHIC SCALE



## LEGEND

- DENOTES IRON MONUMENT
- DENOTES ANOKA COUNTY CAST IRON MONUMENT
- DENOTES SANITARY SEWER MANHOLE
- DENOTES HYDRANT
- DENOTES GATE VALVE
- DENOTES POWER POLE
- DENOTES EXISTING SPOT ELEVATION
- DENOTES SIGN
- DENOTES TELEPHONE PEDESTAL
- DENOTES CABLE PEDESTAL
- DENOTES MAILBOX
- DENOTES SOIL BORING DONE BY STS CONSULTANTS IN JANUARY 2005 ELEVATION AND LOCATION PER MIDWEST LAND SURVEYORS & CIVIL ENGINEERS, INC.
- DENOTES FENCE
- DENOTES EXISTING CONTOURS
- DENOTES TREE LINE
- DENOTES RESTRICTED ACCESS TO BE DEDICATED TO ANOKA COUNTY
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES UNDERGROUND ELECTRIC LINE
- DENOTES UNDERGROUND GAS LINE
- DENOTES UNDERGROUND CABLE LINE
- DENOTES UNDERGROUND TELEPHONE LINE
- DENOTES BUILDING SETBACK LINE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES GRAVEL SURFACE

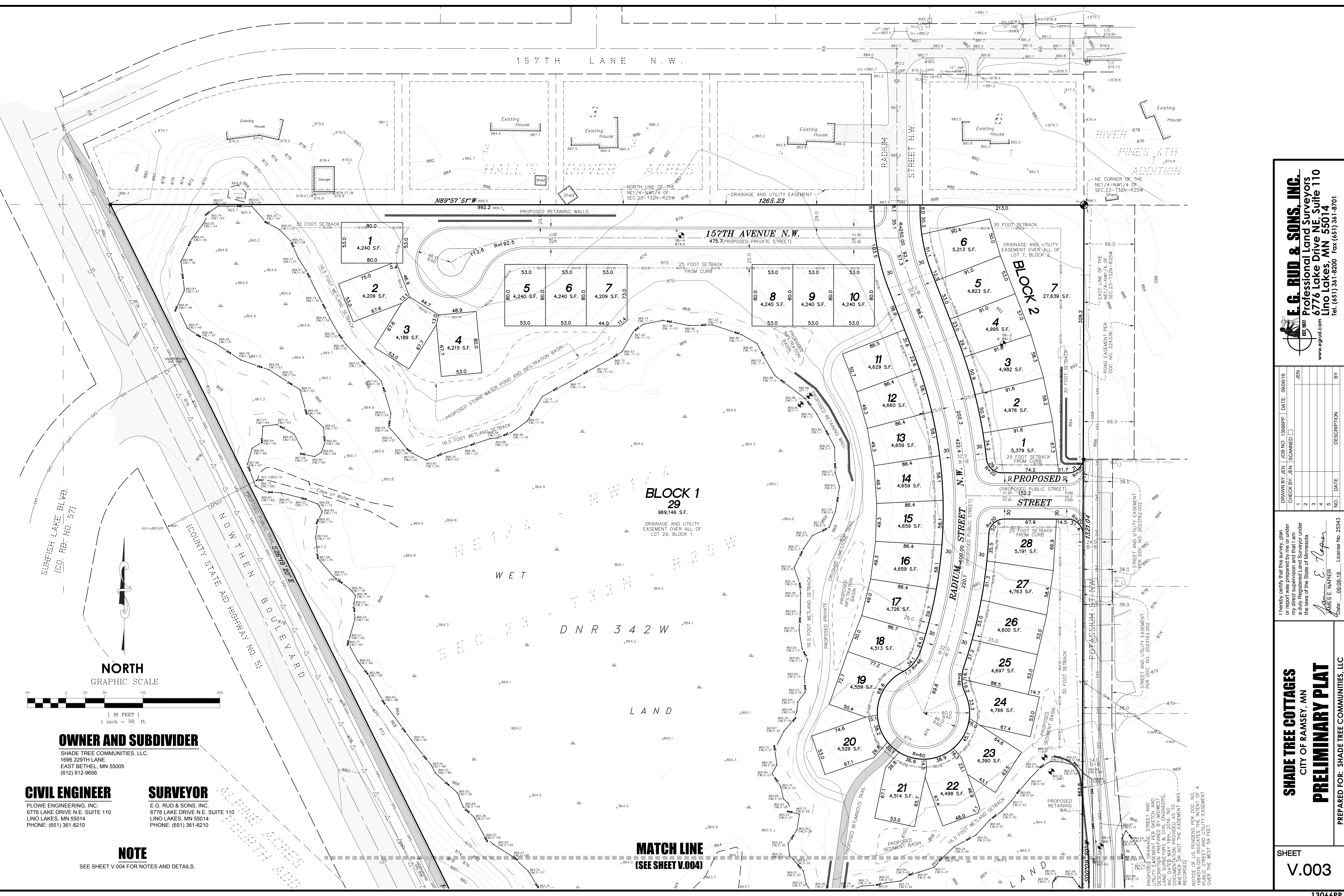
**E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com

NO.	DATE	DESCRIPTION	BY
1			JEN
2			
3			
4			
5			

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  
*James E. Napier*  
JAMES E. NAPIER License No. 25343  
Date: 09-06-18

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**PRELIMINARY PLAT**  
PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**V.004**



157TH LANE N.W.

157TH AVENUE N.W.  
475.7 (PROPOSED PRIVATE STREET)

BLOCK 2

BLOCK 1  
29  
969,146 S.F.  
DRAINAGE AND UTILITY  
EASEMENT OVER ALL OF  
LOT 29, BLOCK 1.

PROPOSED STREET

RADIUM STREET  
240.1 (PROPOSED PUBLIC STREET)

POTASHUM STREET

NORTH  
GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

**OWNER AND SUBDIVIDER**

SHADE TREE COMMUNITIES, LLC.  
1696 229TH LANE  
EAST BETHEL, MN 55005  
(612) 812-9656

**CIVIL ENGINEER**

PLOWE ENGINEERING, INC.  
6776 LAKE DRIVE N.E. SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

**SURVEYOR**

E.G. RUD & SONS, INC.  
6776 LAKE DRIVE N.E. SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

**NOTE**

SEE SHEET V.004 FOR NOTES AND DETAILS.

**MATCH LINE**  
(SEE SHEET V.004)

**E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
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Date: 09-06-18

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**PRELIMINARY PLAT**  
PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**V.003**

# VICINITY MAP

PART OF SEC. 23, TWP. 32, RNG. 25



ANOKA COUNTY, MINNESOTA  
(NO SCALE)

## OWNER AND SUBDIVIDER

SHADE TREE COMMUNITIES, LLC.  
1696 229TH LANE  
EAST BETHEL, MN 55005  
(612) 812-9656

## CIVIL ENGINEER

PLOWE ENGINEERING, INC.  
6776 LAKE DRIVE N.E. SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

## SURVEYOR

E.G. RUD & SONS, INC.  
6776 LAKE DRIVE N.E. SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

## PROPERTY DESCRIPTION

All that part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 32, Range 25, lying east of the Easterly Right-of-Way of County State Aid Highway No. 5, in Anoka County, Minnesota.

## DENSITY COMPUTATIONS

TOTAL AREA SITE AREA ..... 28.41± ACRES  
PROPOSED SINGLE UNIT TOWNHOME LOTS ... 34  
PROPOSED SINGLE FAMILY LOTS ..... 1  
PROPOSED RIGHT OF WAY AREA ..... 1.30± ACRES  
UPLAND AREA ..... 15.3± ACRES  
GROSS DENSITY ..... 1.23± UNITS/ACRE  
NET UPLAND DENSITY ..... 2.3± UNITS/ ACRE

## ZONING AND SETBACKS

CURRENT ZONING: PUD- PLANNED UNIT DEVELOPMENT WITH R-1 SINGLE FAMILY UNDERLYING

PROPOSED ZONING: PUD- PLANNED UNIT DEVELOPMENT

PROPOSED PUD SINGLE UNIT TOWNHOME SETBACKS:  
(LOTS 1-28, BLOCK 1 & LOTS 1-6, BLOCK 2)

FRONT STREET: 25 FEET FROM CURB  
SIDE STREET: 25 FEET FROM CURB  
SIDE YARD: 15 FEET BETWEEN BUILDINGS  
PLAT BOUNDARY: 30 FEET FROM PLAT BOUNDARY  
WETLANDS AND STORMWATER PONDS: 16.5 FEET

PROPOSED PUD SINGLE FAMILY LOT SETBACKS:  
(LOT 30, BLOCK 1)

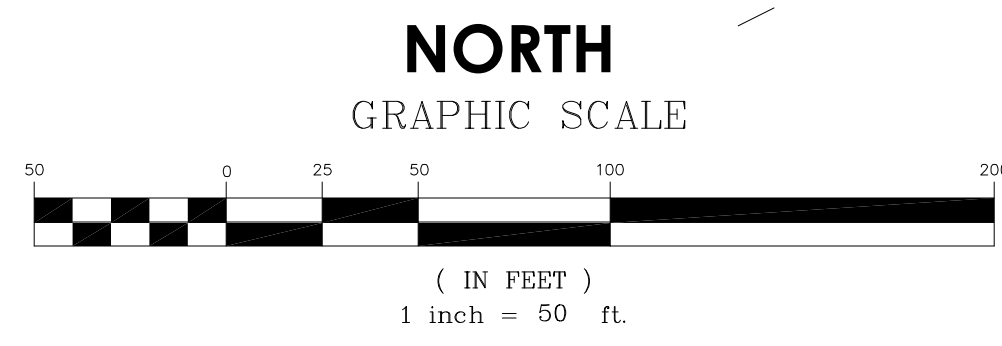
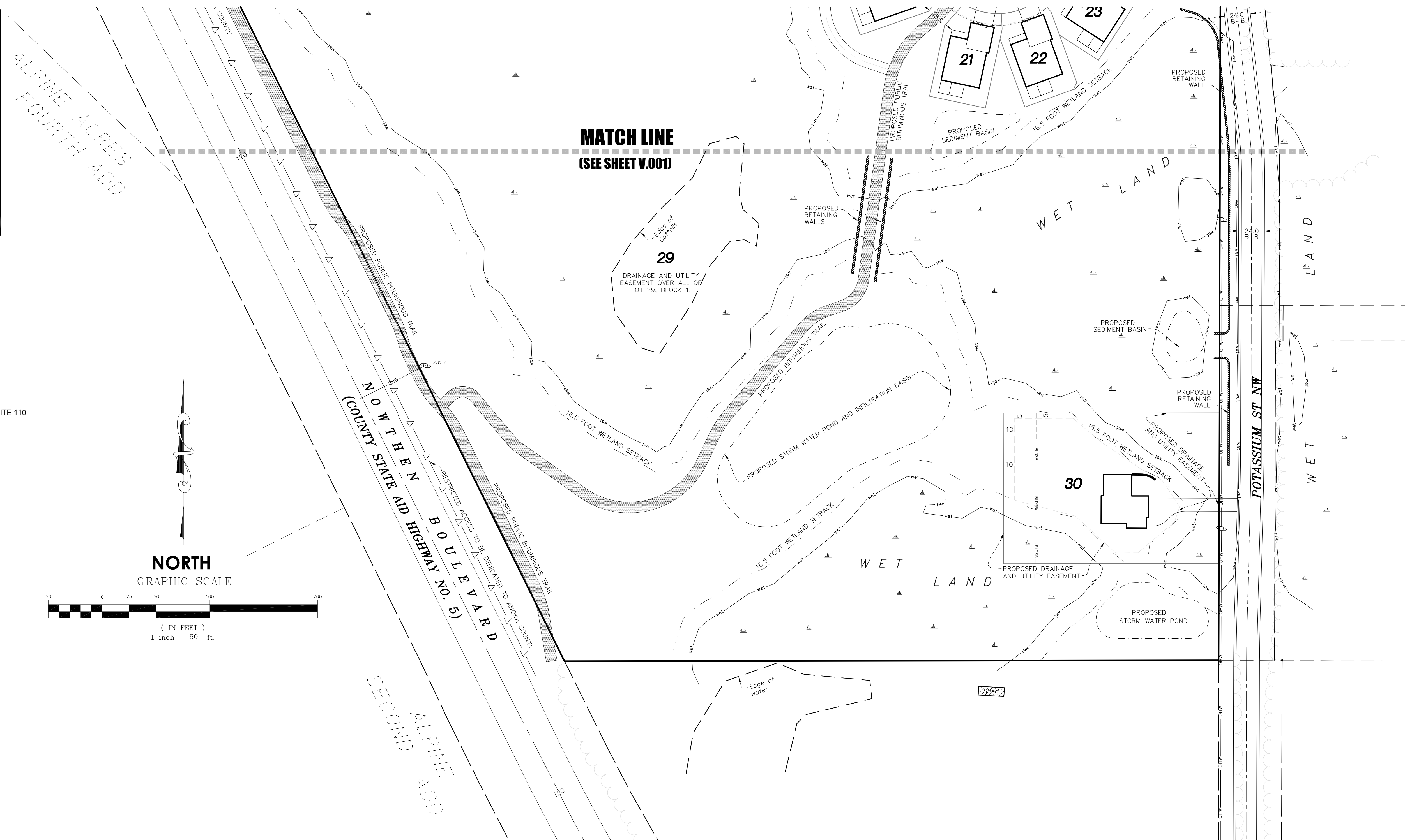
FRONT STREET: 30 FEET FROM RIGHT-OF-WAY  
HOUSE SIDE YARD: 10 FEET  
GARAGE SIDE YARD: 6 FEET  
REAR YARD: 30 FEET  
WETLANDS AND STORMWATER PONDS: 16.5 FEET

MINIMUM LOT AREA 10,800 S.F.  
MINIMUM LOT WIDTH 70 FEET AT SETBACK LINE

OVERALL PROPOSED PUD DEVELOPMENT REQUIREMENTS  
DENSITY 3 UNITS PER ACRE (NET)

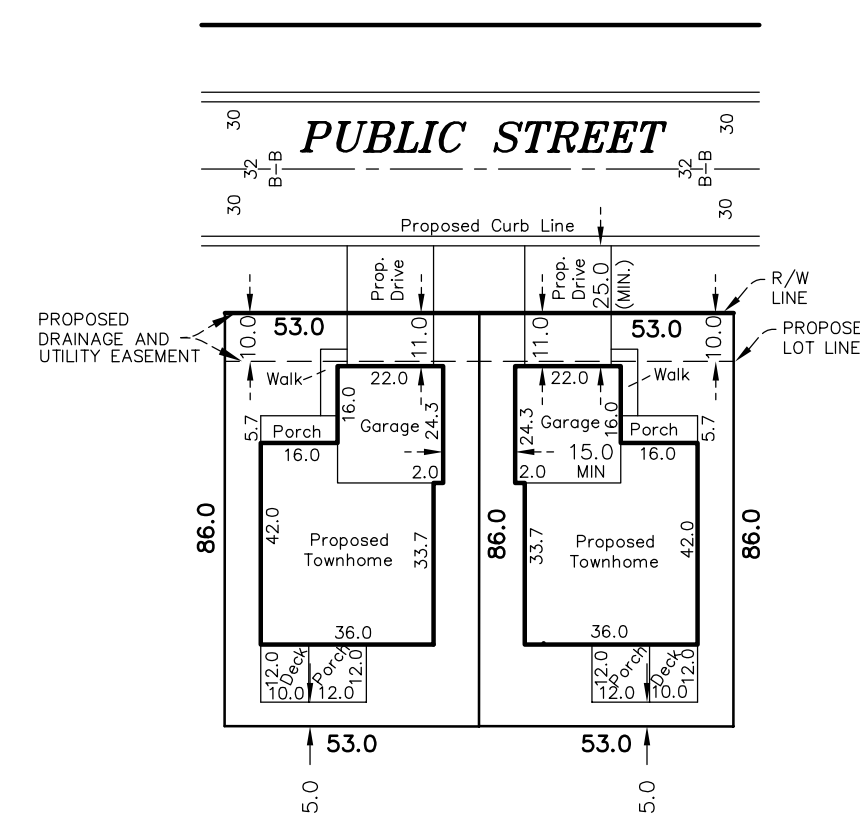
## NOTES

- Bearings shown are on the Anoka County Coordinate System.
- Contours and topography shown are a combination of plans prepared by MIDWEST Land Surveyors and Civil Engineers, Inc. 4-25-05 and field work completed by E.G. Rud & Sons, Inc. on July 31st, 2018.
- Wetlands were field located by E.G. Rud & Sons, Inc. on 11-07-17 and additional wetlands located on July 31st, 2018.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance flood plain). According to Flood Insurance Rate Map Community No. 270681 Panel 0170 Suffix E, Map Number 270030170E by the Federal Emergency Management Agency, effective date December 16, 2015.
- This survey was based on Title Commitment File No. 1808-1549-CC, prepared by Liberty Title, Inc. as issuing agents for Old Republic National Title Insurance Company, dated August 31st, 2018.
- Wetland Delineation done by Jacobson Environmental, PLLC in November of 2017. Additional wetlands were delineated in July of 2018.
- The proposed cul-de-sac length for 157th Ave N.W. (Private Street) is 588.3 feet. The proposed cul-de-sac length for Radium Street N.W. (Public Street) is 289.9 feet.
- Refer to Preliminary Plat for boundary information, lot dimensions and lot areas.
- See Landscape Architecture Plan for proposed landscape screening.
- Proposed location of Storm water Basins and Ponds provided by Plowe Engineering, Inc. on 9-05-18.



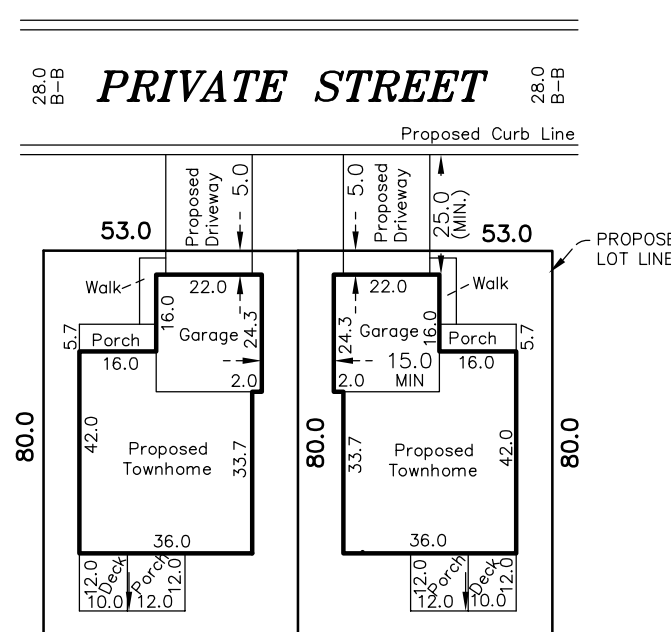
## SINGLE TOWNHOME DETAIL FOR PUBLIC STREET

(SCALE: 1"=40')



## SINGLE TOWNHOME DETAIL FOR PRIVATE STREET

(SCALE: 1"=40')



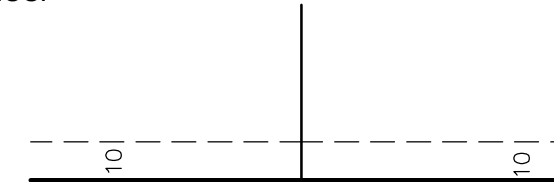
## AREA CALCULATIONS

AREA	SQUARE FOOTAGE	ACRES	PERCENTAGE OF TOTAL AREA	PERCENTAGE OF TOTAL UPLAND AREA
TOTAL SITE	1,237,600	28.41	N/A	N/A
UPLAND	668,345	15.34	54.0%	N/A
WETLAND	569,255	13.07	46.0%	N/A
IMPERVIOUS AREAS:				
TOWNHOUSE, SIDEWALK DRIVEWAYS, ETC.	105,964	2.43	8.6%	15.9%
SINGLE FAMILY HOUSES, DRIVEWAY, SIDEWALK, ETC.	3,000	0.07	0.2	0.4%
STREETS WITHIN BOUNDARY	54,144	1.24	4.4%	8.1%
TOTAL IMPERVIOUS	163,108	3.74	13.2%	24.4%
PUBLIC RIGHT OF WAY	56,514	1.30	4.6%	8.5%
COMMON SPACE (LOT 29 B1+LOT 7 B2)	996,785	22.88	80.5%	N/A

## TYPICAL EASEMENTS

(FOR LOTS 11 THRU 28, BLOCK 1 AND LOTS 1 THRU 6, BLOCK 1)

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

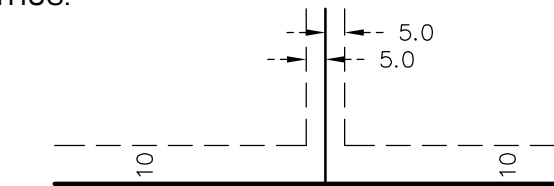


BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING REAR LOT LINES AND ADJOINING RIGHT-OF-WAY LINES UNLESS OTHERWISE SHOWN ON THE PLAT.

## TYPICAL EASEMENTS

(FOR LOT 30, BLOCK 1)

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING REAR LOT LINES AND ADJOINING RIGHT-OF-WAY LINES UNLESS OTHERWISE SHOWN ON THE PLAT.

**E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com

NO.	DATE	DESCRIPTION	BY
1	09-06-18		JEN
2			
3			
4			
5			

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  
*James E. Napier*  
JAMES E. NAPIER  
Date: 09-06-18 License No. 25343

SHADE TREE COTTAGES  
CITY OF RAMSEY, MN  
**SITE PLAN**  
PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**V.002**

157TH LANE N.W.

HALL'S DOVER ACRES

RIVER PINES 4TH ADDITION

157TH AVENUE N.W.  
(PROPOSED PRIVATE STREET)

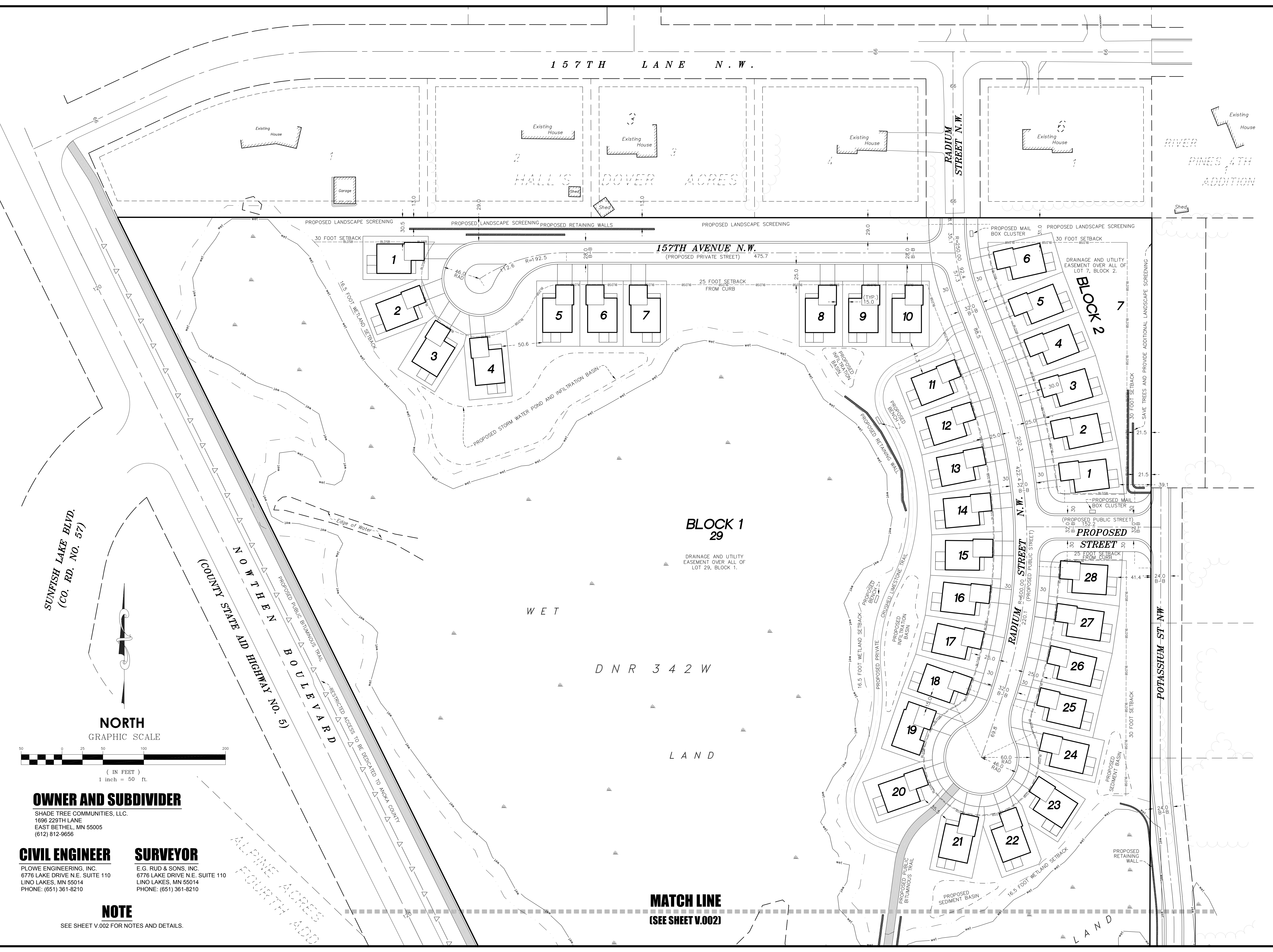
BLOCK 1  
29

DRAINAGE AND UTILITY  
EASEMENT OVER ALL OF  
LOT 29, BLOCK 1.

DNR 342W

LAND

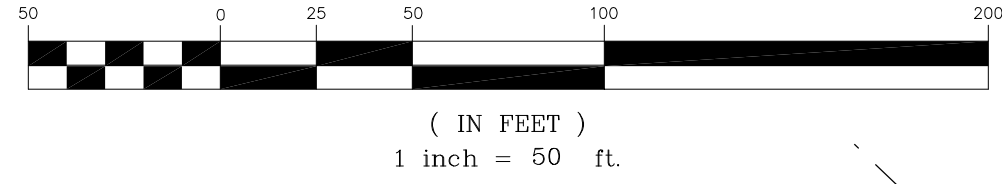
MATCH LINE  
(SEE SHEET V.002)



SUNFISH LAKE BLVD.  
(CO. RD. NO. 57)

NORTH  
BOLIVARD  
(COUNTY STATE AID HIGHWAY NO. 5)

NORTH  
GRAPHIC SCALE



**OWNER AND SUBDIVIDER**  
SHADE TREE COMMUNITIES, LLC.  
1696 229TH LANE  
EAST BETHEL, MN 55005  
(612) 812-9656

**CIVIL ENGINEER**  
PLOWE ENGINEERING, INC.  
6776 LAKE DRIVE N.E., SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

**SURVEYOR**  
E.G. RUD & SONS, INC.  
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LINO LAKES, MN 55014  
PHONE: (651) 361-8210

**NOTE**

SEE SHEET V.002 FOR NOTES AND DETAILS.

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Lino Lakes, MN 55014  
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Date: 09-06-18 License No. 25343

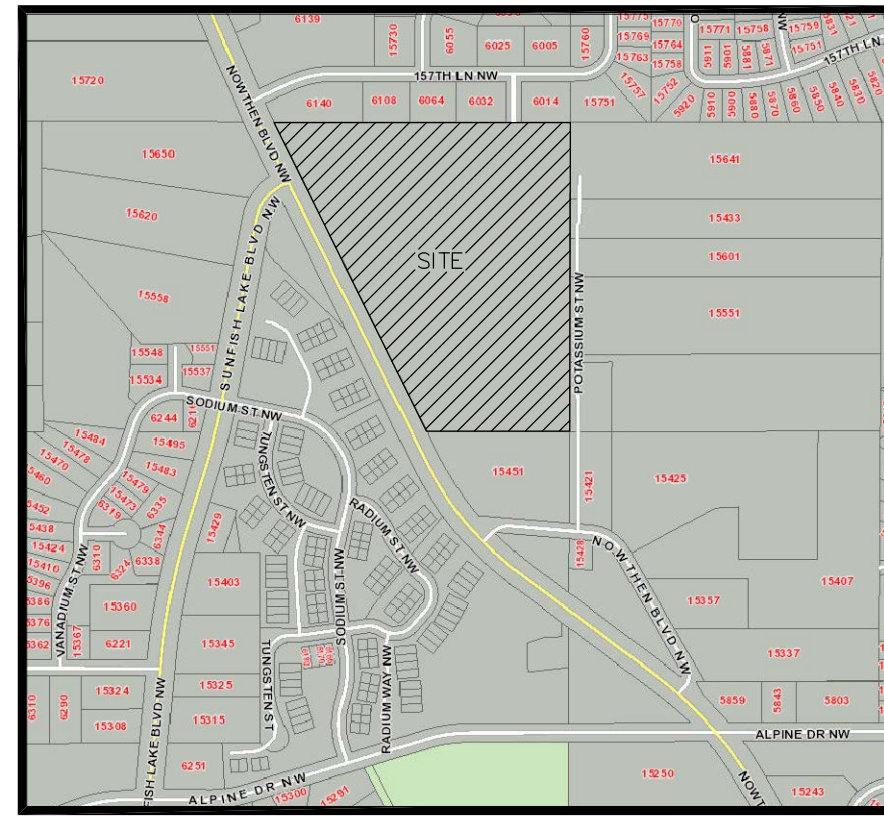
**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**SITE PLAN**

PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
V.001

**VICINITY MAP**

PART OF SEC. 23, TWP. 32, RNG. 25



ANOKA COUNTY, MINNESOTA  
(NO SCALE)

**OWNER AND SUBDIVIDER**

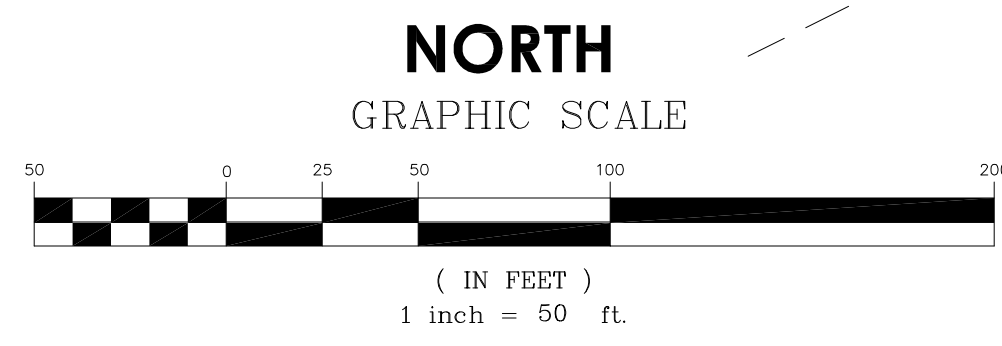
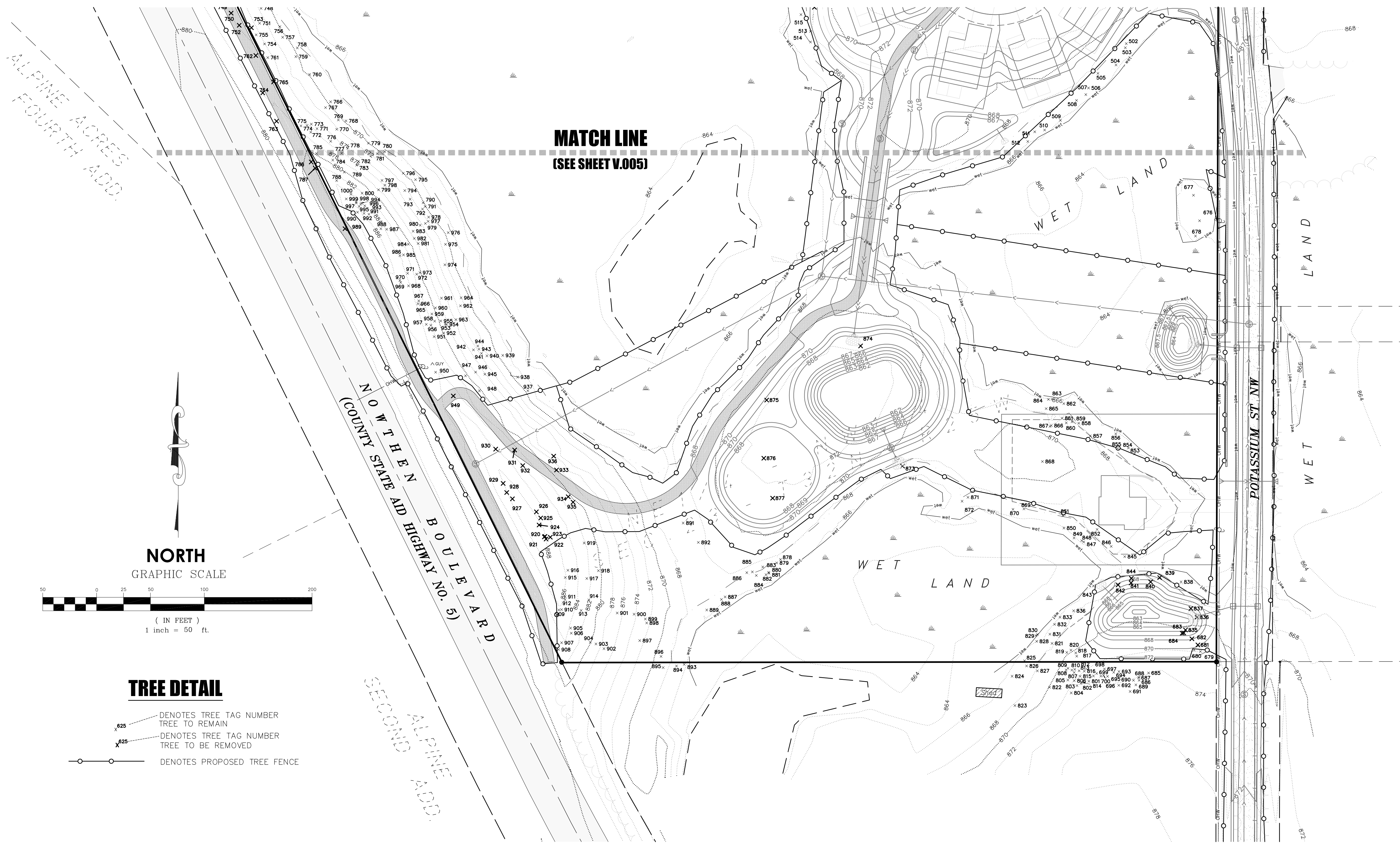
SHADE TREE COMMUNITIES, LLC.  
1696 229TH LANE  
EAST BETHEL, MN 55005  
(612) 812-9656

**CIVIL ENGINEER**

FLOWE ENGINEERING, INC.  
6776 LAKE DRIVE N.E. SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

**SURVEYOR**

E.G. RUD & SONS, INC.  
6776 LAKE DRIVE N.E. SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210



**TREE DETAIL**

- DENOTES TREE TAG NUMBER TREE TO REMAIN
- DENOTES TREE TAG NUMBER TREE TO BE REMOVED
- DENOTES PROPOSED TREE FENCE

**NOTES**

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- Contours and topography shown are a combination of plans prepared by MIDWEST Land Surveyors and Civil Engineers, Inc. 4-25-05 and field work completed by E.G. Rud & Sons, Inc. on July 31st, 2018.
- Wetlands were field located by E.G. Rud & Sons, Inc. on 11-07-17 and additional wetlands located on July 31st, 2018.
- Wetland Delineation done by Jacobson Environmental, PLLC in November of 2017. Additional wetlands were delineated in July of 2018.
- Refer to Preliminary Plat for boundary information, lot dimensions and lot areas.

**TREE PRESERVATION NOTES**

- TOTAL ON-SITE SIGNIFICANT TREE CALIPER INCHES - 3,464 DBH
- TOTAL SIGNIFICANT TREE CALIPER INCHES OUTSIDE PROPOSED PONDS, STREETS, AND TRAILS - 2,917 DBH
- SIGNIFICANT TREE CALIPER INCHES REMOVED FOR PONDS, STREETS, AND TRAILS ON SITE - 547 DBH
- SIGNIFICANT TREE CALIPER INCHES REMOVED FOR HOUSE PADS AND YARDS - 321 DBH
- SIGNIFICANT TREE CALIPER INCHES REMAINING 2,596 DBH
- PERCENTAGE OF TOTAL CALIPER INCHES REMOVED FOR HOUSE PADS AND YARDS - 9.3%
- PERCENTAGE OF SIGNIFICANT TREES REMOVED OUTSIDE OF POND, STREET AND WALK AREAS 11.0%
- TOTAL SIGNIFICANT TREE CALIPER INCHES REMOVED FOR OFF SITE TRAIL (C.S.A.H. NO. 5) - 164 DBH

**TREE PROTECTION NOTES**

- TREE PROTECTION LIMITS TO BE MARKED IN FIELD AND APPROVED BY THE CITY PRIOR TO INSTALLATION OF TREE PROTECTION / SILT FENCE OR TREE CLEARING ACTIVITY.
- SILT / TREE PROTECTION FENCE TO BE INSTALLED AT CONSTRUCTION LIMIT LINE.
- CARE IS TO BE TAKEN TO AVOID CONSTRUCTION ACTIVITY OR CONSTRUCTION VEHICLE TRAFFIC WITHIN THE DRIP LINE OF TREES IN THE TREE PROTECTION ZONE.
- FIELD DECISIONS WILL BE MADE ON LOCATION OF TREE PROTECTION LIMITS TO PRESERVE SIGNIFICANT TREES.
- GRUBBING OF STUMPS WILL OCCUR AFTER EROSION CONTROL MEASURES ARE INSTALLED.
- REFER TO OAK WILT MANAGEMENT PLAN DATED APRIL 7, 2017 FOR ADDITIONAL TREE PROTECTION MEASURES.

TREE INVENTORY BY JACOBSON  
ENVIRONMENTAL, PLLC IN JULY OF 2018

WAYNE JACOBSON  
MINNESOTA DNR TREE INSPECTOR  
LICENSE NO. 20104270

NO.	DATE	DESCRIPTION	BY
1	JEN		JEN
2			
3			
4			
5			

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*James E. Napier*  
JAMES E. NAPIER  
Date: 09-06-18 License No. 25343

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN

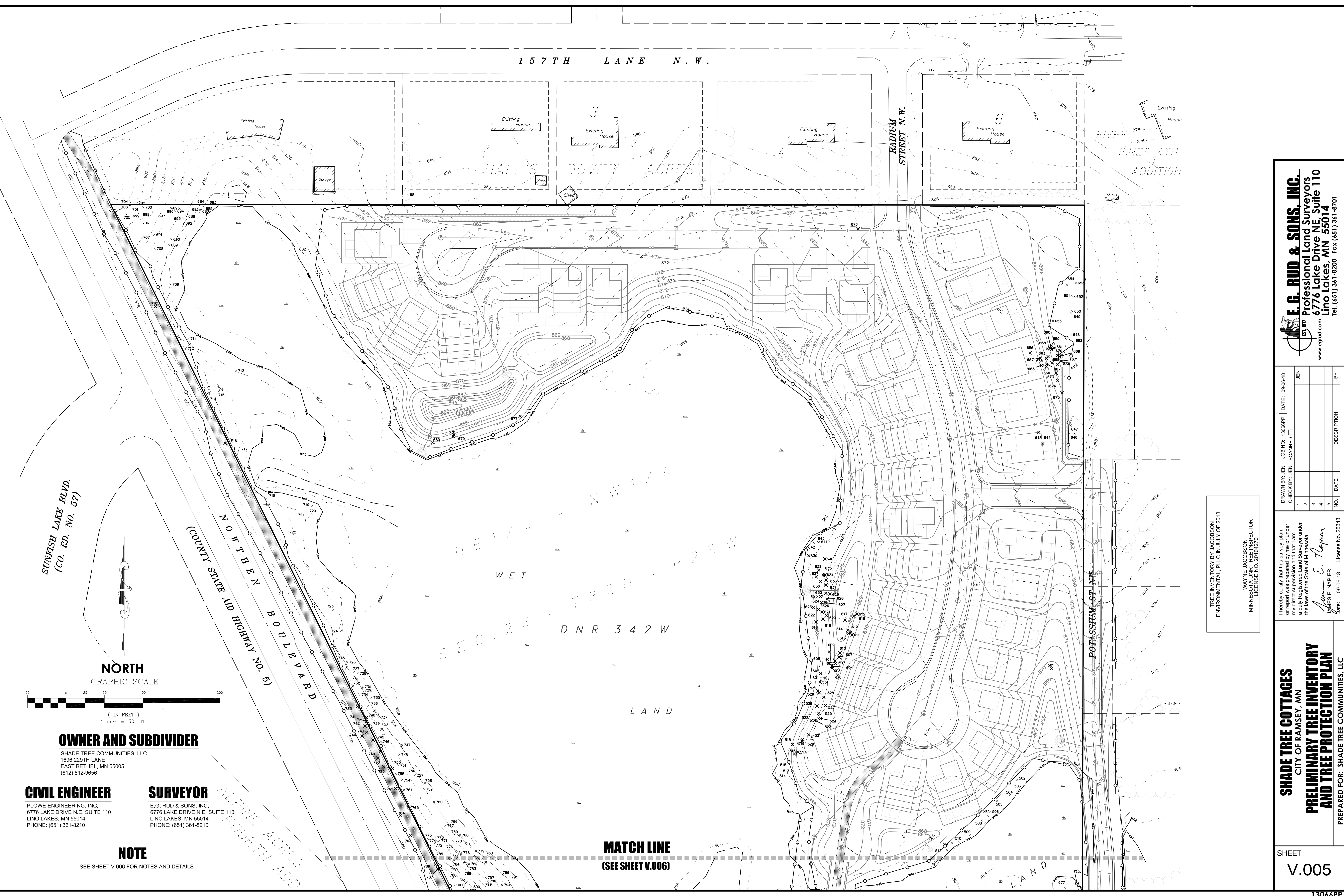
**PRELIMINARY TREE INVENTORY AND TREE PROTECTION PLAN**

PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
V.006

**E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com

TAG	SPECIES	DBH	NOTES	STATUS	TAG	SPECIES	DBH	NOTES	STATUS	TAG	SPECIES	DBH	NOTES	STATUS	TAG	SPECIES	DBH	NOTES	STATUS	TAG	SPECIES	DBH	NOTES	STATUS
501	Bur Oak	2		Remove	669	Red Oak	4		Remove	744	Bur Oak	1		Off Site/Trail	845	Scots Pine	13		Saved	945	Red Oak	6		Saved
502	Red Oak	16		Remove	670	Red Oak	2		Remove	745	Red Oak	16		Off Site/Trail	846	Box Elder	9		Saved	946	Bur Oak	5		Saved
503	Red Oak	8		Saved	671	Red Oak	2		Remove	746	Red Oak	10		Saved	847	Quaking Aspen	12		Saved	947	Bur Oak	12		Saved
504	Red Cedar	5		Saved	672	Red Oak	4		Remove	747	Red Oak	12		Saved	848	Quaking Aspen	8		Saved	948	Bur Oak	18		Saved
505	Red Oak	10		Saved	673	Red Oak	2		Remove	748	Red Oak	8		Saved	849	Quaking Aspen	8		Saved	949	Red Cedar	5		Trail
506	Red Oak	7		Saved	674	Red Oak	2		Remove	749	Red Oak	10		Off Site/Trail	850	Quaking Aspen	12		Saved	950	Red Cedar	4		Saved
507	Red Oak	12		Saved	675	Bur Oak	5		Remove	750	Red Oak	5		Off Site/Trail	851	Quaking Aspen	12		Saved	951	Bur Oak	14		Saved
508	Red Oak	14		Saved	676	Quaking Aspen	7		Saved	751	Red Oak	16		Saved	852	Box Elder	8		Saved	952	Bur Oak	14		Saved
509	Red Oak	12		Saved	676	Scots Pine	12		Street	752	Red Cedar	5		Off Site/Trail	853	Quaking Aspen	13		Saved	953	Bur Oak	6		Saved
510	Red Oak	13		Saved	677	Quaking Aspen	12		Pond	753	Red Oak	15	Poor Condition	Trail	854	Quaking Aspen	8		Saved	954	Bur Oak	14		Saved
511	Quaking Aspen	8		Saved	677	Red Cedar	6		Saved	754	Red Oak	10		Saved	855	White Spruce	12		Saved	955	Bur Oak	5		Saved
512	Quaking Aspen	10		Saved	678	Quaking Aspen	28		Saved	755	Bur Oak	2		Saved	856	Bur Oak	5		Saved	956	Bur Oak	2		Saved
513	Bur Oak	16		Saved	678	Quaking Aspen	13	Very Poor Condition	Pond	756	Bur Oak	4		Saved	857	Bur Oak	12		Saved	957	Bur Oak	2		Saved
514	Red Oak	3		Saved	679	Red Oak	2		Saved	757	Bur Oak	3		Saved	858	Red Oak	10		Saved	958	Bur Oak	11		Saved
515	Red Oak	11		Saved	679	Quaking Aspen	14		Pond	758	Red Oak	2		Saved	859	Bur Oak	6		Saved	959	Bur Oak	2		Saved
516	Bur Oak	10		Remove	680	Red Oak	6		Saved	759	Red Oak	12		Saved	860	Bur Oak	3		Saved	960	Bur Oak	6		Saved
517	Red Oak	16		Trail	680	Quaking Aspen	12	Poor Condition	Pond	760	Red Oak	12		Saved	861	Red Oak	21		Saved	961	Bur Oak	10		Saved
518	Bur Oak	5		Remove	681	Red Oak	3		Pond	761	Red Oak	11		Saved	862	Scots Pine	7		Saved	962	Box Elder	8		Saved
519	Bur Oak	9		Trail	681	Siberian Elm	9		Off Site	762	Box Elder	12	Poor Condition	Off Site/Trail	863	White Spruce	5		Saved	963	Bur Oak	2		Saved
520	Bur Oak	5		Trail	682	Red Oak	3		Pond	763	Red Oak	3		Off Site/Trail	864	White Spruce	5	Very Poor Condition	Saved	964	Bur Oak	12		Saved
521	Bur Oak	5		Trail	682	Quaking Aspen	8		Saved	764	Box Elder	11	Poor Condition	Off Site/Trail	865	Bur Oak	3		Saved	965	Bur Oak	5		Saved
522	Bur Oak	5		Trail	683	Red Oak	2		Pond	765	Red Oak	18		Off Site/Trail	866	Bur Oak	3		Saved	966	Bur Oak	12		Saved
523	Bur Oak	11		Trail	683	Quaking Aspen	10		Saved	766	Green Ash	8	Very Poor Condition	Saved	867	White Oak	12		Saved	967	Bur Oak	8		Saved
524	Bur Oak	10		Remove	684	Red Oak	1		Pond	767	Green Ash	8	Very Poor Condition	Saved	868	Bur Oak	1		Saved	968	Bur Oak	14		Saved
525	Bur Oak	12		Trail	684	White Spruce	4		Saved	768	Bur Oak	16		Saved	869	Quaking Aspen	14		Saved	969	Bur Oak	2		Saved
526	Bur Oak	2		Trail	685	Red Oak	2		Off Site	769	Bur Oak	12		Saved	870	Quaking Aspen	13		Saved	970	Bur Oak	5		Saved
527	Bur Oak	5		Remove	685	Red Oak	7		Saved	770	Bur Oak	7		Saved	871	Box Elder	8		Saved	971	Bur Oak	2		Saved
528	Bur Oak	2		Trail	686	Red Oak	1		Off Site	771	Bur Oak	9		Saved	872	Quaking Aspen	14		Saved	972	Bur Oak	11		Saved
529	Bur Oak	11		Trail	686	Red Oak	3		Saved	772	Red Oak	8		Saved	873	Quaking Aspen	16		Saved	973	Red Oak	14		Saved
531	Bur Oak	1		Trail	687	Red Oak	3		Off Site	773	Red Oak	17		Saved	874	Bur Oak	2		Pond	974	Red Oak	12		Saved
531	Bur Oak	1		Trail	687	Red Oak	6		Saved	774	Red Oak	11	Very Poor Condition	Saved	875	Red Oak	6		Pond	975	Bur Oak	11		Saved
532	Bur Oak	14		Pond	688	Red Cedar	4		Off Site	775	Box Elder	16		Saved	876	Box Elder	10		Pond	976	Bur Oak	9		Saved
601	Bur Oak	4		Trail	688	Bur Oak	8		Saved	776	Red Oak	6		Saved	877	Box Elder	8		Pond	977	Red Oak	11		Saved
602	Bur Oak	9		Trail	689	Red Oak	1		Off Site	777	Red Oak	6		Saved	878	Red Oak	6		Saved	978	Bur Oak	2		Saved
603	Bur Oak	9		Remove	689	Bur Oak	13		Saved	778	Red Oak	10		Saved	879	Red Oak	24		Saved	979	Bur Oak	15		Saved
604	Bur Oak	5		Remove	690	Red Oak	5		Off Site	779	Red Oak	11		Saved	880	Quaking Aspen	8		Saved	980	Bur Oak	4		Saved
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608	Red Oak	6		Trail	692	Red Oak	7		Off Site	783	Bur Oak	13		Saved	884	Bur Oak	7		Saved	984	Bur Oak	12		Saved
609	Bur Oak	7		Trail	692	Bur Oak	1		Saved	784	Red Oak	14		Saved	885	Red Oak	11		Saved	985	Bur Oak	12		Saved
610	Bur Oak	8		Pond	693	Cottonwood	25		Off Site	785	Red Oak	14		Saved	886	Red Oak	10		Saved	986	Bur Oak	16		Saved
611	Red Oak	10		Remove	693	Bur Oak	15		Saved	786	Bur Oak	3		Off Site/Trail	887	Quaking Aspen	9		Saved	987	Bur Oak	5		Saved
612	Red Oak	11		Remove	694	Red Oak	5		Off Site	787	Red Oak	10	Poor Condition	Off Site/Trail	888	Quaking Aspen	11		Saved	988	Bur Oak	0		Saved
613	Red Oak	5		Pond	694	Bur Oak	14		Saved	788	Bur Oak	12		Saved	889	Green Ash	8		Saved	989	Siberian Elm	10		Off Site/Trail
614	Red Oak	9		Pond	695	Red Oak	4		Off Site	789	Bur Oak	13		Saved	890	Red Oak	5		Saved	990	Box Elder	9	Very Poor Condition	Saved
615	Red Oak	4		Remove	695	Bur Oak	9		Saved	790	Red Oak	14		Saved	891	Bur Oak	9		Saved	991	Bur Oak	15		Saved
616	Quaking Aspen	12		Pond	696	Red Oak	2		Off Site	791	Bur Oak	2		Saved	892	Red Oak	8		Saved	992	Bur Oak	3		Saved
617	Red Oak	12		Pond	696	Bur Oak	8		Saved	792	Bur Oak	5		Saved	893	Box Elder	8		Off Site	993	Bur Oak	4		Saved
618	White Spruce	8		Remove	697	Red Oak	6		Off Site	793	Bur Oak	5		Saved	894	Box Elder	8		Off Site	994	Bur Oak	4		Saved
619	Scots Pine	13		Trail	697	Black Cherry	9	Very Poor Condition	Saved	794	Bur Oak	4		Saved	895	White Oak	13		Off Site	995	Bur Oak	2		Saved
620	Scots Pine	13		Trail	698	Red Oak	4		Off Site	795	Red Oak	18		Saved	896	Black Cherry	8		Saved	996	Bur Oak	3		Saved
621	Scots Pine	9		Trail	698	Bur Oak	6		Saved	796	Bur Oak	10		Saved	897	Bur Oak	13		Saved	997	Bur Oak	4		Saved
622	Scots Pine	10		Remove	699	Red Oak	2		Off Site	797	Bur Oak	13		Saved	898	Bur Oak	7		Saved	998	Bur Oak	4		Saved
623	White Spruce	9		Remove	699	Bur Oak	2		Saved	798	Red Oak	15		Saved	899	Bur Oak	5		Saved	999	Siberian Elm	15		Saved
624	Scots Pine	9		Trail	700	Red Oak	4		Off Site	799	Bur Oak	11		Saved	900	Box Elder	20		Saved	1000	Bur Oak	5		Saved
625	Scots Pine	10		Trail	700	Bur Oak	14		Saved	800	Red Oak	5		Saved	901	Red Oak	18		Saved					
626	Scots Pine	6		Trail	701	Bur Oak	13		Saved	801	Red Oak	11		Off Site	902	Bur Oak	5		Saved					
627	Scots Pine	10		Trail	702	Green Ash	13		Saved	802	Red Oak	2		Off Site	903	Bur Oak	7		Saved					
628	Scots Pine	8		Trail	703	Bur Oak	5		Saved	803	Red Oak	2		Off Site	904	Bur Oak	2		Saved					
629	Scots Pine	12		Trail	704	Bur Oak	7		Saved	804	American Elm	8		Off Site	905	Red Oak	5		Saved					
630	Scots Pine	11		Trail	705	Siberian Elm	8		Saved	805	Red Oak	6		Off Site	906	Hackberry	8		Saved					
631	Scots Pine	10		Trail	706	Bur Oak	7		Saved	806	Red Oak	2	Very Poor Condition	Off Site	907	Red Oak	18		Saved					
633	Scots Pine	11		Trail	707	Box Elder	8		Saved	807	Red Oak	4		Off Site	908	Red Oak	7		Saved					
634	Scots Pine	10		Remove	708	Siberian Elm	13		Saved	808	Red Oak	4		Off Site	909	Bur Oak	13		Saved					
635	Scots Pine	9		Remove	709	Box Elder	13		Saved	809	Red Oak	2		Off Site	910	Bur Oak	4		Saved					
636	Scots Pine	13		Remove	710	Box Elder	12		Off Site/Trail	810	Red Oak	5		Off Site	911	Bur Oak	18		Saved					
637	White Spruce	15	Poor Condition	Remove	711	Box Elder	10		Saved	812	Red Oak	1		Off Site	912	Red Oak	16		Saved					
638	Scots Pine	15		Remove	712	Box Elder	11		Saved	813	Red Oak	3		Off Site	913	Mulberry	8		Saved					
639	White Spruce	16	Very Poor Condition	Remove	713	Box Elder	15		Saved	814	Red Oak	2		Off Site	914	Red Oak	18		Saved					
640	Scots Pine	15		Remove	714	Siberian Elm	31		Saved	815	Red Oak	8		Off Site	915	Red Oak	30		Saved					
641	White Spruce	10		Saved	715	Box Elder	22		Saved	816	Red Oak	3		Off Site	916	Red Oak	4		Saved					
642	White Spruce	14		Saved	716	Box Elder	12		Off Site/Trail	817	Red Oak	2		Saved	917	Bur Oak	12		Saved					
643	White Spruce	12		Saved	717	Box Elder	21		Saved	818	Red Oak	8		Saved	918	Red Oak	18		Saved					
644	Bur Oak	1		Remove	718	Box Elder	15		Saved	819	Red Oak	12		Saved	919	White Oak	18		Saved					
645	Red Oak	7																						



157TH LANE N.W.

RADIUM STREET N.W.

SUNFISH LAKE BLVD.  
(CO. RD. NO. 57)

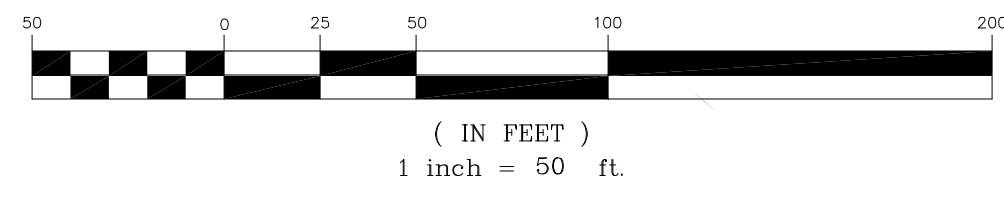
NORTH N BOULEVARD  
(COUNTY STATE AID HIGHWAY NO. 5)

HALL'S DOVER ACRES

PINES 4TH ADDITION

W E T  
D N R 3 4 2 W  
L A N D

NORTH  
GRAPHIC SCALE



**OWNER AND SUBDIVIDER**

SHADE TREE COMMUNITIES, LLC.  
1696 229TH LANE  
EAST BETHEL, MN 55005  
(612) 812-9656

**CIVIL ENGINEER**

PLOWE ENGINEERING, INC.  
6776 LAKE DRIVE N.E., SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

**SURVEYOR**

E.G. RUD & SONS, INC.  
6776 LAKE DRIVE N.E., SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210

**NOTE**

SEE SHEET V.006 FOR NOTES AND DETAILS.

**MATCH LINE**  
(SEE SHEET V.006)

TREE INVENTORY BY JACOBSON  
ENVIRONMENTAL, PLLC IN JULY OF 2018  
  
WAYNE JACOBSON  
MINNESOTA DNR TREE INSPECTOR  
LICENSE NO. 20104270

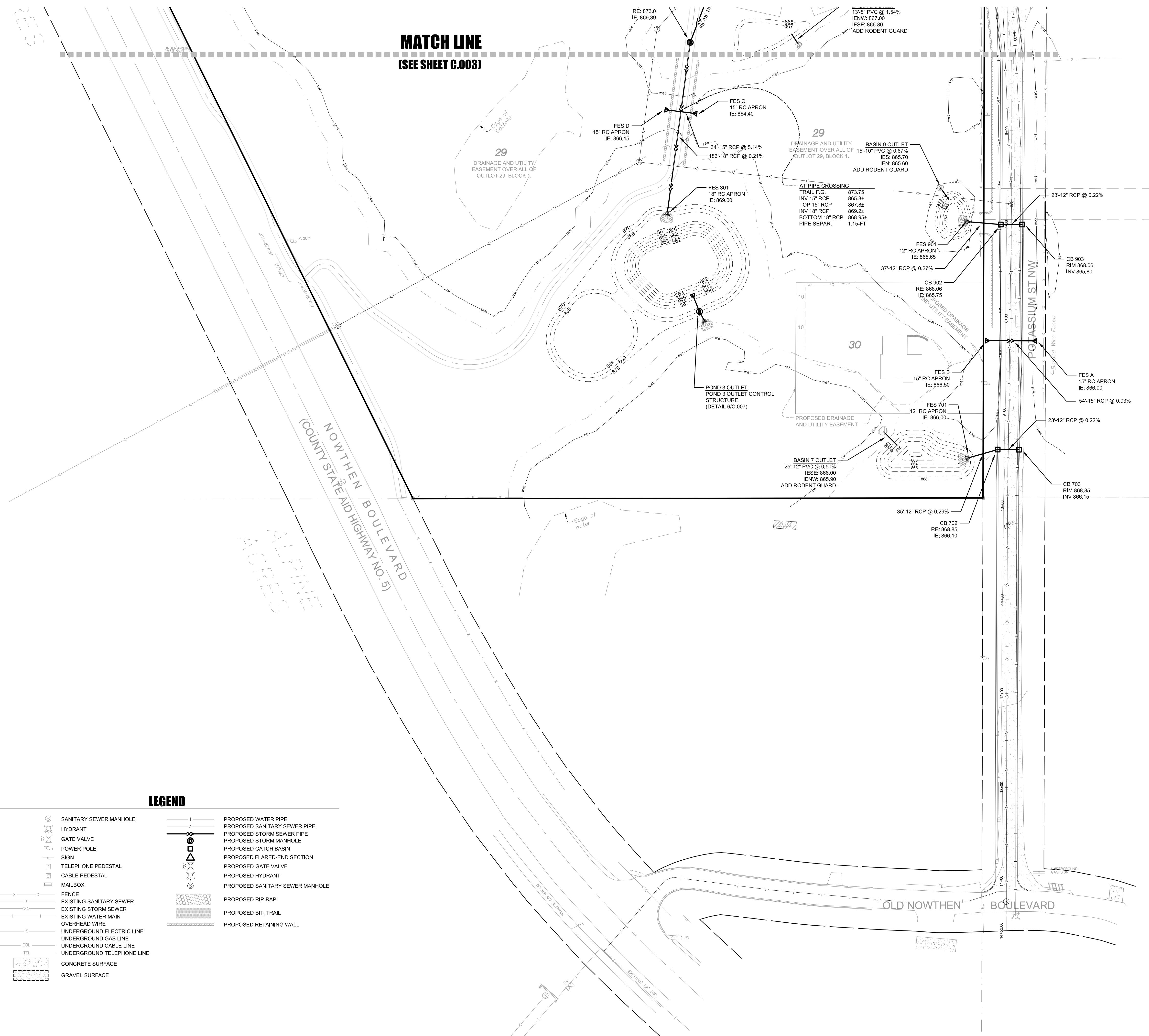
NO.	DATE	DESCRIPTION	BY
1			JEN
2			
3			
4			
5			

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  
*James E. Napier*  
JAMES E. NAPIER  
Date: 09-06-18 License No. 25343

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**PRELIMINARY TREE INVENTORY  
AND TREE PROTECTION PLAN**  
PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**V.005**

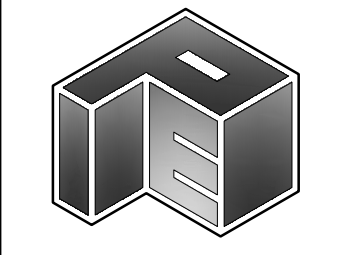
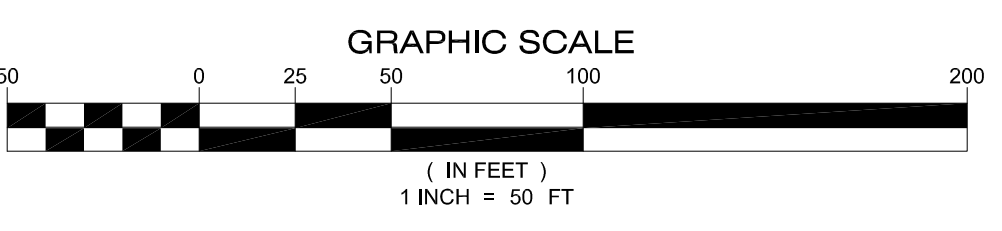
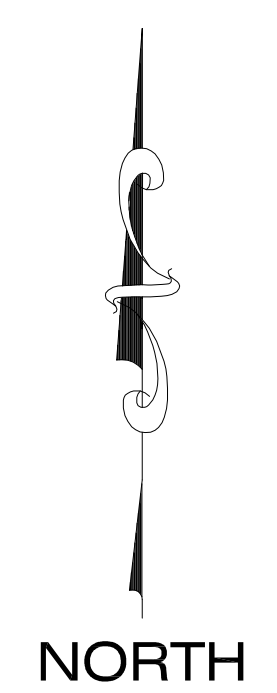
**E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com



**MATCH LINE**  
(SEE SHEET C.003)

**LEGEND**

- |  |                            |  |                                 |
|--|----------------------------|--|---------------------------------|
|  | SANITARY SEWER MANHOLE     |  | PROPOSED WATER PIPE             |
|  | HYDRANT                    |  | PROPOSED SANITARY SEWER PIPE    |
|  | GATE VALVE                 |  | PROPOSED STORM SEWER PIPE       |
|  | POWER POLE                 |  | PROPOSED STORM MANHOLE          |
|  | SIGN                       |  | PROPOSED CATCH BASIN            |
|  | TELEPHONE PEDESTAL         |  | PROPOSED FLARED-END SECTION     |
|  | CABLE PEDESTAL             |  | PROPOSED GATE VALVE             |
|  | MAILBOX                    |  | PROPOSED HYDRANT                |
|  | FENCE                      |  | PROPOSED SANITARY SEWER MANHOLE |
|  | EXISTING SANITARY SEWER    |  | PROPOSED RIP-RAP                |
|  | EXISTING STORM SEWER       |  | PROPOSED BIT, TRAIL             |
|  | EXISTING WATER MAIN        |  | PROPOSED RETAINING WALL         |
|  | OVERHEAD WIRE              |  |                                 |
|  | UNDERGROUND ELECTRIC LINE  |  |                                 |
|  | UNDERGROUND GAS LINE       |  |                                 |
|  | UNDERGROUND CABLE LINE     |  |                                 |
|  | UNDERGROUND TELEPHONE LINE |  |                                 |
|  | CONCRETE SURFACE           |  |                                 |
|  | GRAVEL SURFACE             |  |                                 |



SITE PLANNING & ENGINEERING  
**PLOWE**  
ENGINEERING, INC.  
6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210  
FAX: (651) 361-8701

NO.	DATE	DESCRIPTION
1		
2		
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4		
5		
6		

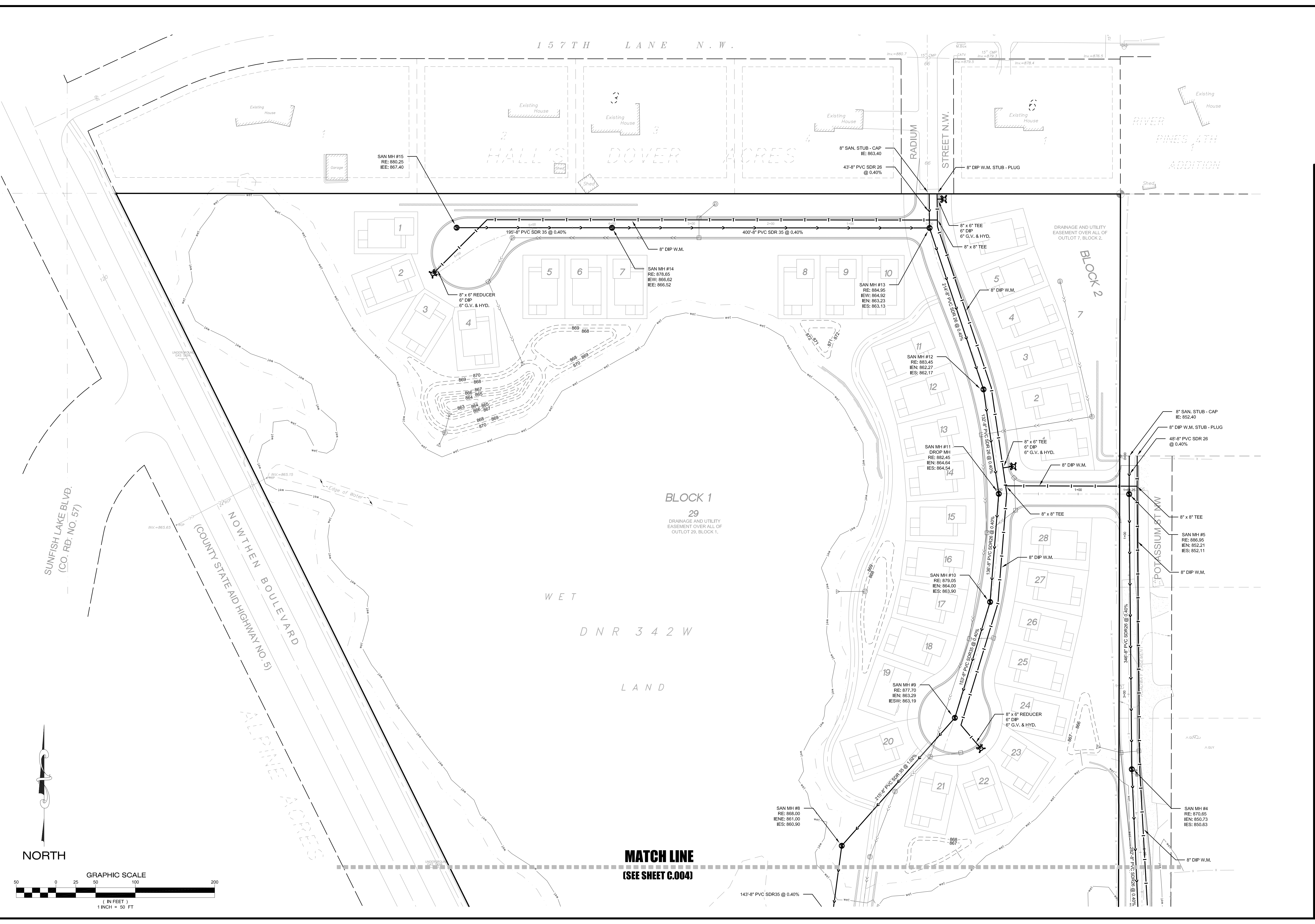
DRAWN BY: AG    CHECK BY: AG    JOB NO.: 18-1794    DATE: 09-06-18

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY**  
ADAM GINKEL  
Date: 09.06.2018 License No. 43963

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**UTILITY PLAN - STORM SEWER**  
PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**C.004**



157TH LANE N.W.

HALL'S DOVER ACRES

RIVER PINES 4TH ADDITION

RADIUM STREET N.W.

BLOCK 2

BLOCK 1

29 DRAINAGE AND UTILITY EASEMENT OVER ALL OF OUTLOT 29, BLOCK 1.

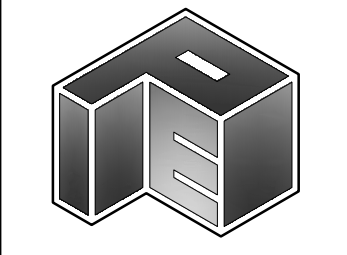
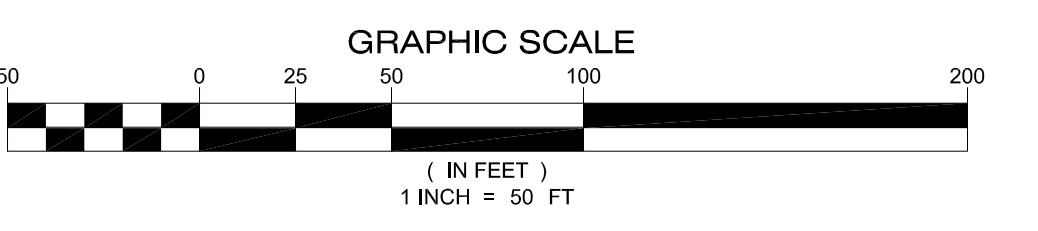
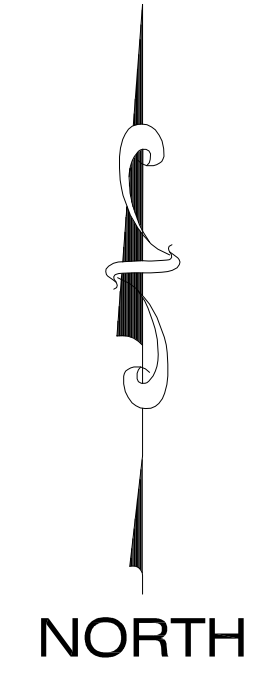
WET DNR 342W LAND

NOW THEN BOULEVARD (COUNTY STATE AID HIGHWAY NO. 5)

SUNFISH LAKE BLVD. (CO. RD. NO. 57)

ALPINE ACRES

**MATCH LINE**  
(SEE SHEET C.004)



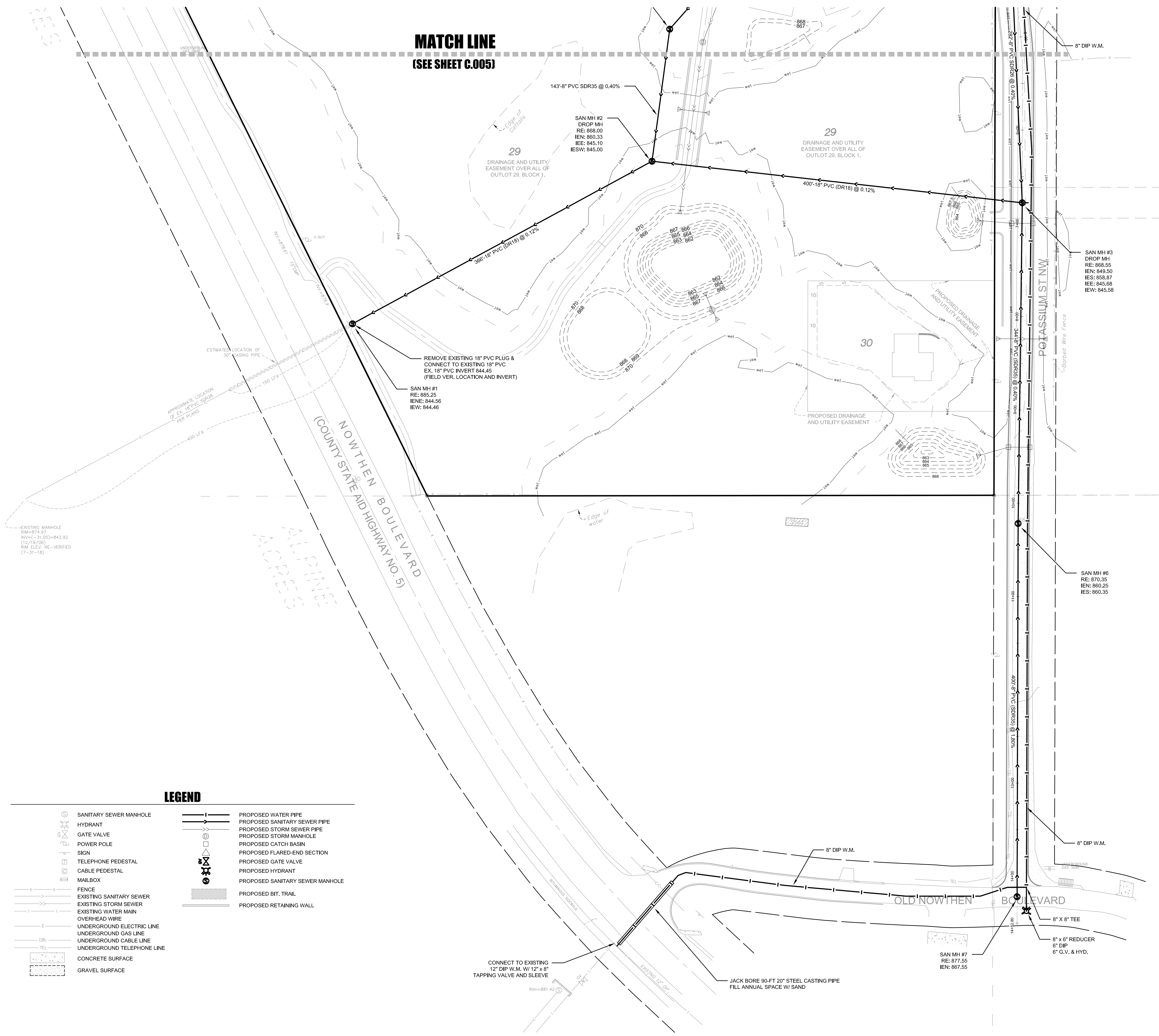
**SITE PLANNING & ENGINEERING**  
**PLOWE ENGINEERING, INC.**  
6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210  
FAX: (651) 361-8701

NO.	DATE	DESCRIPTION
1	09-06-18	DRAWN BY: AG
2	18-1784	CHECK BY: AG
3		
4		
5		
6		

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
**PRELIMINARY**  
ADAM GINKEL  
Date: 09.06.2018 License No. 43963

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**UTILITY PLAN - SANITARY & WATER**  
PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**C.005**

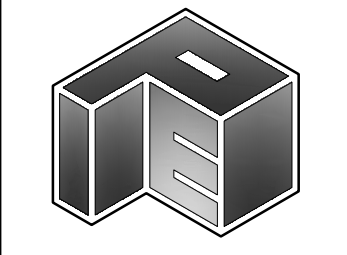
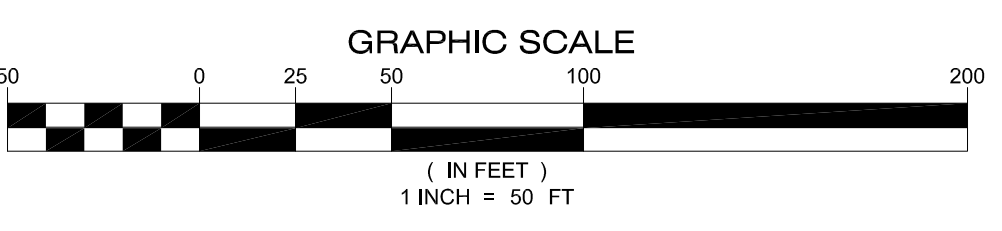
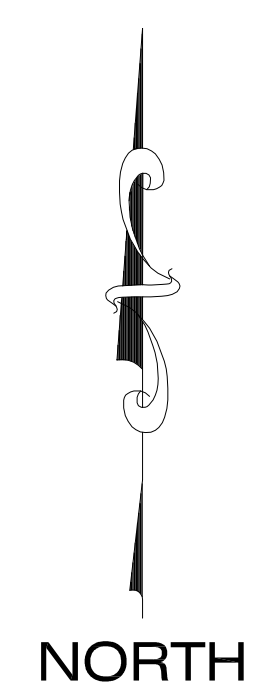


**MATCH LINE**  
(SEE SHEET C.005)

EXISTING MANHOLE  
RM=874.97  
RIM ELEV. 883.92  
(12/18/06)  
RM ELEV. RE-VERIFIED  
(7-31-16)

**LEGEND**

- |  |                            |  |                                 |
|--|----------------------------|--|---------------------------------|
|  | SANITARY SEWER MANHOLE     |  | PROPOSED WATER PIPE             |
|  | HYDRANT                    |  | PROPOSED SANITARY SEWER PIPE    |
|  | GATE VALVE                 |  | PROPOSED STORM SEWER PIPE       |
|  | POWER POLE                 |  | PROPOSED STORM MANHOLE          |
|  | SIGN                       |  | PROPOSED CATCH BASIN            |
|  | TELEPHONE PEDESTAL         |  | PROPOSED FLARED-END SECTION     |
|  | CABLE PEDESTAL             |  | PROPOSED GATE VALVE             |
|  | MAILBOX                    |  | PROPOSED HYDRANT                |
|  | FENCE                      |  | PROPOSED SANITARY SEWER MANHOLE |
|  | EXISTING SANITARY SEWER    |  | PROPOSED BIT, TRAIL             |
|  | EXISTING STORM SEWER       |  | PROPOSED RETAINING WALL         |
|  | EXISTING WATER MAIN        |  |                                 |
|  | OVERHEAD WIRE              |  |                                 |
|  | UNDERGROUND ELECTRIC LINE  |  |                                 |
|  | UNDERGROUND GAS LINE       |  |                                 |
|  | UNDERGROUND CABLE LINE     |  |                                 |
|  | UNDERGROUND TELEPHONE LINE |  |                                 |
|  | CONCRETE SURFACE           |  |                                 |
|  | GRAVEL SURFACE             |  |                                 |



SITE PLANNING & ENGINEERING  
**PLOWE**  
ENGINEERING, INC.  
6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210  
FAX: (651) 361-8701

NO.	DATE	DESCRIPTION
1		
2		
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6		

DRAWN BY: AG    CHECK BY: AG    JOB NO.: 18-1794    DATE: 09-06-18

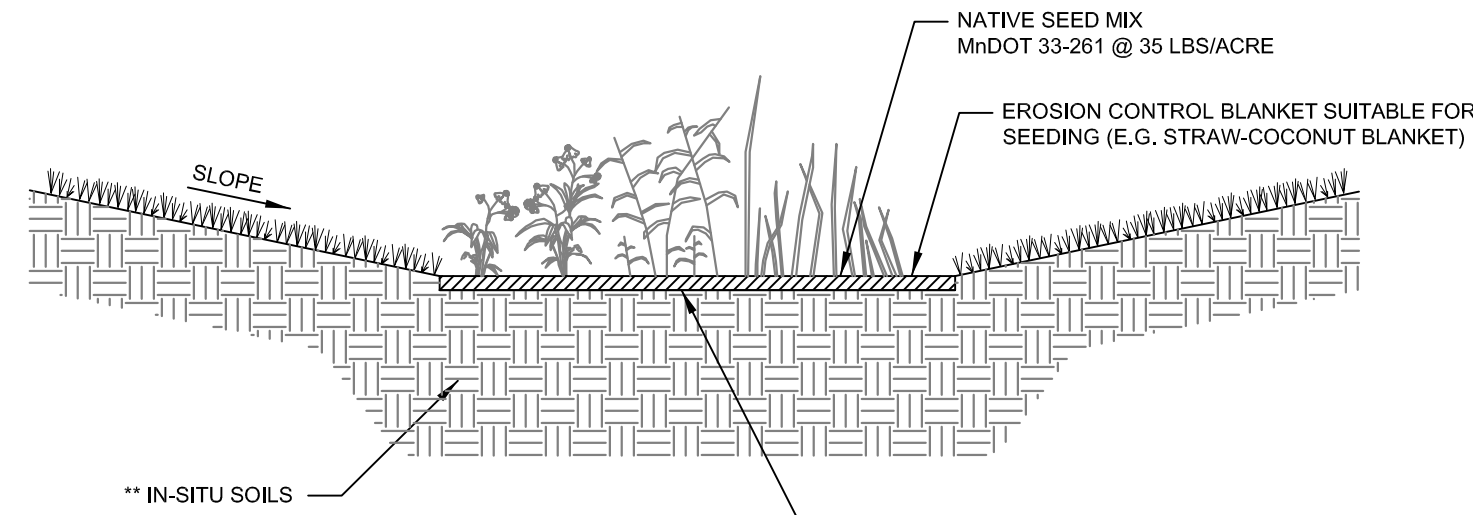
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
**PRELIMINARY**  
ADAM GINKEL  
Date: 09.06.2018 License No. 43963

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**UTILITY PLAN - SANITARY & WATER**  
PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**C.006**

**INFILTRATION AREAS NOTES:**

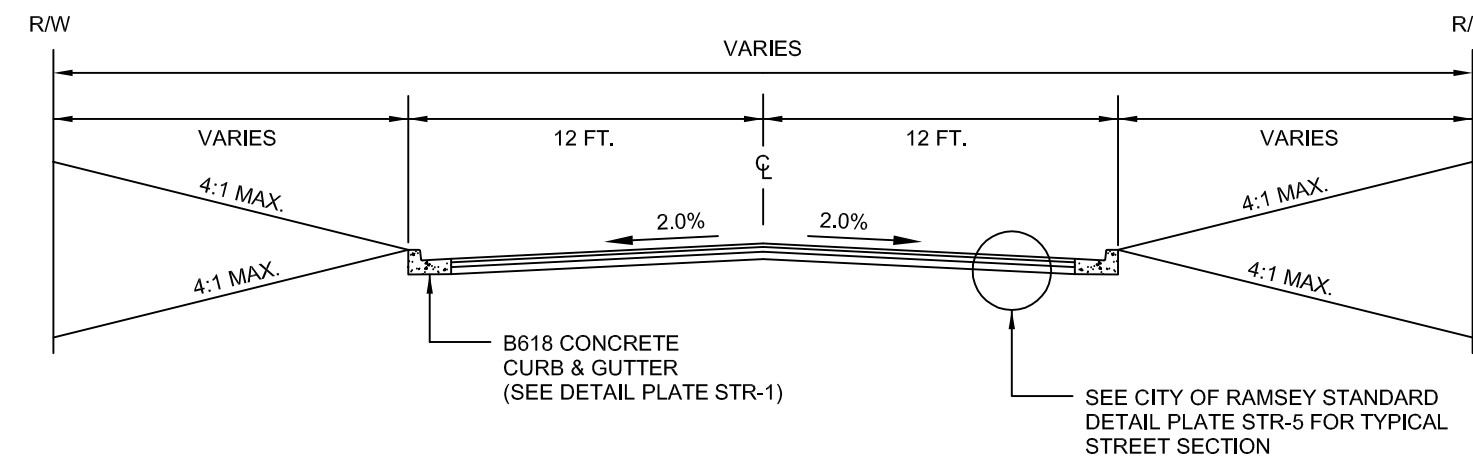
1. CONTRACTOR TO FIELD CHECK FOR CLAY OR POOR INFILTRATION SOILS DURING CONSTRUCTION
  - 1.1. IF CLAY OR POOR INFILTRATION SOILS ARE PRESENT, CONTRACTOR SHALL REMOVE SAID SOILS IN SUCH A MANNER AS TO MINIMIZE CONSTRUCTION VEHICLE TRAFFIC OVER INFILTRATION AREA
2. USE LOW-IMPACT, EARTH MOVING EQUIPMENT (WIDE TRACK OR MARSH TRACK EQUIPMENT, OR LIGHT-EQUIPMENT WITH TURF-TYPE TIRES)
3. NO MINING OF SANDY SOILS ALLOWED IN INFILTRATION AREAS
4. PROTECT INFILTRATION AREAS FROM RUN-OFF DURING ALL CONSTRUCTION ACTIVITIES
5. EXCAVATE INFILTRATION AREAS TO FINAL GRADE ONLY UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREAS



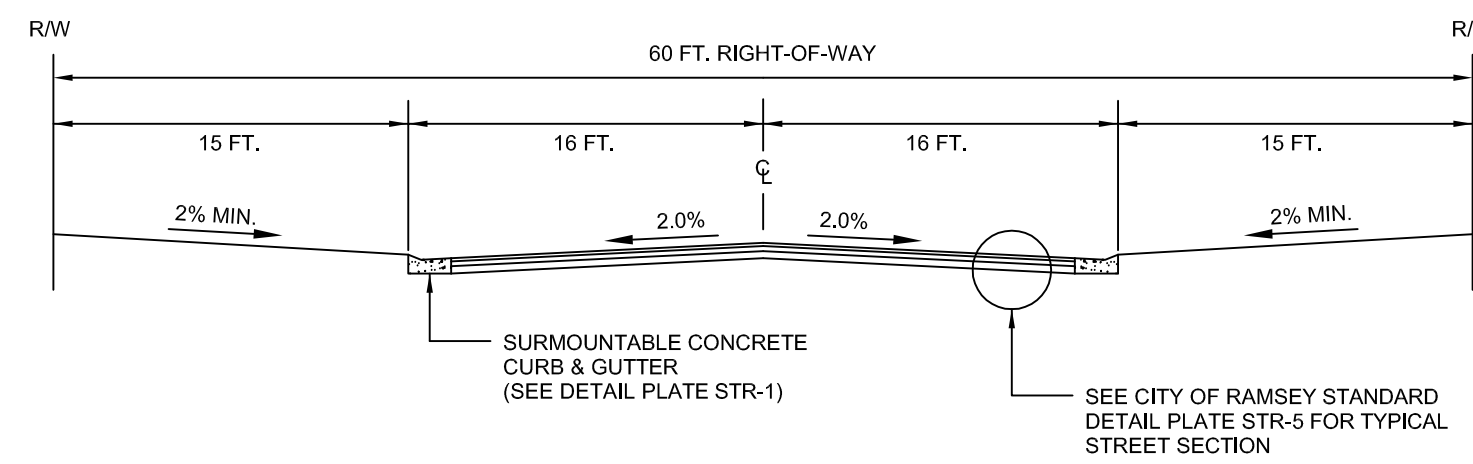
\*\* ALLEVIATE ANY COMPACTED SOILS (BY USING A PRIMARY TILLING OPERATION SUCH AS A CHISEL PLOW, RIPPER OR SUBSOILER) TO A MIN. DEPTH OF 8"

CONTACT CITY OF RAMSEY ENGINEERING DEPARTMENT A MINIMUM OF FORTY-EIGHT (48) HOURS PRIOR TO CONSTRUCTION OF INFILTRATION BASIN OR IF SOILS REMOVAL IS NEEDED (SEE NOTE #1 ABOVE)

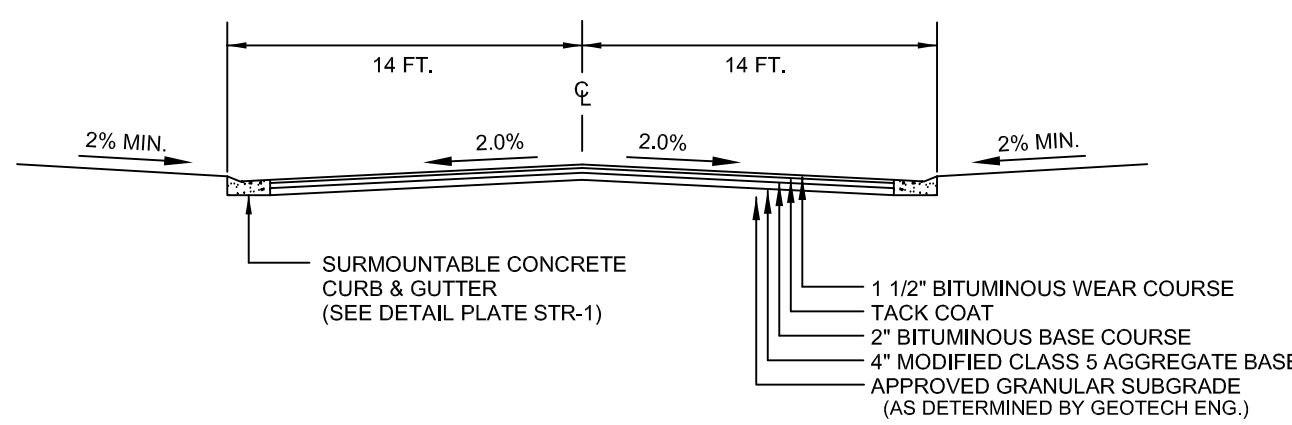
**1** INFILTRATION BASIN  
C.007 N.T.S.



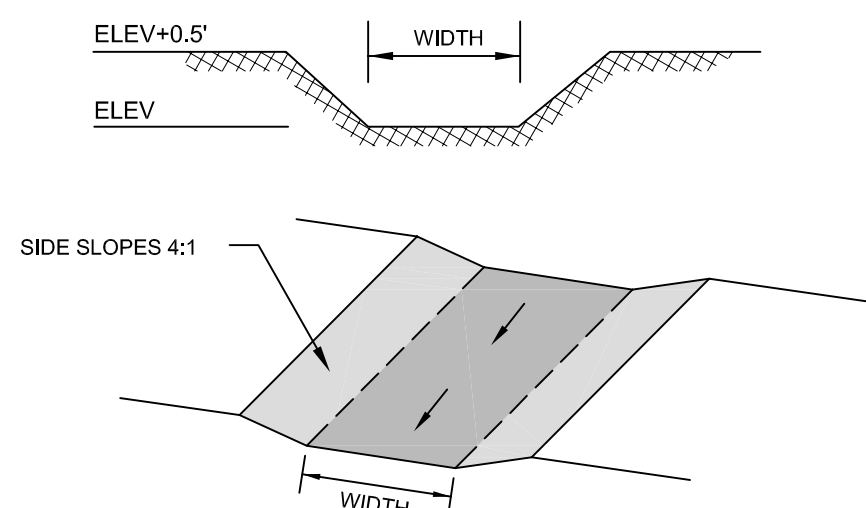
**2** TYPICAL STREET SECTION  
C.007 N.T.S. POTASSIUM STREET NW



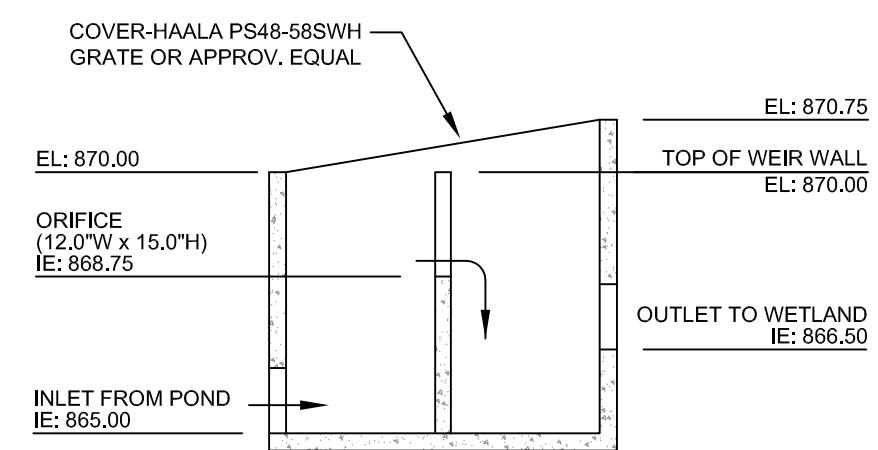
**3** TYPICAL STREET SECTION  
C.007 N.T.S. PUBLIC STREET (NO NAME) RADIUM STREET NW



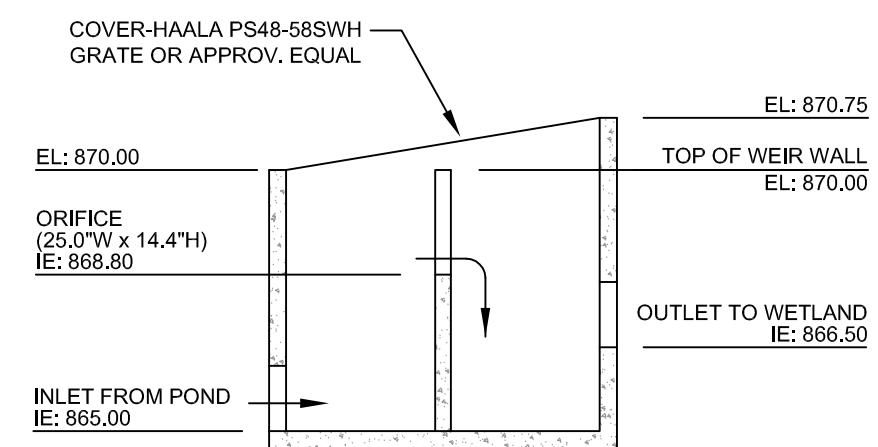
**4** TYPICAL STREET SECTION  
C.007 N.T.S. PRIVATE ROAD 157TH AVENUE NW



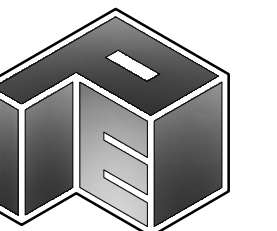
**5** SODDED OVERFLOW  
C.007 N.T.S.



**6** POND 3 OUTLET STRUCTURE  
C.007 N.T.S.



**7** POND 1 OUTLET STRUCTURE  
C.007 N.T.S.



SITE PLANNING & ENGINEERING

**PLOWE**  
ENGINEERING, INC.

6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014

PHONE: (651) 361-8210  
FAX: (651) 361-8701

NO.	DATE	DESCRIPTION
1		
2		
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7		

DRAWN BY: AG CHECK BY: AG JOB NO.: 18-1794 DATE: 09-06-18

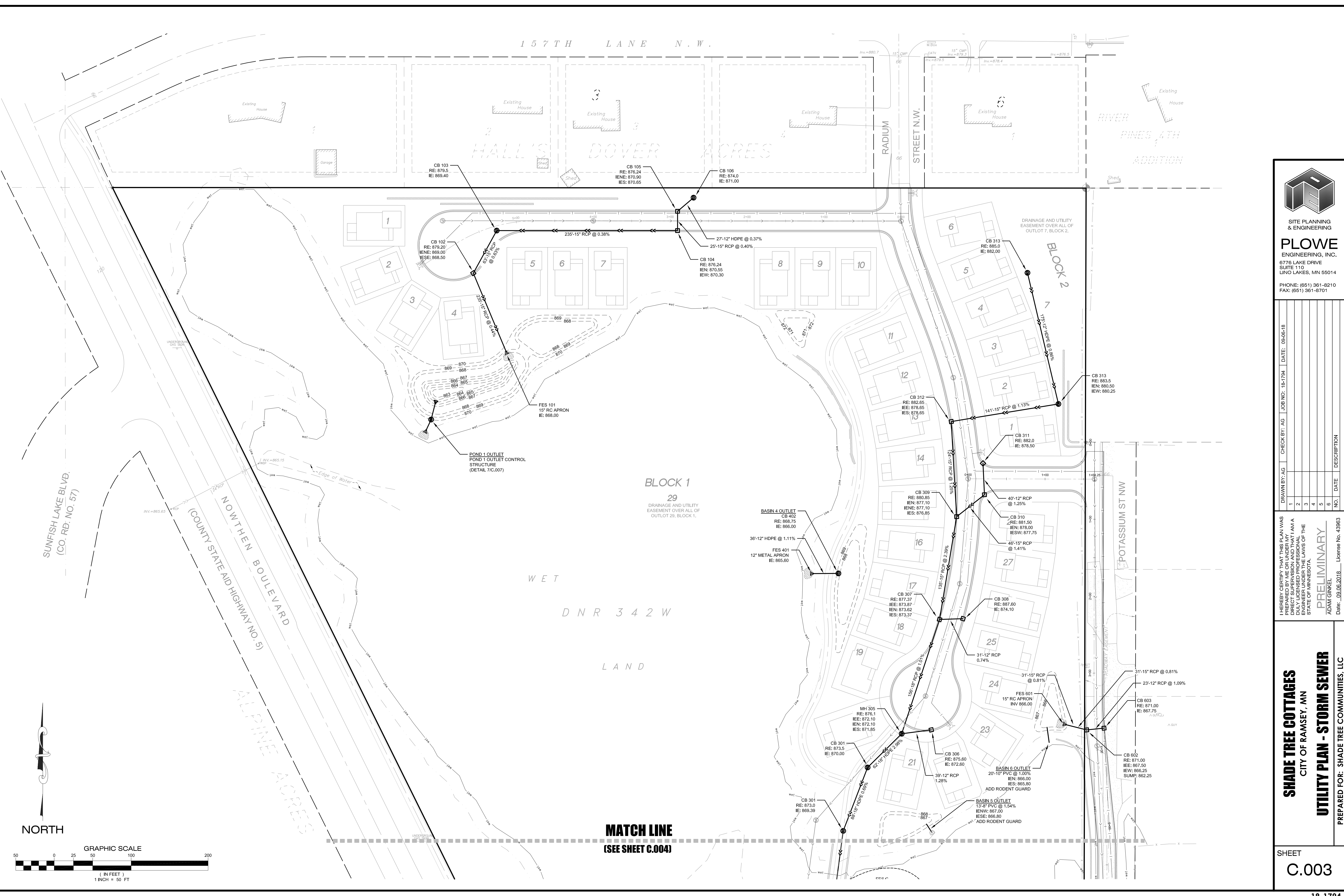
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY**

ADAM GINKEL License No. 43963  
Date: 09.06.2018

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**DETAILS**

PREPARED FOR: SHADE TREE COMMUNITIES, LLC



157TH LANE N.W.

HALL'S DOVER ACRES

RIVER PINES 4TH ADDITION

RADIUM STREET N.W.

BLOCK 2

BLOCK 1

29 DRAINAGE AND UTILITY EASEMENT OVER ALL OF OUTLOT 29, BLOCK 1.

WET DNR 342W

LAND

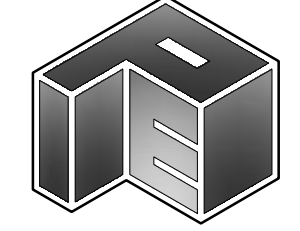
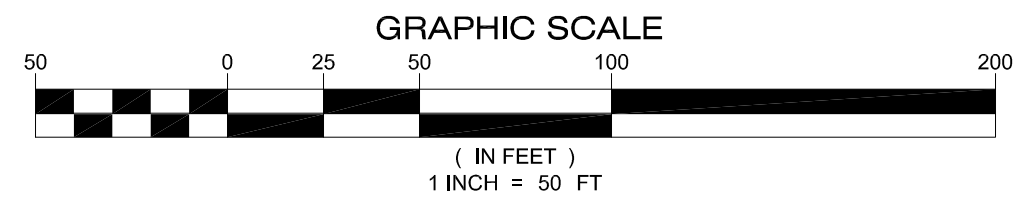
**MATCH LINE**  
(SEE SHEET C.004)

SUNFISH LAKE BLVD.  
(CO. RD. NO. 57)

NOW THEN BOULEVARD  
(COUNTY STATE AID HIGHWAY NO. 5)

ALPINE ACRES

NORTH



SITE PLANNING & ENGINEERING

**PLOWE**

ENGINEERING, INC.  
6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014

PHONE: (651) 361-8210  
FAX: (651) 361-8701

NO.	DATE	DESCRIPTION
1	09-06-18	DRAWN BY: AG
2	18-1794	CHECK BY: AG
3		
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I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY**  
ADAM GINKEL  
Date: 09.06.2018 License No. 43963

**SHADE TREE COTTAGES**  
CITY OF RAMSEY, MN  
**UTILITY PLAN - STORM SEWER**  
PREPARED FOR: SHADE TREE COMMUNITIES, LLC

SHEET  
**C.003**

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, October 4, 2018, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

**Members Present:**                   **Chairperson Randy Bauer**  
Commissioner Bruce Anderson  
Commissioner Cheri Gengler  
Commissioner Daniel Onyambu  
Commissioner Patrick Surma  
Commissioner Matt Woestehoff

Members Absent:                   Commissioner Gary VanScoy

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

**5.03: Public Hearing: Review Preliminary Plat for Residential Subdivision (PUD) for Shade Tree Cottages (Case 17-130); Case of Shade Tree Communities, LLC**

**Public Hearing**

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

**Presentation**

City Planner Anderson presented the staff report stating the purpose of this case is to review a preliminary plat application for Shade Tree Cottages made by Shade Tree Communities, LLC (The Applicant) for a 35-home subdivision off Nowthen Boulevard and Potassium Street. The site was previously granted preliminary and final plat approval for a subdivision via Planned Unit Development (PUD) in 2005, but the final plat has since expired. Since the previous approval, City Code requirements for lot size and wetland setbacks have changed. The PUD zoning remains on the parcel, though the underlying zoning was R-1 (MUSA). Staff provided further comment on the request and recommended approval.

**Citizen Input**

Community Development Director Gladhill reported the R-2 zoning district was a more appropriate fit for this project. He reviewed the revisions the developer made to the concept plan based on the Planning Commission's previous comments.

Commissioner Anderson requested further information regarding the proposed lot sizes.

City Planner Anderson discussed the proposed lot sizes and addressed why a PUD was being pursued for this development. He provided further comment on the public benefit that was to be achieved through PUD's.

Community Development Director Gladhill reported this was a challenging project given the approvals that were made in the past.

Commissioner Anderson stated he saw no public benefit from this project, beyond the trails. He requested further comment from staff regarding this matter.

City Planner Anderson explained the initial proposal was lacking and agreed additional public benefit could be requested from the developer. He reported action on this item could be tabled in order for the developer to provide the Planning Commission with a written response to this concern.

Chairperson Bauer requested further information regarding the proposed street widths.

City Planner Anderson reviewed the proposed street widths with the Commission.

Community Development Director Gladhill commented further on how this project would impact the adjacent wetlands.

Commissioner Gengler asked if there was still an elevation change between this development and the property to the north.

City Planner Anderson reported this was the case.

Mary Lindo-Lamont, 15421 Nowthen Boulevard, expressed concern with the cost of the proposed road being passed onto the current property owners.

City Planner Anderson stated there were several different scenarios that have occurred regarding the proposed roadway improvements and one would have the developer paying all costs, another option would be to have the developer and City split the costs, and the last option would be to split the costs equally between the City, developer and benefiting properties.

Community Development Director Gladhill anticipated that the majority of the expense for the roadway improvements would be split between the City and the developer.

Terry Lamont, 15421 Nowthen Boulevard, asked how water would flow off of the proposed site.

Community Development Director Gladhill commented on the stormwater plan for the project and noted the adjacent properties would not be impacted by water runoff.

Chairperson Bauer reported this was the Preliminary Plat phase for this project and explained the final plat would be reviewed and approved by the City Council.

Ms. Lindo-Lamont asked how long it would take to approve the Final Plat.

City Planner Anderson explained the developer would have one year from approval of the Preliminary Plat to complete the Final Plat. He stated it was his understanding the developer wanted to begin construction in 2019 and would not be pushing out the project a whole year.

Tom Greenberg, 6032 157<sup>th</sup> Lane NW, explained he has lived along 157<sup>th</sup> Lane for 40 years and has enjoyed the open space behind his home. He stated he was opposed to the Preliminary Plat and recommended the City remove the PUD zoning from this parcel, noting the property should be reverted back to R-1. He understood this was a tough piece of property to develop and stated he was not expecting this parcel to be zoned PUD with a high such a high density. He explained the proposed development would put a third street around his home, which would box him in. He expressed concern with the small buffer between his home and the new roadway. He reported he has replaced his well and septic system and was not interested in hooking up to the City's system and encouraged the Commission to deny the request.

Chairperson Bauer asked what type of development could be placed on this property if it were zoned R-1.

City Planner Anderson commented and R-1 zoning district would require 80-foot-wide lots that were 10,800 square feet in size.

Community Development Director Gladhill discussed the number of lots that could locate on this parcel if it were zoned R-1. He explained this option has been reviewed with the developer and from the pro forma standpoint, it does not work.

Jordan Lahti, 6014 157<sup>th</sup> Lane NW, stated his main concerns with the proposed development was how it would increase traffic on Radium Street. He explained he has young children and noted he feared for their safety. He recommended additional control measures be considered for the intersection of Nowthen Boulevard and 157<sup>th</sup> Lane.

Community Development Director Gladhill stated this was a priority area for the City.

Mr. Lahti questioned how many of the neighbors would have to offer their support in order for the City to extend City water and sewer.

Community Development Director Gladhill reported the City would need to have at least 60% of the neighbors offering their support in order for this to move forward. He explained another option would be for the City to offer water and sewer connections when the roadway was reconstructed at some point in the near future.

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

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

Chairperson Bauer closed the public hearing closed at 8:11 p.m.

### **Commission Business**

Commissioner Anderson asked what the width of 157<sup>th</sup> Avenue was.

Community Development Director Gladhill reported this roadway was 28 feet wide. He noted this was a private street.

Commissioner Anderson understood the expense for the reconstruction of Potassium Street was still up in the air. He commented he could not support a 24-foot width for Potassium Street and recommended that this roadway be 28 feet wide. He stated he saw very little public benefit from this project and recommended that it go back to the drawing board.

Commissioner Woestehoff asked if this project had a local developer.

Community Development Director Gladhill explained the developer was from the East Bethel area.

Motion by Commissioner Anderson, seconded by Commissioner Woestehoff, to recommend that City Council deny Resolution 18-209 granting Preliminary Plat for Shade Tree Cottages.

### **Further discussion**

Commissioner Gengler questioned why the recommendation for denial was being pursued.

Commissioner Anderson stated he believed the City could do more with this property and he was of the opinion the roadway could be wider. In addition, he did not see the public benefit through this development.

Commissioner Woestehoff was in agreement and stated he was very uncomfortable with the proposed lot sizes.

Commissioner Gengler stated she would like to hear form the developer prior to denying the request.

Commissioner Onyambu agreed stating he would like to hear from the developer as well.

Commissioner Anderson stated he understood this was a difficult parcel to develop. However, he supported the slate being cleaned with the developer starting over from the beginning on this development. He reported he would like to see this property rezoned from PUD to R-1.

Commissioner Woestehoff indicated he believed it spoke volumes that the developer was not before the Commission to address the comments and concerns that were raised at this meeting.

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

Motion by Commissioner Gengler, seconded by Commissioner Onyambu, to table action on the Preliminary Plat for Shade Tree Cottages and directing staff to work with the developer on alternatives.

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

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

<b>DATE</b>	OCTOBER 25, 2018	<b>PROJECT ADDRESS</b>	EAST OF NOWTHEN BLVD WEST OF POTASSIUM ST NORTH OF OLD NOWTHEN BLVD
<b>PROJECT. TITLE</b>	PRELIMINARY PLAT – SHADE TREE COTTAGES		
<b>ESCROW #</b>	116588		
<b>DEPARTMENT:</b>	Community Development: Planning Division		
<b>REVIEWER:</b>	Name: Chloe McGuire Brigl Phone: 763-433-9821 Email: CMcGuire@CityofRamsey.com		

**Summary of Required Changes**

- The applicant should provide a detailed proposal of the proposed cost-share between the City and the applicant to upgrade Potassium Street.
- Submit Landscape Plan. Topic will not go to City Council without Landscape Plan.

**Preliminary Plat & Variance Submittal Review**

**General.** The proposed subdivision is a 36 lot subdivision, with 34 detached townhome lots, one single family lot, and one lot covering all wetlands which is entirely drainage and utility easement.

**Site.** All that part of the Northeast Quarter of the Northeast Quarter of Section 23, Township 32, Range 25, lying east of the Easterly Right-of-Way of County State Aid Highway No. 5, in Anoka County, Minnesota. The lot is located on the east side of Nowthen Blvd NW, north of Old Nowthen Blvd, and west of Potassium St NW. The site is approximately 28.41 Acres.

**History.** A previous PUD was approved in 2005 and rezoned the parcel from R-1 (MUSA) to PUD. The property has remained as PUD even though the PUD has since expired.

**Streets and Access.** The Applicant is proposing the following streets and roadways.

<b>Street Name</b>	<b>Road Type</b>	<b>Street Width</b>
157 <sup>th</sup> Avenue NW	Private Road	28 feet
Radium Street NW	Public Road	32 feet
Public Road (Unnamed) connecting Radium and Potassium	Public Road	32 feet
Potassium Street NW	Public Road	24 feet

As part of this project, Potassium Street must be upgraded from a gravel road to a paved, public road. The applicant has proposed a cost-share with the City.

**Proposed Lots.** The current zoning is PUD. Typically, in this situation, staff would defer back to the original, or underlying zoning, to review lot sizes and setbacks. The original zoning, before this site was rezoned to PUD in 2005, was R-1 MUSA. There are two distinct characteristics within the development; traditional detached

single-family and small-lot detached single-family/detached townhomes. The townhome lots do not meet these requirements, as the minimum lot size is smaller than the underlying Zoning District.

**Detached Townhomes. Block 1, Lots 1 – 28 and Block 2, Lots 1-6.**

NOTE: This style home would ordinarily be located within the R-2 Residential District. The proposed homes generally meet the minimum standards of the R-2 Residential District.

Requirement	Current Requirement	Proposal	Conforming Status
Lot Size	10,800 square feet	Varying, <10,800 sq. ft.	Non-Conforming
Density	3 u/acre 4u/acre w/PUD	3.34 units/acre*	Conforming
Lot Width	80 feet	53 feet	Non-Conforming
Front Yard Setback	30 feet	11 feet	Non-Conforming
Rear Yard Setback	30 feet	17 feet	Non-Conforming
Side Yard Setback	6 (uninhabitable) 10 feet (habitable)	8 feet	Non-Conforming
Max lot coverage	35%	< 35%	Conforming

\* Measuring development area only; not entire parcel

**Detached Single-Family Review. Block 1, Lot 30 meets all requirements of the R-1 MUSA district.**

**Trails.** The applicant has agreed verbally that all trails will be public. This change will be made on the next set of plans.

**Grading and Drainage Plans.** Please see Engineering Comments in ProjectDox with regard to grading and drainage.

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

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

**Proposed PUD Setbacks.**

	Townhomes:	Single Family
Front Street:	25 ft from curb	30 ft from ROW
Side Street:	25 ft from curb	n/a
Side Yard:	15 feet btwn buildings	10 ft (house) 6 ft (garage)
Rear Yard:	n/a	30 ft
Plat Boundary:	30 feet from boundary	
Wetlands, Stormwater Ponds	16.5 feet	16.5 feet

**Planned Unit Development Review**

**Analysis Per City Code Section 117-123.**

(a) Intent. The intent of the Planned Unit Development District is to provide a district that will encourage:

- 1) Flexibility in land development in order to make better use of new techniques in building design and construction and land development.
- 2) Housing affordable to all income groups.
- 3) More efficient use of public infrastructure.
- 4) Energy conservation through the use of more efficient building designs and through the clustering of buildings and land uses.
- 5) Preservation of desirable land characteristics and open space and protection of sensitive environmental features such as steep slopes, poor soils and trees.
- 6) More effective and efficient use of land, open space and public facilities through the mixing of land uses and assembly and development of land in larger lots.

**Staff feels that the intent of the PUD District is met.** The clustering of the homes provides a new type of home for this area, and the plat does include a mix of housing types (though there is only 1 single family home and the rest are detached townhomes). Staff feels that from the original approval, this proposal fits better with the intent of the PUD district, fits the character of the neighborhood, and is less impactful to the surrounding homes and land uses as there is a reduction in the number of homes. There will be public trails and protection of wetlands onsite.

This is a difficult site to develop, and staff feels that the applicant has attempted to make a project that will benefit the community and lessen its impacts on the surrounding neighbors.

(b) Criteria. The city shall consider the following criteria and objectives in reviewing the *PUD*:

Criteria	Meets – Yes/No
A high quality of design and design compatible with surrounding land uses, both existing and planned.	<b>Yes</b>
A wider range of housing types, price ranges and styles than could be accomplished under existing zoning.	<b>Yes</b>  Townhomes and one single family home
Public amenities, facilities and open spaces that are greater than the minimum requirements of existing zoning and determined to be in the public good.	
Compatibility with the purposes and intents of this chapter and the city's comprehensive plan, specifically residential density requirements. Increases in density may be allowed, provided that traffic patterns will not be adversely affected and that public facilities are adequate.	<b>Yes</b>
Provision for a minimum of 20 percent public open space and/or 50 percent private open space protected by adequate covenants running with the land or by conveyances or dedications. Credit for public open space shall be given pursuant to the following schedule: <ul style="list-style-type: none"> <li>• Woodlands, steep slopes, prairie and grasslands: 100 percent credit.</li> <li>• Water features and wetlands: 50 percent credit.</li> </ul>	<b>Yes</b>  50% private open space

<ul style="list-style-type: none"><li>Private open space may include yard space, street boulevards, and other private common areas.</li></ul>	
The proposal shall exercise no substantial detrimental influence on the market value of surrounding properties.	<b>Yes</b>
The proposal shall show a favorable economic impact on the community at large.	<b>Yes</b>
The proposal shall not adversely impact natural features such as wetlands, water features, woodlands, and steep slopes.	<b>Yes</b>
The proposal shall protect and preserve scenic qualities to the greatest extent possible.	<b>Yes</b>
The proposal shall not impose any undue burden on public services and facilities, including fire and police protection, schools, streets, water systems, sanitary sewer systems and storm sewer systems.	<b>Yes</b>
The proposal is designed in such a way to form a desirable and unified environment within its own boundaries, and also will not be detrimental to future land uses in the surrounding areas.	<b>Yes</b>
The proposal is consistent with all other applicable city and state regulations.	<b>Yes</b>

**Staff believes that the project does meet the criteria above.** Staff did feel that the criteria were met when the original PUD was approved, and this project as a whole is less impactful than the original proposal.

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

**RESOLUTION #18-209**

**RESOLUTION GRANTING PRELIMINARY PLAT  
APPROVAL OF SHADE TREE COTTAGES**

**WHEREAS**, Shade Tree Communities, LLC, hereafter referred to as “Developer”, properly applied for Preliminary Plat approval of the following described property located in the City of Ramsey:

All that part of the Northeast Quarter of the Northeast Quarter of Section 23, Township 32, Range 25, lying east of the Easterly Right-of-Way of County State Aid Highway No. 5, in Anoka County, Minnesota.

PID: 23-32-25-21-0002

(the ‘Subject Property’);

**WHEREAS**, the City of Ramsey held a public workshop on February 1, 2018 and;

**WHEREAS**, the City of Ramsey approved a Planned Unit Development and Final Plat for Shade Tree Cottages in 2005 that has since expired; and

**WHEREAS**, the Ramsey Environmental Policy Board (EPB) reviewed the preliminary plat on \_\_\_\_\_; and

**WHEREAS**, the Economic Development Authority reviewed the preliminary plat on \_\_\_\_\_; and;

**WHEREAS**, the City of Ramsey received a Preliminary Plat on September 6, 2018; and

**WHEREAS**, the Developer will be upgrading and improving Potassium Street; and

**WHEREAS**, on October 4, 2018 the Ramsey Planning Commission conducted a public hearing regarding the proposed preliminary plat; and

**WHEREAS**, on November 1, 2018 the Ramsey Planning Commission discussed the preliminary plat and recommended the City Council approve the preliminary plat; and

**WHEREAS**, the City Council reviewed the preliminary plat on November 27, 2018.

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

- 1) That the Ramsey City Council hereby grants preliminary plat approval of Cottages at the COR in accordance with relevant City Codes, subject to the following conditions:
  - a) Compliance with the Staff Review Letter dated September 25, 2018.

- b) Compliance with all Staff Review Comments in ProjectDox.
- c) The Developer entering into a Development Agreement with the City.

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

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

Existing Vacancy  
Existing Vacancy

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this 27 day of November, 2018

\_\_\_\_\_  
Acting Mayor

**ATTEST:**

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

**Regular Planning Commission**

**8. 1.**

**Meeting Date:** 11/01/2018

**By:** Chloe McGuire Brigl, Community  
Development

**Information**

**Title:**

Review Site Plan for Parkside Village, Ramsey Town Center 9th Addition Build-Out; Case of Centra Homes, LLC

**Purpose/Background:**

The purpose of this case is to review a site plan application made by Centra Homes, LLC for the build-out of Ramsey Town Center 9th Addition via Parkside Village. Ramsey Town Center 9th Addition was platted in 2005 but never fully finished. The original developer built two townhouse buildings and put the first lift of asphalt on the private road, but the road needs to be completed, and the remainder of the townhomes built.

**Notification:**

No notification required for site plan approval.

**Observations/Alternatives:**

Since 2005, City standards in the COR have changed in regards to architectural review, and the City has different regulations surrounding topsoil requirements, wetland setbacks, landscaping, and infiltration. Due to these changes, the City requested the applicant come back forward with a site plan in order for Staff and the City to approve the new buildings.

The proposal shows private, internal roadways and 13 new, detached townhome buildings. The applicant is proposing to follow the site plan set forth by the previous developer, which includes attached townhomes and private roads. The proposed townhomes generally meet the architectural guidelines of the COR but will require larger porches. The City has already approved the final plat for this project, so this discussion is strictly about the landscape plan, architectural standards, and approving the grading plan. Staff is reviewing the new buildings under the current COR regulations, which requires changes to the elevations, exterior finish, porch/deck sizes, and adding articulation along the building.

**Funding Source:**

The applicant is responsible for all costs associated with Project.

**Recommendation:**

Staff recommends approval of Resolution 18-228 granting site plan approval for Parkside Village, contingent upon compliance modifications to Exterior Elevations and City Engineer Review.

**Action:**

Motion to recommend the City Council adopts Resolution 18-228 granting site plan approval for Parkside Village, contingent upon modifications to Exterior Elevations and City Engineer Review.

**Attachments**

DRAFT Resolution 18-228

Plan Set

**Form Review**

**Inbox**

Tim Gladhill

Form Started By: Chloe McGuire Brigl

Final Approval Date: 10/26/2018

**Reviewed By**

Tim Gladhill

**Date**

10/26/2018 01:29 PM

Started On: 10/22/2018 01:04 PM

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

**RESOLUTION #18-228**

**RESOLUTION GRANTING SITE PLAN APPROVAL FOR PARKSIDE VILLAGE**

**WHEREAS**, Centra Homes, LLC hereafter referred to as “Developer”, properly applied for site plan approval of the following described property located in the City of Ramsey:

Lots 1 – 5, Block 2

Lots 1 – 3, Block 3

Lots 2 – 6, Block 4

Ramsey Town Center 9<sup>th</sup> Addition, Anoka County, Minnesota

(Subject Property)

**WHEREAS**, on October 10, 2018, the City received an application and plans from Centra Homes, LLC for site plan, architectural approval, landscaping plan, and grading plan; and

**WHEREAS**, the site is zoned the COR; and

**WHEREAS**, the developer is requesting site plan and architectural approval to build out the vacant lots in Ramsey Town Center 9<sup>th</sup> Addition; and

**WHEREAS**, Ramsey Town Center 9<sup>th</sup> Addition final plat was approved by the Ramsey City Council and recorded with Anoka County in 2005; and

**WHEREAS**, Lot 1, Block 1 and Lot 1, Block 4 were built with townhomes; and

**WHEREAS**, on November 1, 2018, the Planning Commission reviewed the proposed site plan and recommended City Council approve the proposed site plan; and

**WHEREAS**, on November 20, 2018 the City Council reviewed the site plan; and

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

- 1) That the City Council of the City of Ramsey does approve the Site Plan for Parkside Village, contingent upon compliance with the City Staff Review Letter, ProjectDox Comments, approval by the City Engineer, and the Developer entering into a Development Agreement with the City.

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

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

Existing Vacancy

Existing Vacancy

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this 20 day of November, 2018.

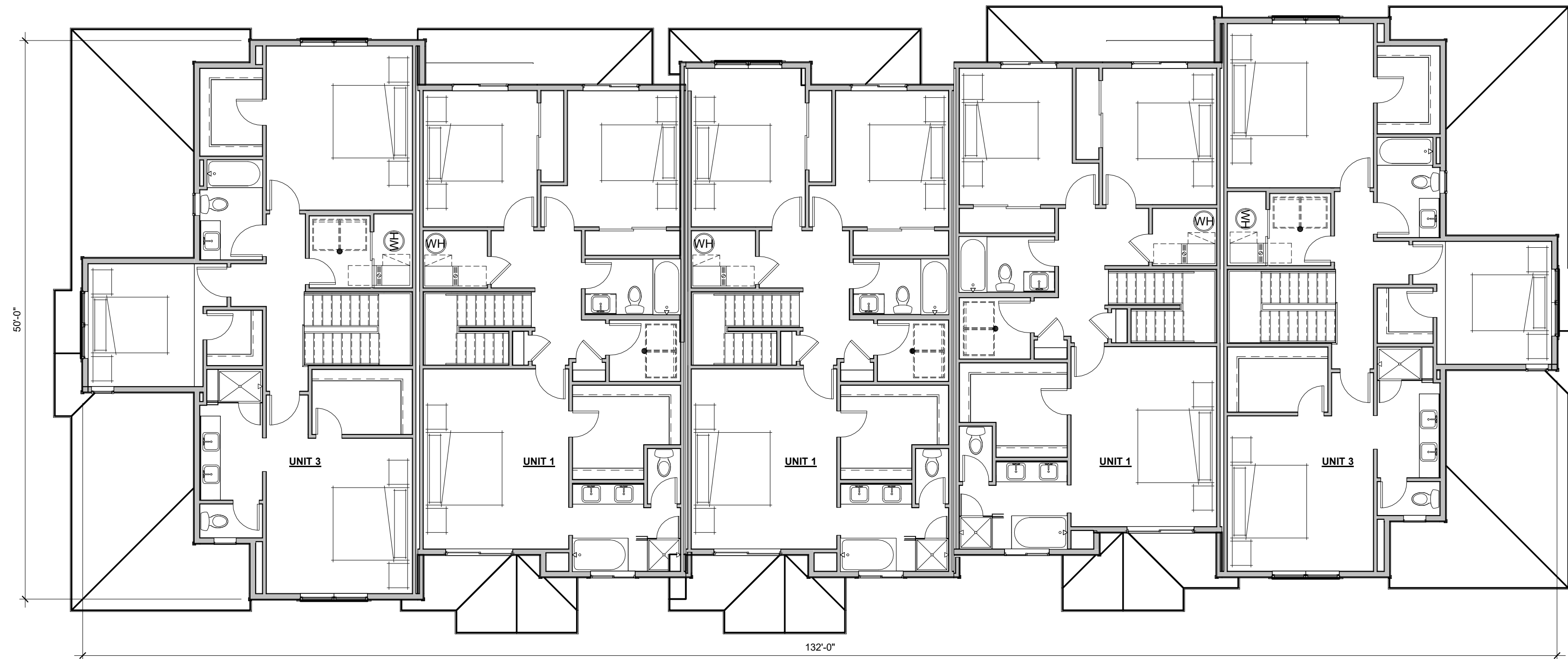
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Mayor

**ATTEST:**

---

City Clerk



2 2ND LEVEL - FLAT LOTS  
1/8" = 1'-0"



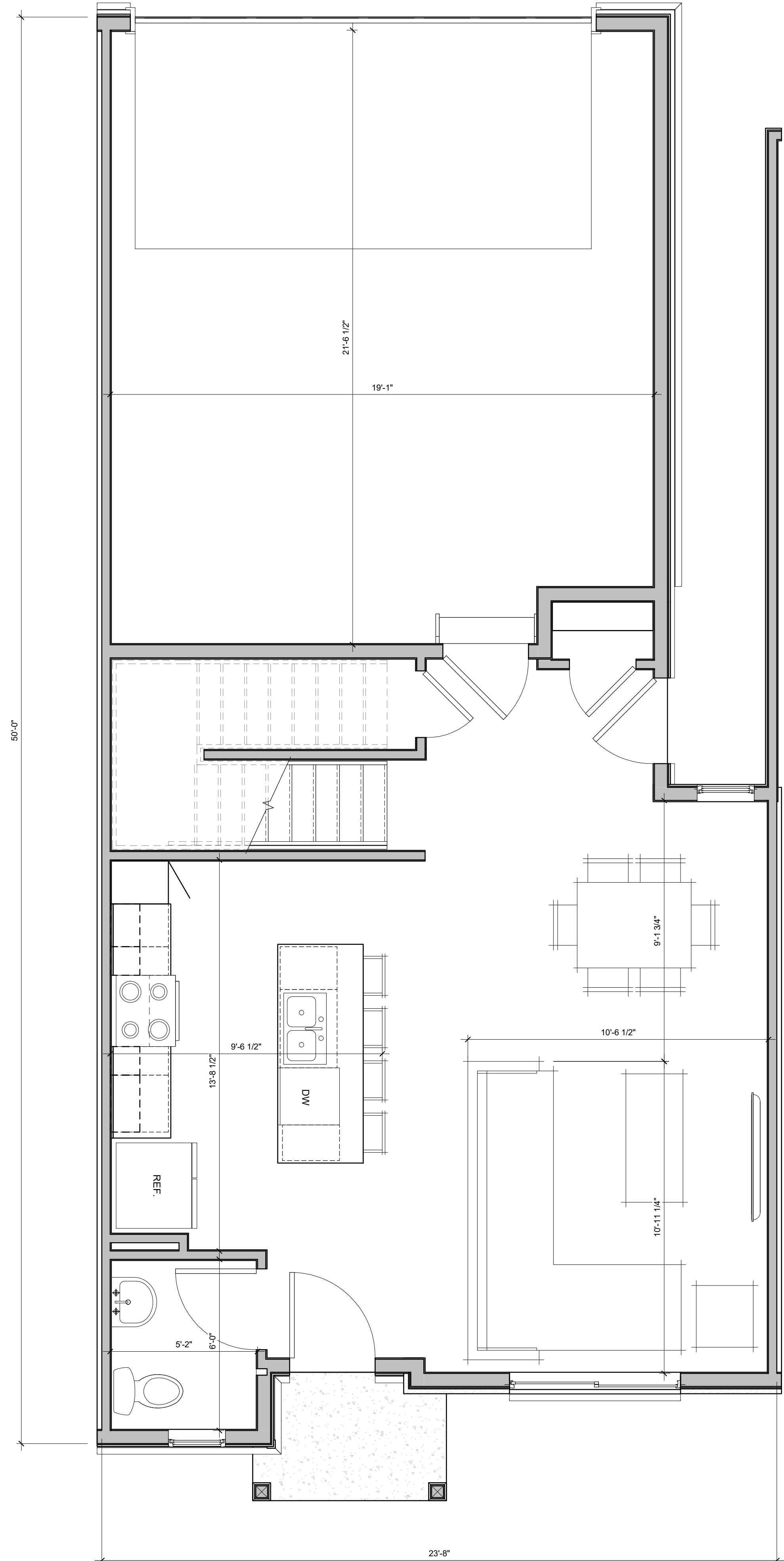
1 1ST LEVEL - FLAT LOTS  
1/8" = 1'-0"



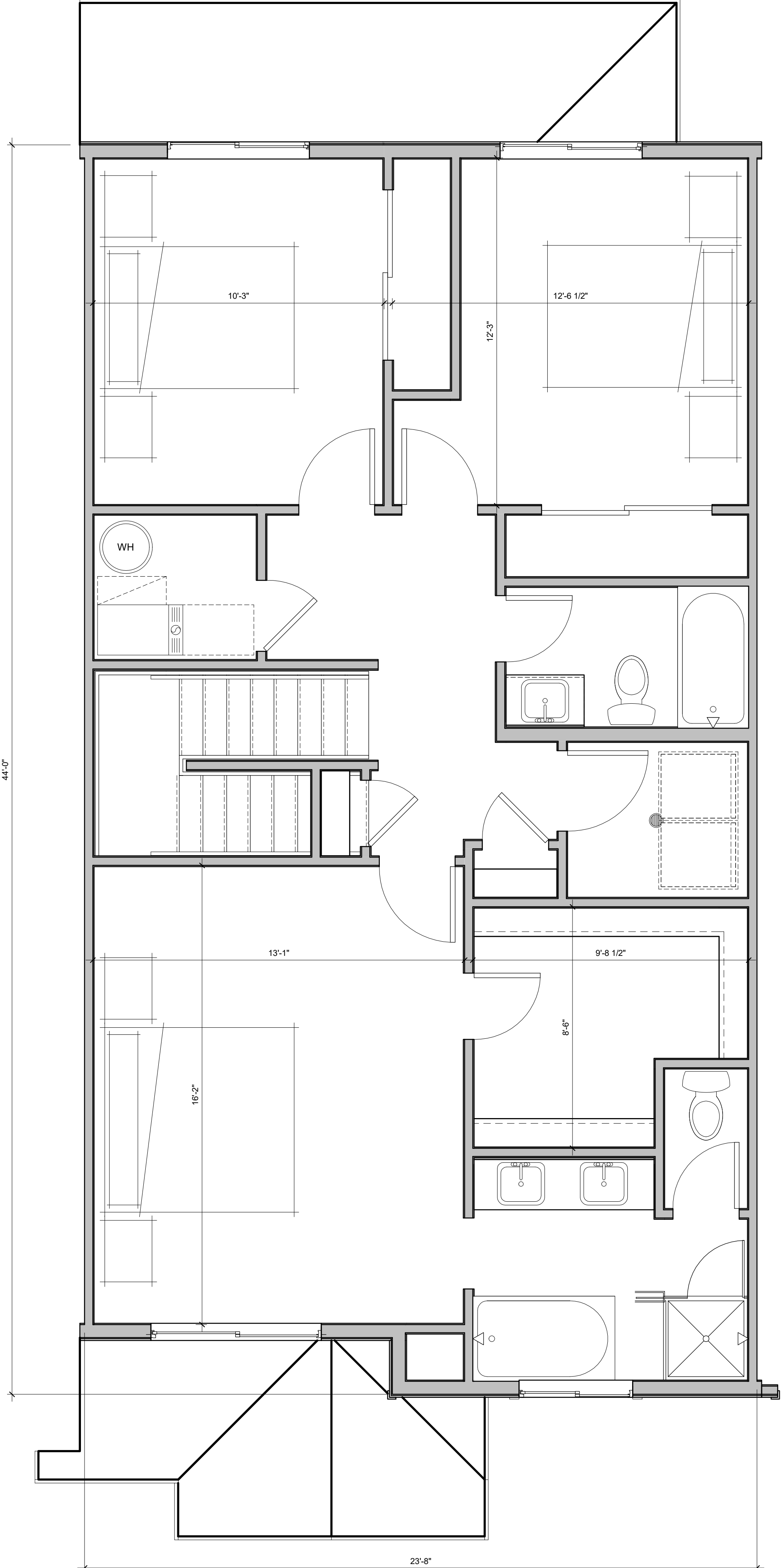
2 2ND LEVEL - LOOKOUT  
1/8" = 1'-0"



1 1ST LEVEL - LOOKOUT  
1/8" = 1'-0"



1 UNIT 1 - 1ST LEVEL  
3/8" = 1'-0"



2 UNIT 1 - 2ND LEVEL  
3/8" = 1'-0"

RAMSEY 9TH

UNIT PLAN 1

A3

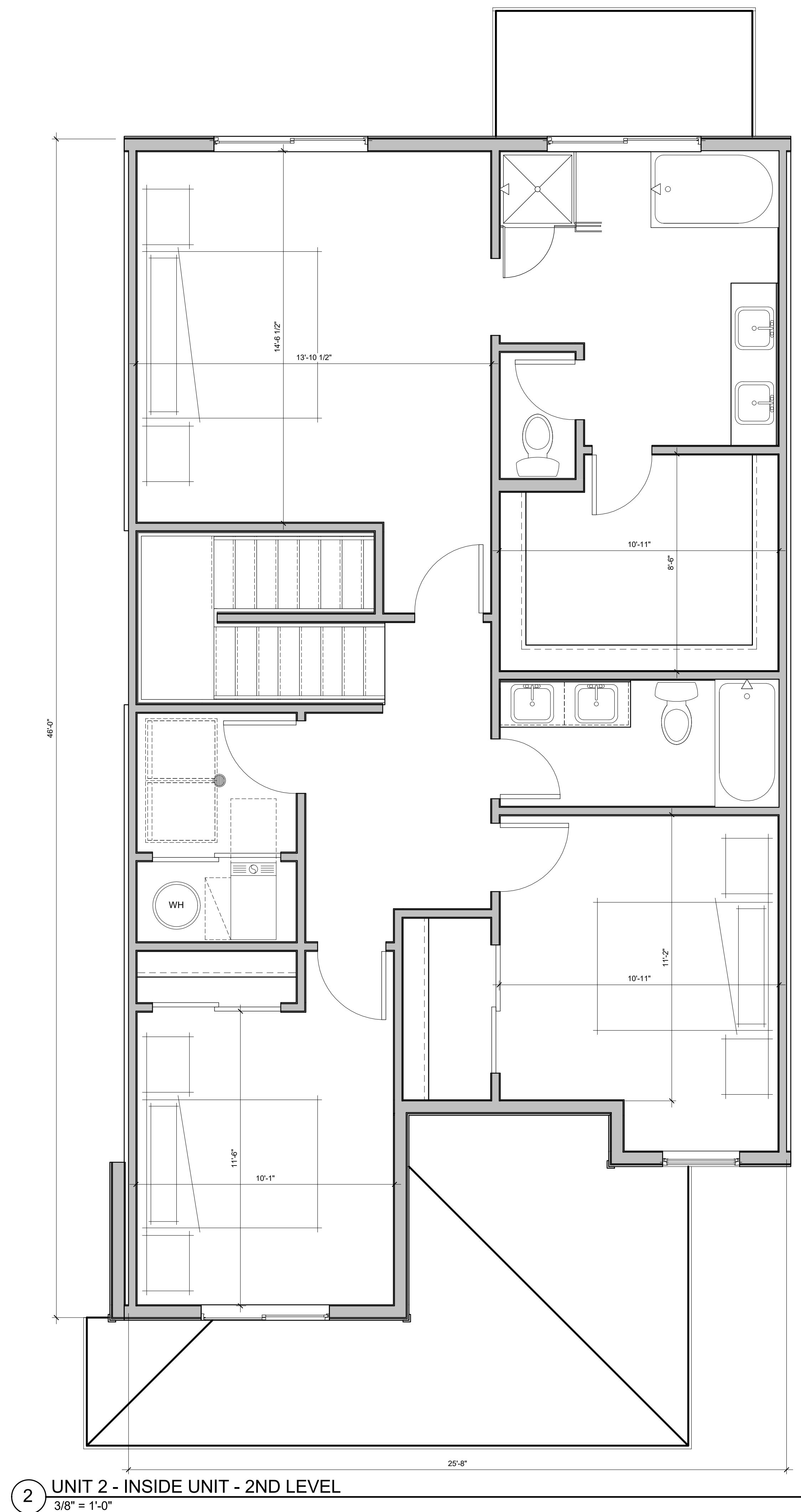
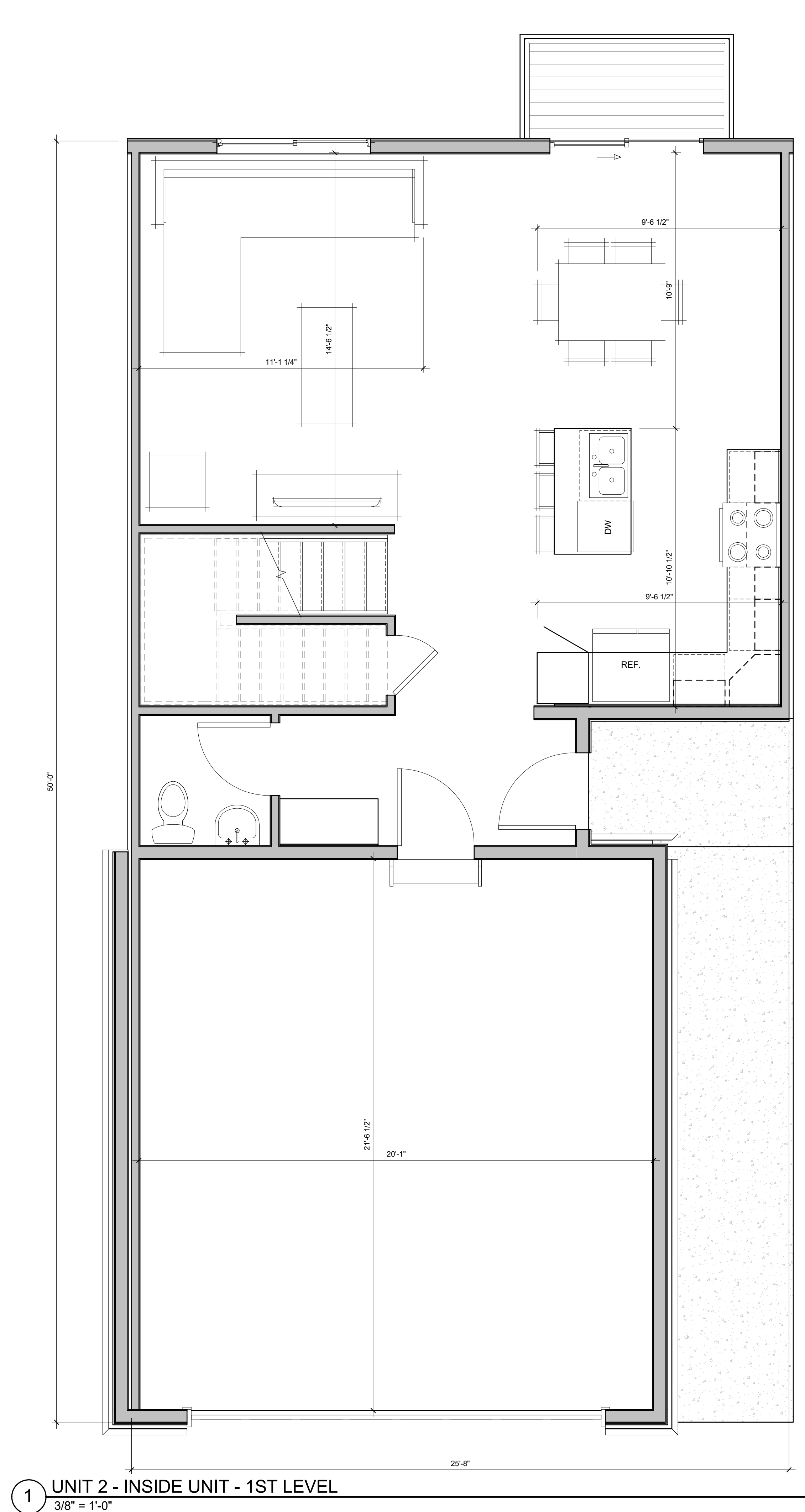
10/05/18



303.455.4437

5975 S. QUEBEC ST., STE. 250  
CENTENNIAL, CO 80111

SEE WHAT COULD BE



RAMSEY 9TH

UNIT PLAN 2

A4a

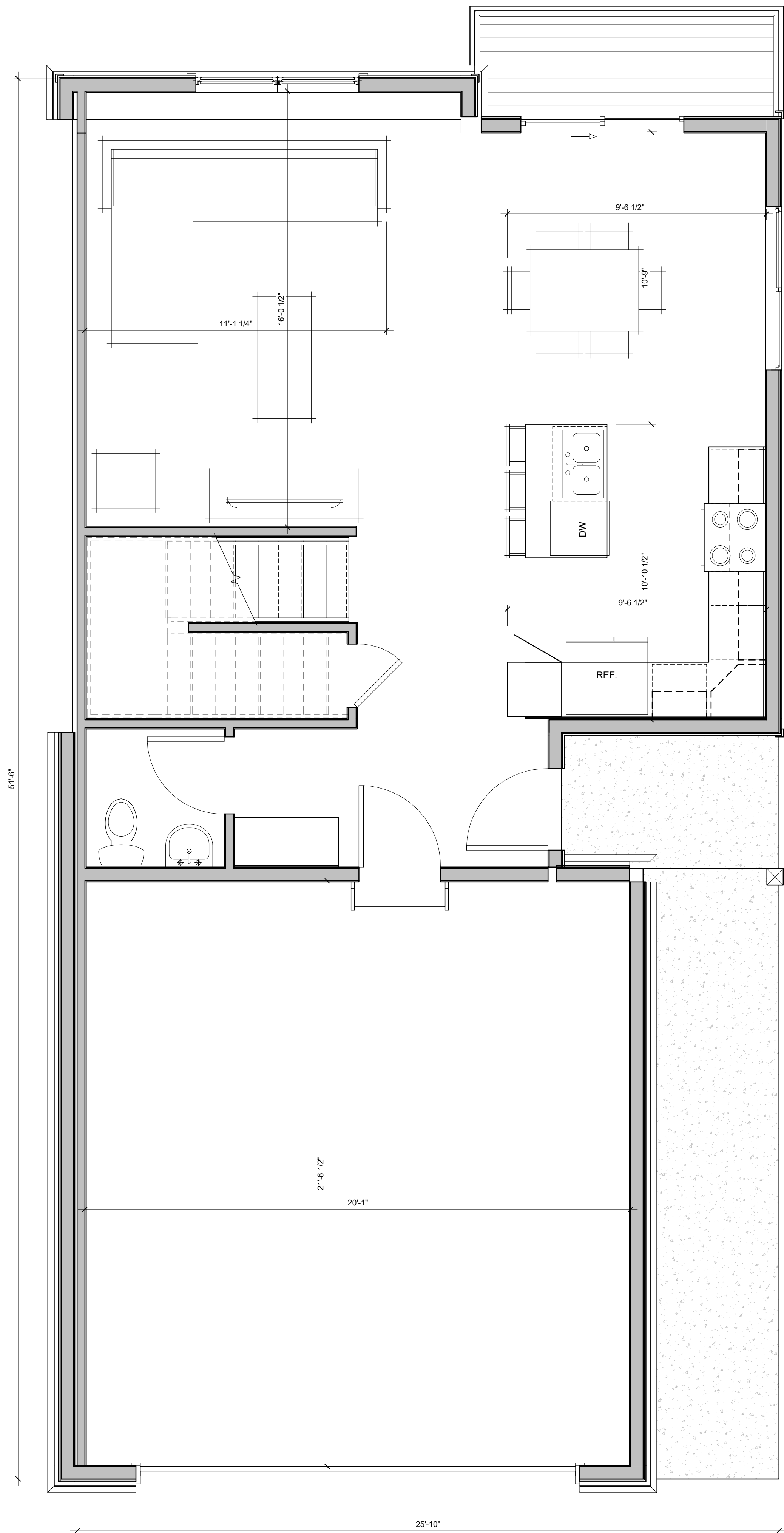
10/05/18



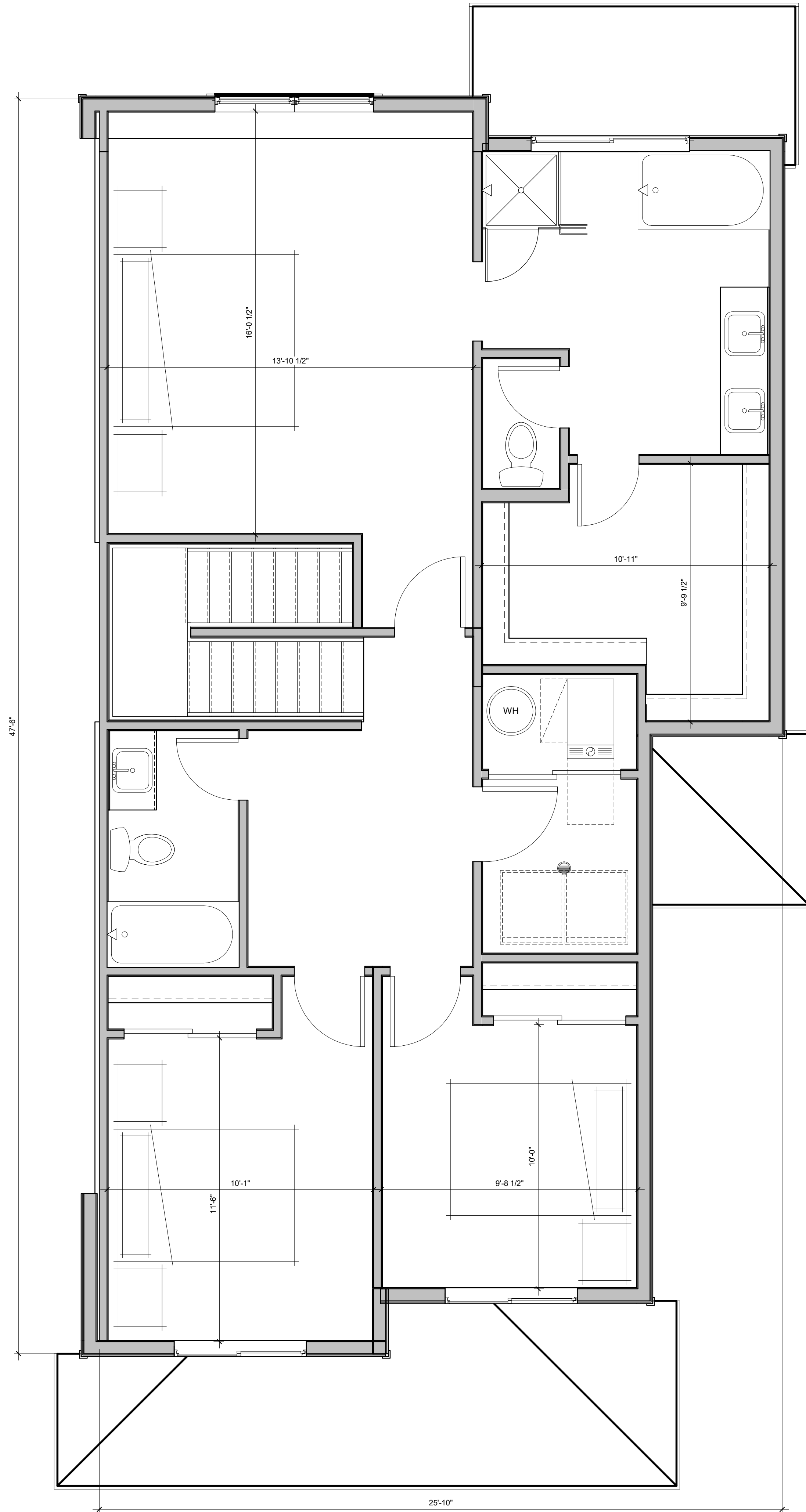
303.455.4437

5975 S. QUEBEC ST., STE. 250  
CENTENNIAL, CO 80111

SEE WHAT COULD BE



1 UNIT 2 - END UNIT - 1ST LEVEL  
3/8" = 1'-0"



2 UNIT 2 - END UNIT - 2ND LEVEL  
3/8" = 1'-0"

RAMSEY 9TH

UNIT PLAN 2

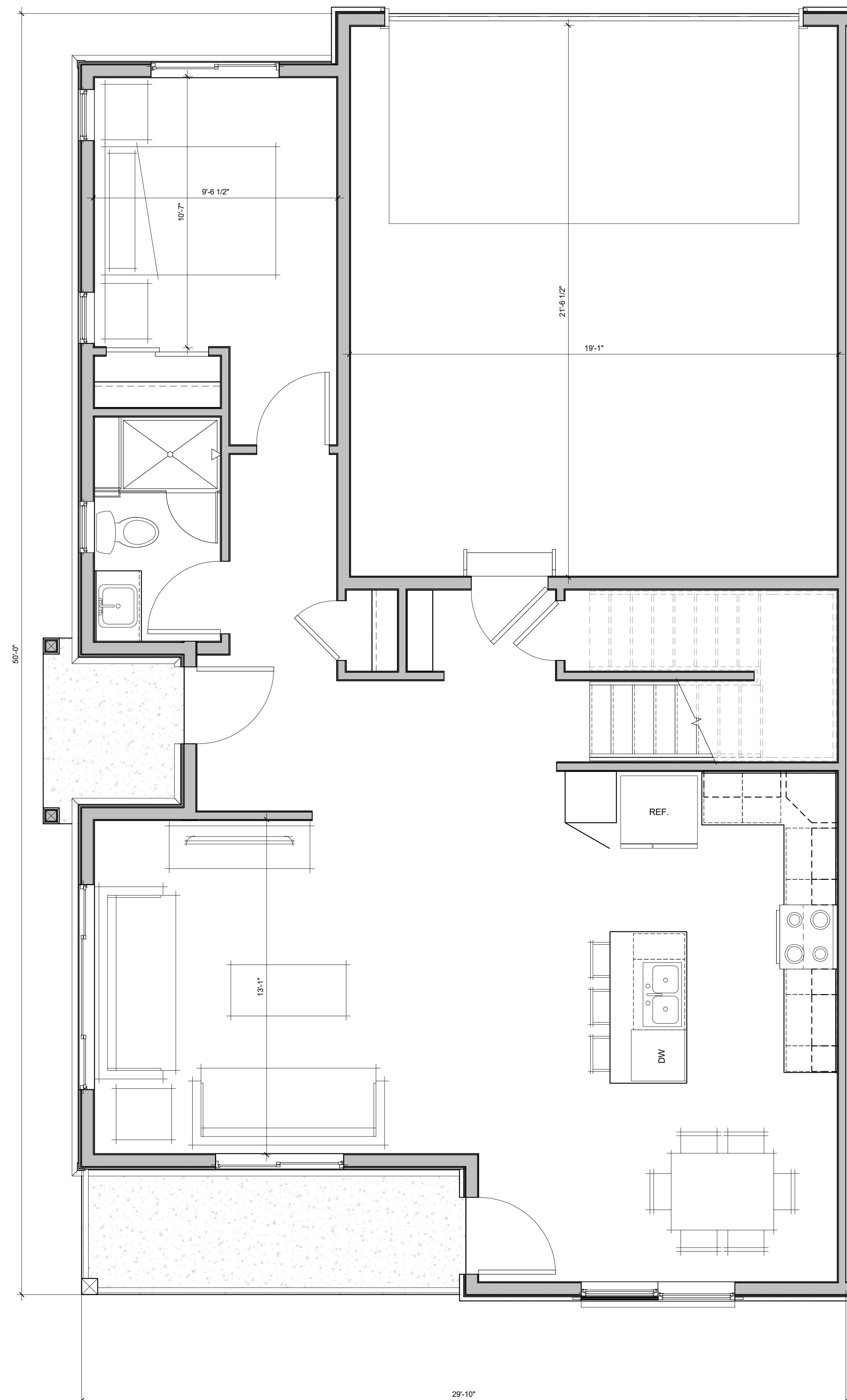
A4b

10/05/18

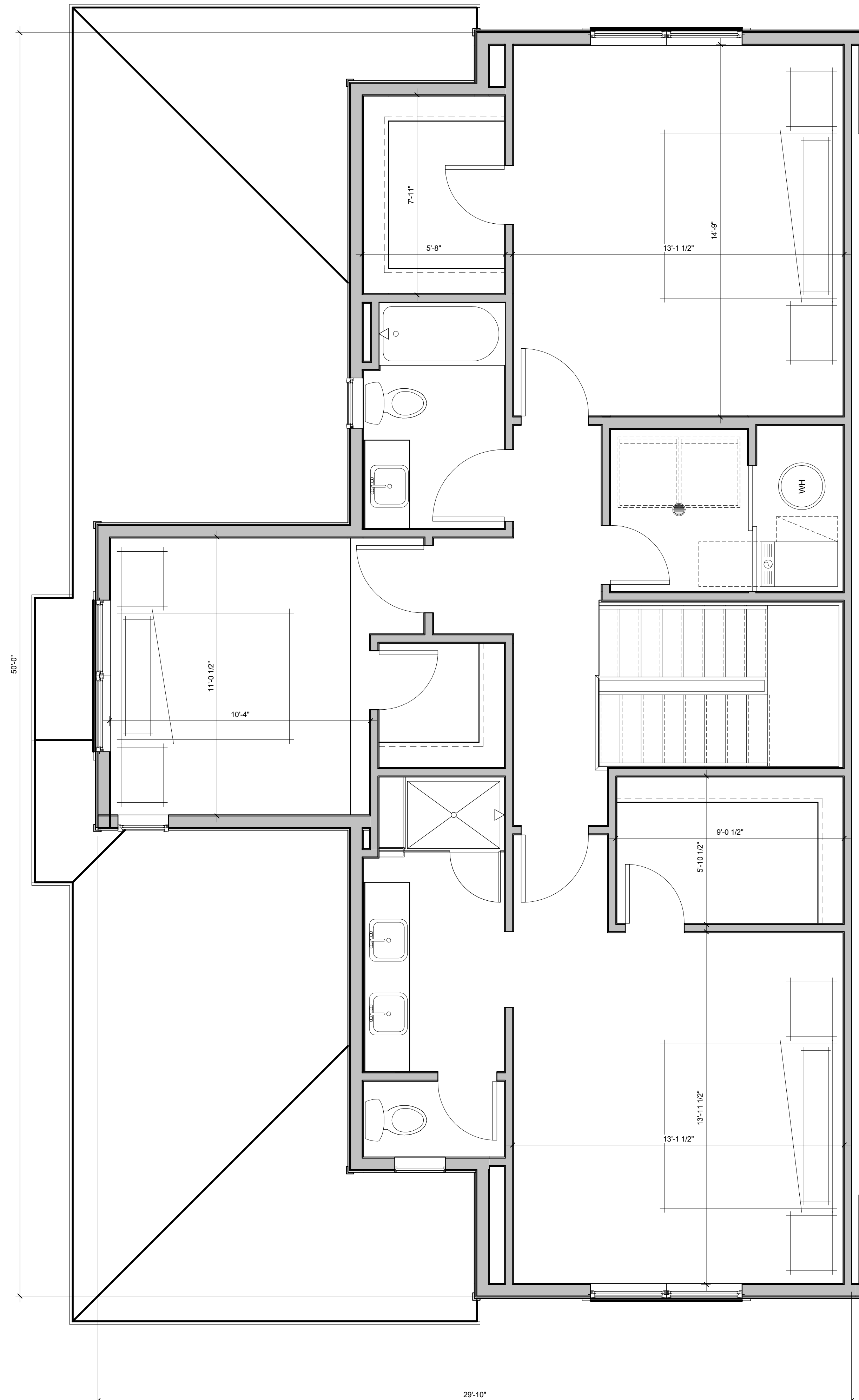


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CENTENNIAL, CO 80111



1 UNIT 3 - 1ST LEVEL  
3/8" = 1'-0"



2 UNIT 3 - 2ND LEVEL  
3/8" = 1'-0"

RAMSEY 9TH

UNIT PLAN 3

A5

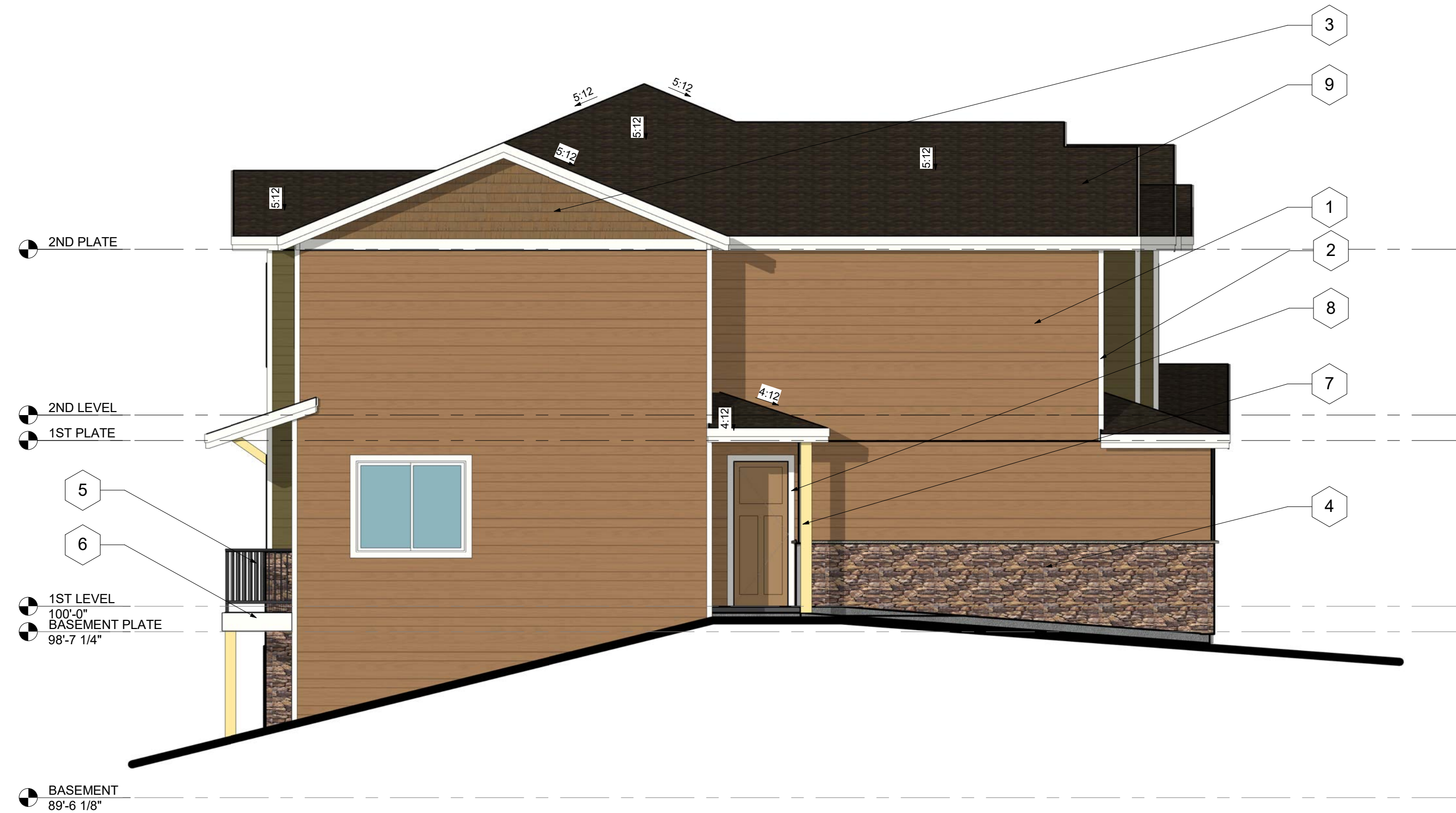
10/05/18



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5975 S. QUEBEC ST., STE. 250  
CENTENNIAL, CO 80111

- EXTERIOR MATERIALS**
- 1 VINYL SIDING
  - 2 TRIM
  - 3 SHAKES
  - 4 STONE ACCENTS
  - 5 ALUMINUM DECK RAILING
  - 6 MAINTENANCE FREE DECKING
  - 7 8x8 POSTS
  - 8 WINDOW TRIM
  - 9 30-YEAR SHINGLES



2 SIDE ELEVATION- LOOKOUT  
3/16" = 1'-0"



1 FRONT ELEVATION - LOOKOUT  
3/16" = 1'-0"

- EXTERIOR MATERIALS**
- 1 VINYL SIDING
  - 2 TRIM
  - 3 SHAKES
  - 4 STONE ACCENTS
  - 5 ALUMINUM DECK RAILING
  - 6 MAINTENANCE FREE DECKING
  - 7 8x8 POSTS
  - 8 WINDOW TRIM
  - 9 30-YEAR SHINGLES



1 REAR ELEVATION  
3/16" = 1'-0"



303.455.4437

5975 S. QUEBEC ST., STE. 250  
CENTENNIAL, CO 80111

**EXTERIOR MATERIALS**

- 1 VINYL SIDING
- 2 TRIM
- 3 SHAKES
- 4 STONE ACCENTS
- 5 ALUMINUM DECK RAILING
- 6 MAINTENANCE FREE DECKING
- 7 8x8 POSTS
- 8 WINDOW TRIM
- 9 30-YEAR SHINGLES



2 LEFT SIDE ELEVATION-FLAT LOTS  
3/16" = 1'-0"



1 FRONT ELEVATION - FLAT LOTS  
3/16" = 1'-0"



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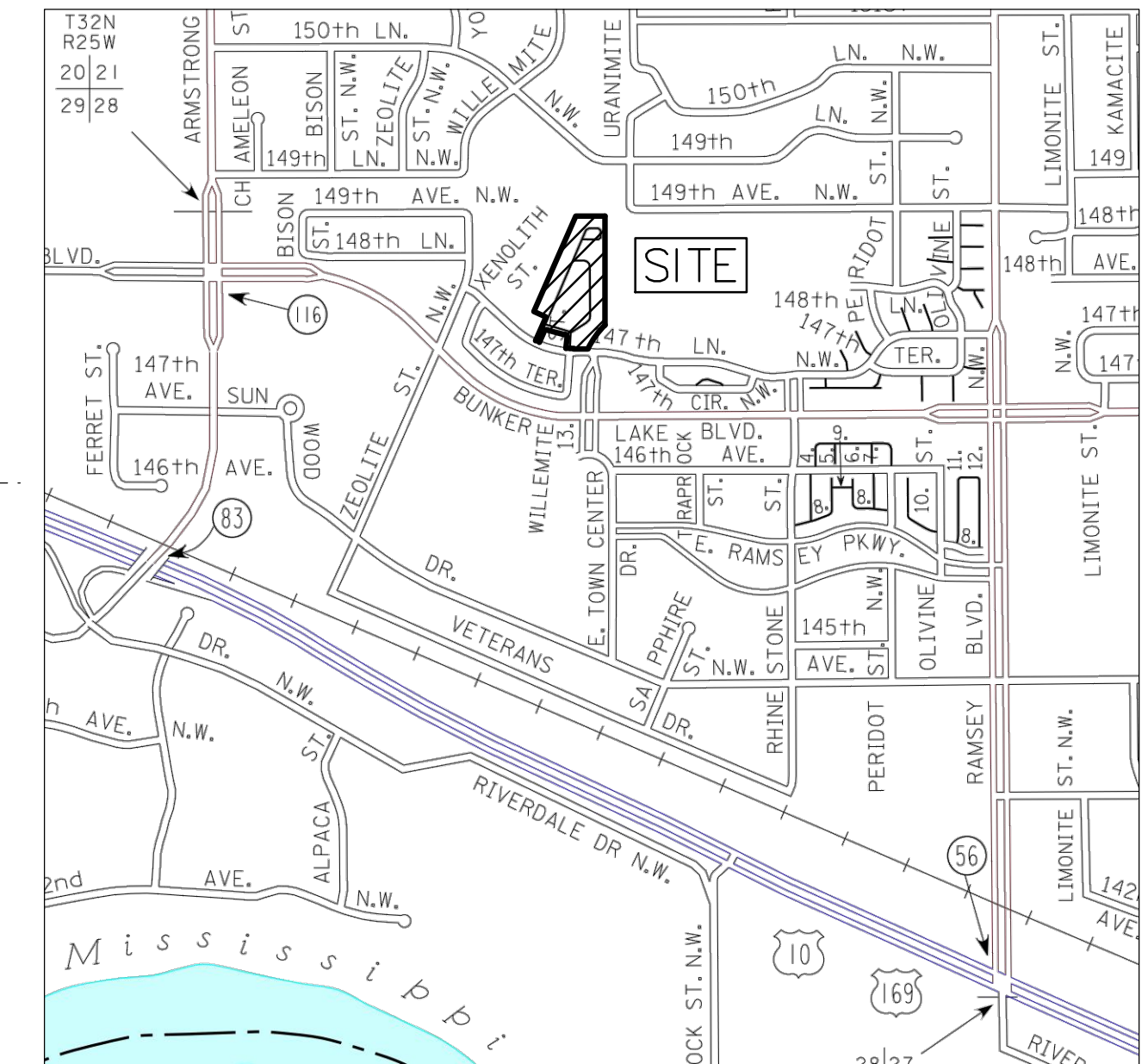
5975 S. QUEBEC ST., STE. 250  
CENTENNIAL, CO 80111

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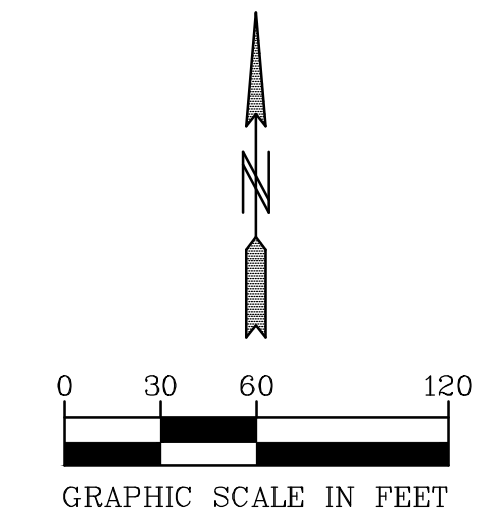


1 REAR ELEVATION-FLAT LOTS  
3/16" = 1'-0"

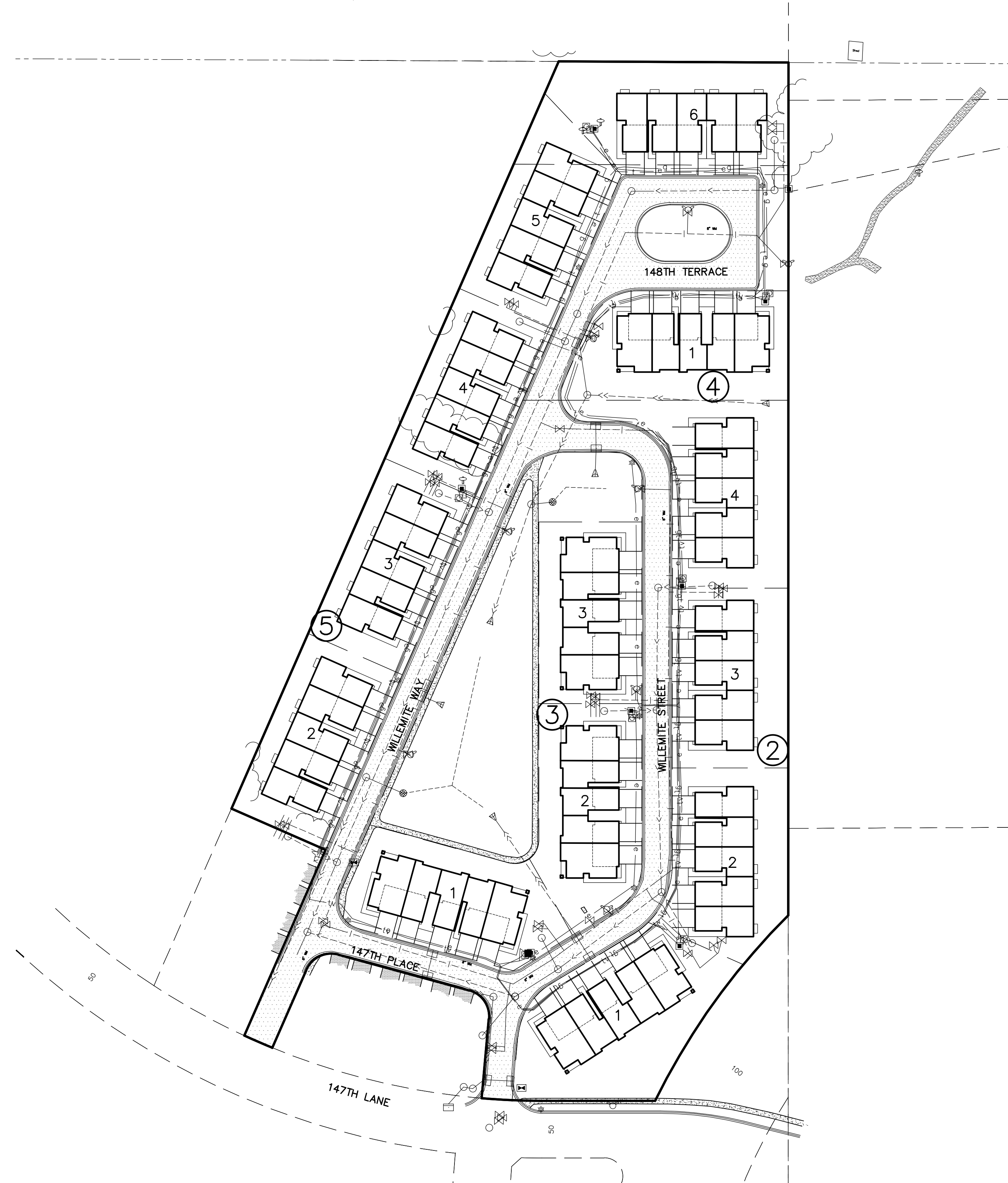
# RAMSEY TOWN CENTER 9TH ADDITION SITE PLAN RAMSEY, MINNESOTA



LOCATION MAP



PREPARED BY PIONEER ENGINEERING, P.A.  
 JOHN M. MOLINARO  
 REGISTERED PROFESSIONAL CIVIL ENGINEER  
 45831  
 REG. NO.  
 PETER J. HAWKINSON  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 42299  
 REG. NO.  
 DEVELOPER  
 TATE BAXTER  
 CENTRA HOMES, LLC  
 11460 ROBINSON DR NW  
 COON RAPIDS, MN 55433



- SHEET INDEX**
- 1. COVER SHEET
  - 2. LEGEND
  - 3. EXISTING CONDITIONS
  - 4. SITE PLAN
  - 5. LANDSCAPE PLAN/TREE PRESERVATION
  - 6. UTILITY PLAN
  - 7. GRADING PLAN



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(651) 681-1914  
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www.pioneereng.com

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

Name: John M. Molinaro  
 Reg. No.: 45831  
 Date: 10-09-2018

Revisions

Date: 10-09-18  
 Designed: JMM  
 Drawn: JMM

COVER SHEET

CENTRA HOMES, LLC  
 11460 ROBINSON DR. NW  
 COON RAPIDS, MN 55433

RAMSEY TOWN CENTER 9TH ADD.  
 RAMSEY, MINNESOTA

1 OF 7

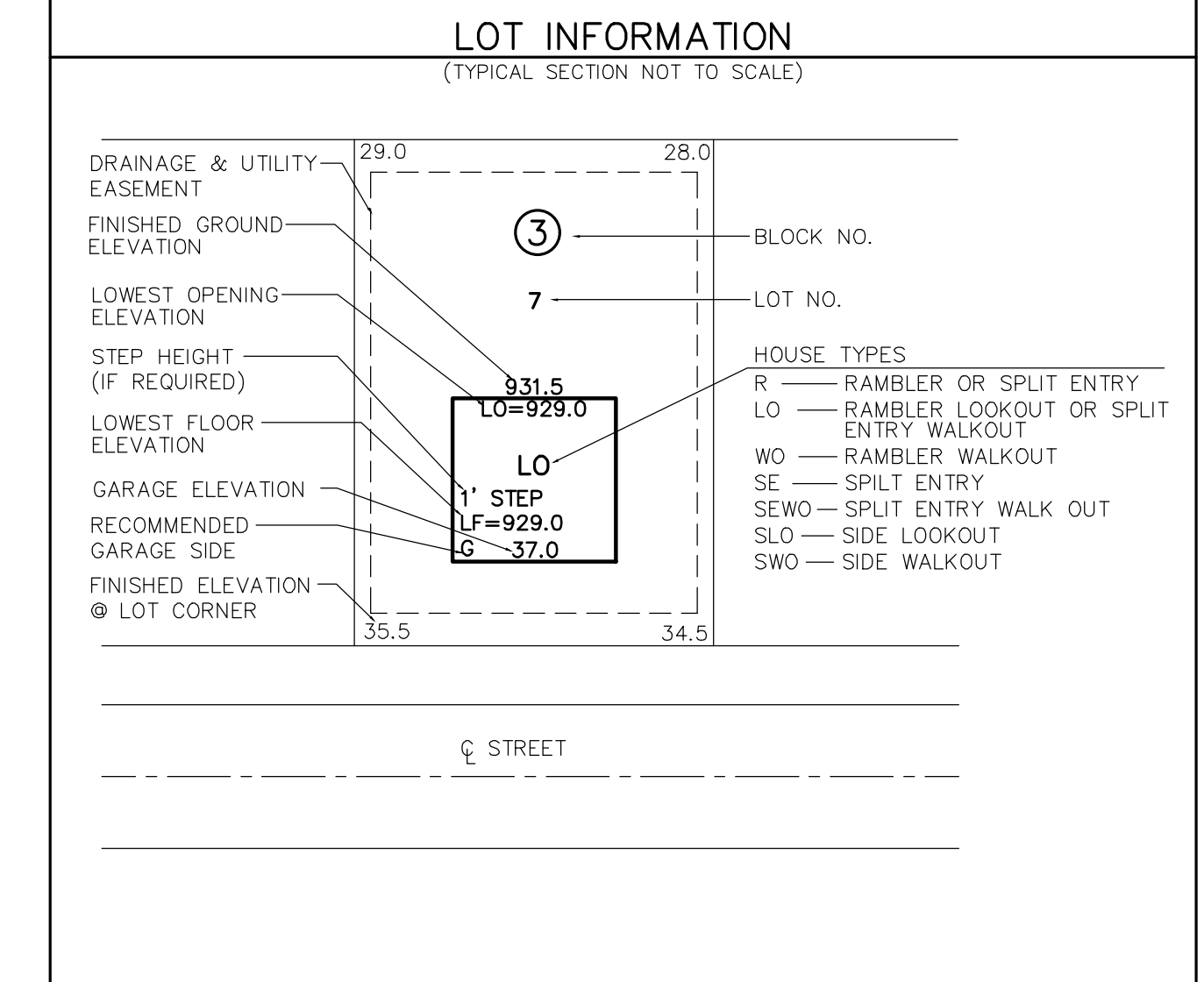
LEGEND			
UTILITY LINES		DESCRIPTION	
EXISTING	PROPOSED	FUTURE	
SANITARY MANHOLE SANITARY SEWER (SANITARY & WATERMAIN PLANS) SANITARY SEWER (STORM SEWER PLANS) FORCE MAIN HYDRANT GATE VALVE REDUCER CURB STOP WATERMAIN (SANITARY & WATERMAIN PLANS) WATERMAIN (STORM SEWER PLANS) CATCH BASIN BEEHIVE STORM MANHOLE FLARED END SECTION CONTROL STRUCTURE STORM SEWER (SANITARY & WATERMAIN PLANS) STORM SEWER (STORM SEWER PLANS) CULVERT PERFORATED DRAINTILE SOLID DRAINTILE SERVICE CASING UNDERGROUND ELECTRIC LINE UNDERGROUND FIBER OPTIC LINE UNDERGROUND GAS PIPELINE UNDERGROUND PETROLEUM PIPELINE UNDERGROUND TELEPHONE LINES UNDERGROUND TELEVISION LINE OVERHEAD UTILITY LINES			
SITE LINES		DESCRIPTION	
EXISTING	PROPOSED	FUTURE	
SURMOUNTABLE CURB & GUTTER B-STYLE CURB & GUTTER RIBBON CURB & GUTTER EDGE OF BITUMINOUS YELLOW PAVEMENT STRIPING (SINGLE/DOUBLE) WHITE PAVEMENT STRIPING (SINGLE/DOUBLE) PHASE LINE CENTERLINE 2' CONTOUR LINE 10' CONTOUR LINE BASIN OUTLET LINE BASIN HIGH WATER LINE PROPOSED SPOT ELEVATION EMERGENCY OVERFLOW DRAINAGE FLOW ARROW DELINEATED / PROPOSED WETLAND LINE WETLAND BUFFER TREE LINE FEMA FLOODPLAIN BOUNDARY RETAINING WALL FENCE (BARBED WIRE) FENCE (CHAIN LINK) FENCE (WOOD) CONSERVATION AREA SIGN WETLAND BUFFER SIGN TYPE III BARRICADE LIGHT POLE STREET SIGNS PEDESTRIAN RAMP			
SURVEY LINES		DESCRIPTION	
EXISTING	PROPOSED	FUTURE	
BOUNDARY RIGHT OF WAY LOT LINE EASEMENT SET BACK LINE SECTION LINE RESTRICTED ACCESS			
HATCH PATTERNS			
	GRAVEL SURFACE		WETLAND
	BITUMINOUS SURFACE		WETLAND UPLAND BUFFER
	CONCRETE SURFACE		WETLAND MITIGATION
	RIP RAP (CLASS IV FIELDSTONE)		PERMANENT TURF RESTORATION
	SELECT BACKFILL MATERIAL		PERMANENT WET BASIN SEEDING
	EROSION CONTROL BLANKET MNDOT CATEGORY PER PLAN		UPLAND/NATURAL AREA SEEDING

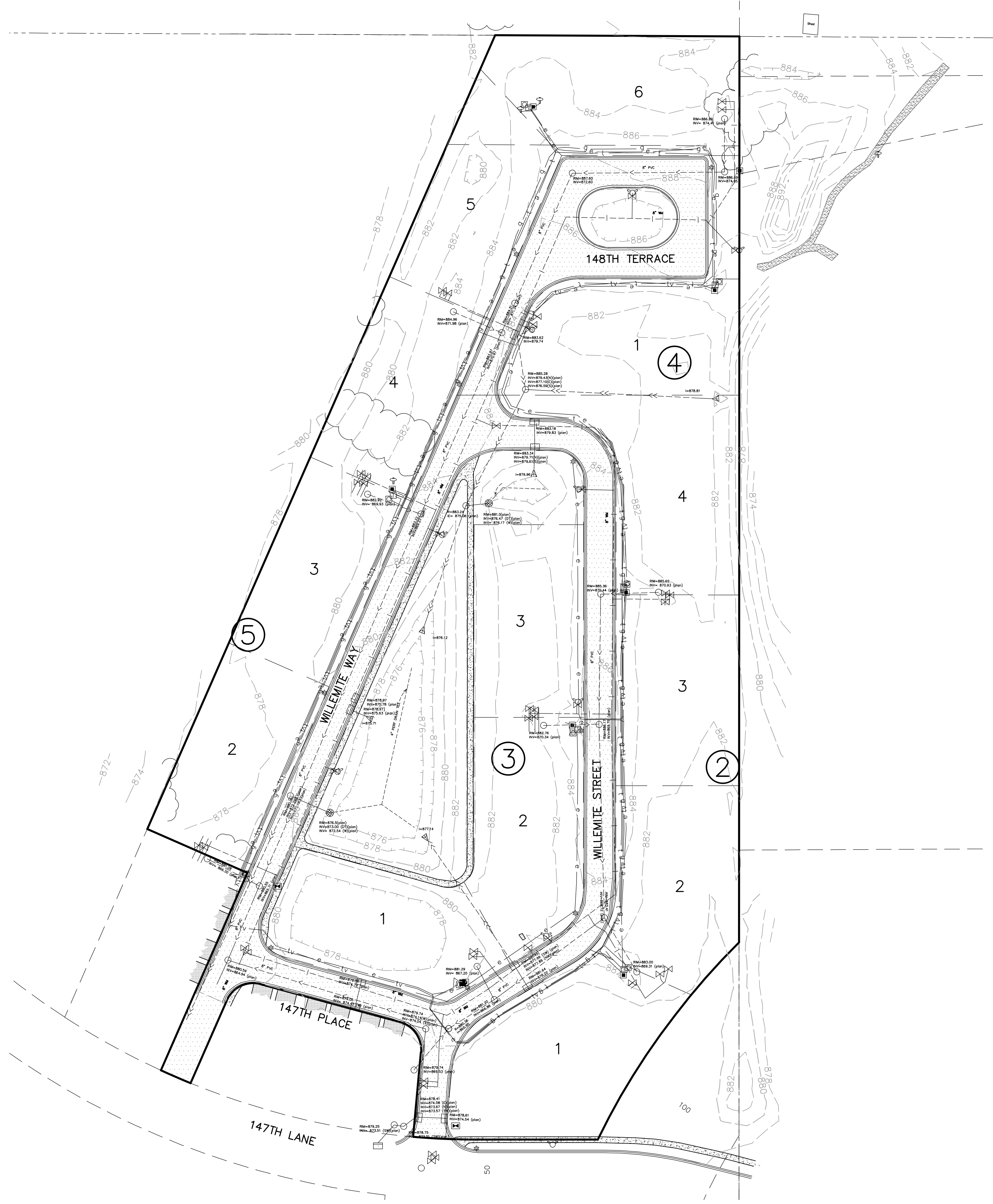
TOPOGRAPHIC SYMBOLS	
	CATCH BASIN
	CATCH BASIN BEEHIVE
	FLARED END SECTION
	GATE VALVE
	HYDRANT
	WATER SERVICE
	WATER WELL
	MONITORING WELL
	CLEANOUT
	HAND HOLE
	MANHOLE OTHER THAN SANITARY OR STORM
	SANITARY OR STORM MANHOLE
	LAWN SPRINKLER VALVE
	LAWN SPRINKLER HEAD
	UTILITY POLE
	TRANSFORMER BOX
	FIBER OPTIC BOX
	ELECTRIC BOX
	NATURAL GAS METER
	LIGHT POLE
	SEMAPHORE
	TELEPHONE BOX
	CABLE BOX
	CAST IRON MONUMENT
	FOUND IRON PIPE
	JUDICIAL LAND MARK
	PK NAIL
	CONTROL POINT
	SPIKE
	FLAG POLE
	TEST HOLE
	MAILBOX
	SIGN
	BOLLARD
	CONSERVATION POST
	DECIDUOUS TREE
	CONIFEROUS TREE
	SHRUB / BUSH

EROSION & SEDIMENT CONTROL	
	STANDARD EROSION CONTROL
	HEAVY-DUTY EROSION CONTROL
	SECONDARY EROSION CONTROL FENCE
	EROSION CONTROL AT BACK OF CURB
	TREE FENCE
	TEMPORARY DIVERSION DITCH
	CATCH BASIN INLET PROTECTION
	STRAW BIO ROLLS
	ROCK BERM
	SUMPED RIP RAP PERMANENT ENERGY DISSIPATER
	DISCHARGE LOCATION
	GRAVEL CONSTRUCTION ENTRANCE
	TEMPORARY OUTLET FLOATING SKIMMER
	BASIN ACCESS 8% SLOPE MAX.
	STABILIZED EMERGENCY OVERFLOW

CURB LEGEND	
	= TOP OF CURB ELEVATION FOR SURMOUNTABLE CURB
	= TOP OF CURB ELEVATION FOR SURMOUNTABLE CURB (TIP OUT GUTTER)
	= TOP OF CURB ELEVATION FOR B618 CURB
	= TOP OF CURB ELEVATION FOR B618 CURB (TIP OUT GUTTER)
	= BITUMINOUS ELEVATION

ABBREVIATIONS	
A	ALGEBRAIC DIFFERENCE
B-B	BACK TO BACK
BV	BUTTERFLY VALVE
BOC	BACK OF CURB
BFE	BASE FLOOD ELEVATION
BMP	BEST MANAGEMENT PRACTICE
CL	CENTER LINE
CB	CATCHBASIN
CBMH	CATCHBASIN MANHOLE
CMP	CORRUGATED METAL PIPE
CO	CLEAN OUT
CS	CURB STOP
DIP	DUCTILE IRON PIPE
DT	DRAINTILE
EL/ELEV	ELEVATION
EX	EXISTING
FES	FLARED END SECTION
F-F	FACE TO FACE
FM	FORCEMAIN
GB	GRADE BREAK
GND	GROUND
GV	GATE VALVE
HP	HIGH POINT
HYD	HYDRANT
HWL	HIGH WATER LEVEL
INV	INVERT
INV	CURVE COEFFICIENT
K	LENGTH
LF	LOWEST FLOOR
LO	LOOKOUT
LO	LOWEST OPENING
LP	LIQUID PETROLEUM
LP	LOW POINT
MH	MANHOLE
PC	POINT OF CURVATURE
PCC	POINT OF COMPOUND CURVATURE
PI	POINT OF INTERSECTION
PL	PROPERTY LINE
PRC	POINT OF REVERSE CURVATURE
PVT	POINT OF TANGENCY
PVC	POINT OF VERTICAL CURVATURE
PVC	POLYVINYL CHLORIDE PIPE
PVI	POINT OF VERTICAL INTERSECTION
R	RADIUS
R	RAMBLER
RCP	REINFORCED CONCRETE PIPE
ROW	RIGHT OF WAY
SSWR	SANITARY SEWER
STA	STATION
STRM	STORM SEWER
SWPPP	STORM WATER POLLUTION PROTECTION PLAN
TNH	TOP NUT HYDRANT
TYP	TYPICAL
WM	WATER MAIN
WO	WALKOUT





**SITE NOTES:**  
**LEGAL DESCRIPTION:**  
 LOTS 1-5 BLK 2, LOTS 1-3 BLK 3, LOTS 1-6 BLK 4,  
 OUTLOT A, B & C, RAMSEY TOWN CENTER 9TH  
 ADDITION.  
 #EMPLOYEES: NA  
 SIGNIFICANT FEATURES: NA  
 SITE ACCESS: PRIVATE ROAD  
 LOADING DOCKS: NA  
 OFFSTREET PARKING: NA  
 PRIVATE DRIVE LENGTHS: 20.5' (TYP.)

**SITE DATA:**  
 TOTAL AREA: 7.04 ACRES  
 NET AREA: 4.88 ACRES  
 LOT AREA: 4.88 ACRES  
 OUTLOT AREA: 2.16 ACRES

**PROPOSED DEVELOPMENT ZONING**  
 COR  
 TOTAL MULTI FAMILY UNITS: 65  
 GROSS DENSITY: 9.23 UNITS/ACRE  
 NET DENSITY: 13.32 UNITS/ACRE  
**PROPOSED DEVELOPMENT PHASING**  
 1 PHASE

**SETBACKS COR**  
 Front:  
 Garage foundation to R-O-W =20'  
 House foundation to R-O-W =20'  
 Garage foundation to Curb =20.5'  
 House foundation to Curb =20.5'  
 Side:  
 Garage =5'  
 House =5'  
 Foundation to Foundation =20'  
 Rear =10'  
 Corner =10'

**BUILDINGS:**  
**BUILDING TYPE A (RED):**  
 TOTAL UNITS: 25  
 BASEMENT SQFT: 3820 per 5-UNIT  
 GARAGE SQFT: 2264 per 5-UNIT  
**BUILDING TYPE B (BLUE):**  
 TOTAL UNITS: 40  
 BASEMENT SQFT: 3458 per 5-UNIT  
 GARAGE SQFT: 2544 per 5-UNIT

**BUILDING COVERAGE:**  
 TOTAL: 78,436 SQFT  
 BUILDING COVERAGE: 25.6%

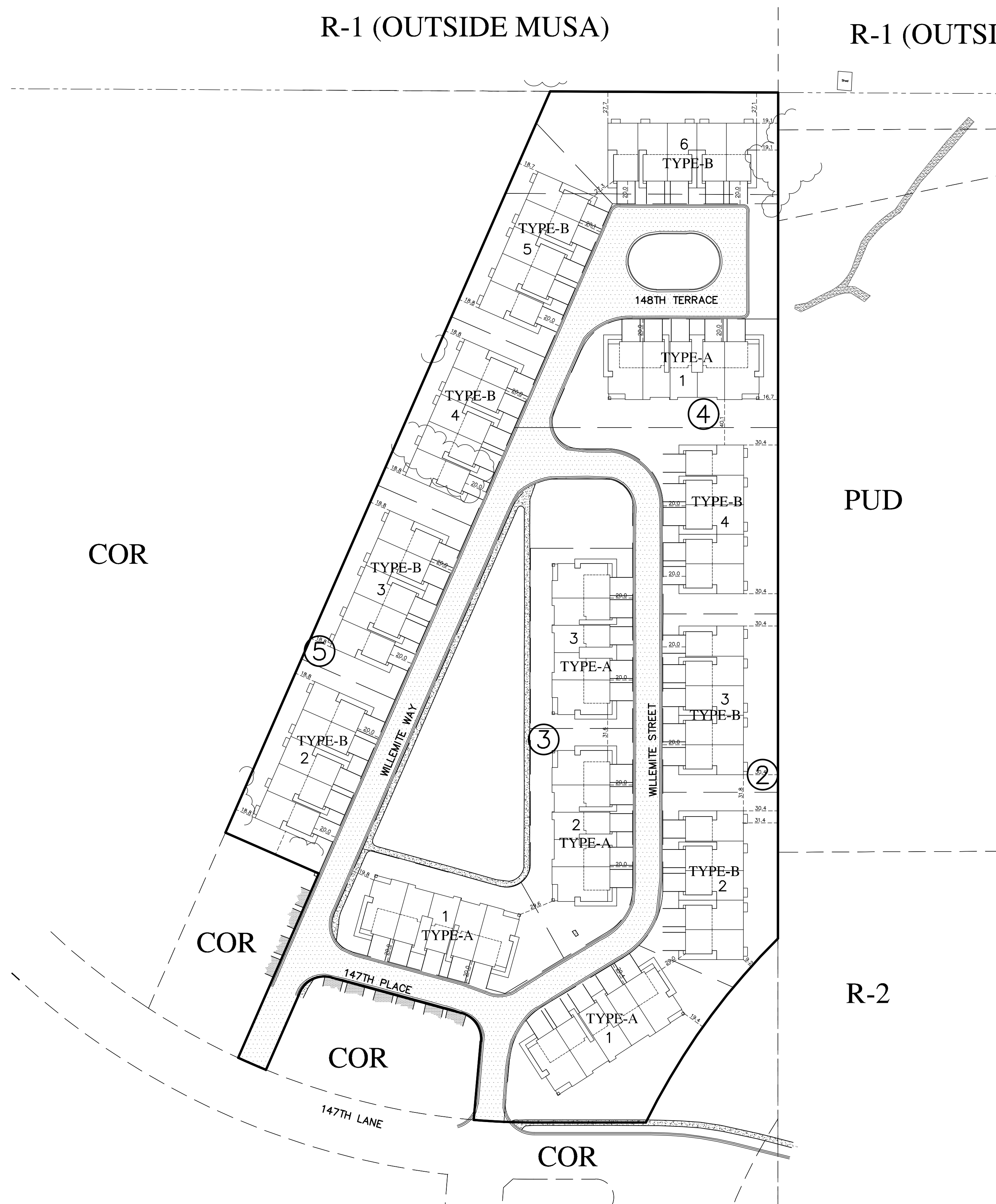
**IMPERVIOUS SURFACE COVERAGE:**  
 EXISTING IMPERVIOUS: 1.34 ACRES  
 PROPOSED IMPERVIOUS: 2.63 ACRES  
 TOTAL IMPERVIOUS: 3.97 ACRES  
 IMPERVIOUS COVERAGE: 56.4%

**GREEN SPACE:**  
 TOTAL AREA: 7.04 ACRES  
 TOTAL GREEN SPACE: 3.07 ACRES  
 GREEN SPACE COVERAGE: 43.6%

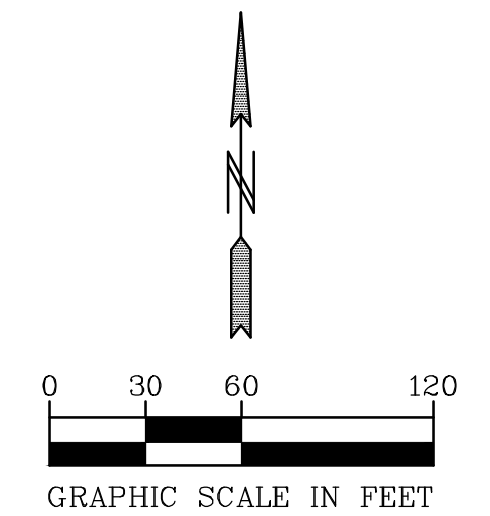
**TRAFFIC ANALYSIS:**  
 ITE Trip Generation 6th Add.  
 Total Multi-Family Units: 65  
 Trips Generated per Day: 5.86  
 Total Trips per Day For Proposed Development: 380

R-1 (OUTSIDE MUSA)

R-1 (OUTSIDE MUSA)

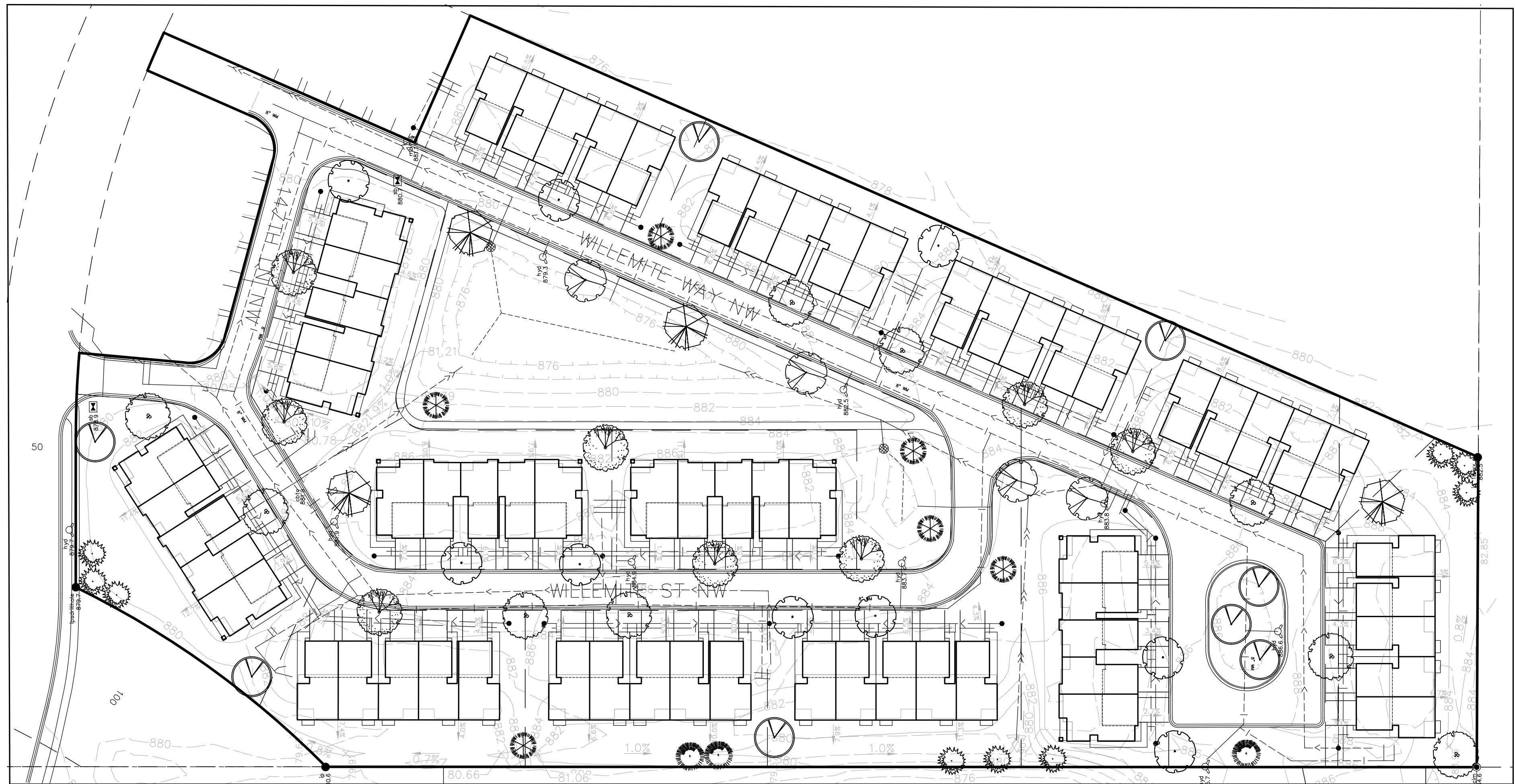


**PROJECTED WATER USAGE:**  
 NUMBER OF HOMES: 65 homes  
 GAL PER HOME PER DAY: 2.74per/home \* 100  
 gal/per = 274 gal/hm/day  
 TOTAL RESIDENTIAL FLOW: 17,810 gal/day  
**TOTAL RESIDENTIAL BOD5:**  
 65 hm \* 0.17 lb/per/day \* 2.74 per/day = 30.277 lb/day



**TREE PRESERVATION NOTES:**  
 SITE WAS FULLY DEVELOPED IN 2005. ALL  
 TREES WERE CLEARED AT THAT TIME. ANY  
 TREES REMAINING ON SITE ARE VOLUNTEERS  
 AND NOT OF SIGNIFICANT CONDITIONS.

**HYDROLOGY NOTES:**  
 SITE WAS IMPROVED AND STORMWATER  
 TREATMENT SYSTEM WAS INSTALLED IN 2005.  
 NO MODIFICATIONS ARE PROPOSED FOR THE  
 STORMWATER TREATMENT SYSTEM.



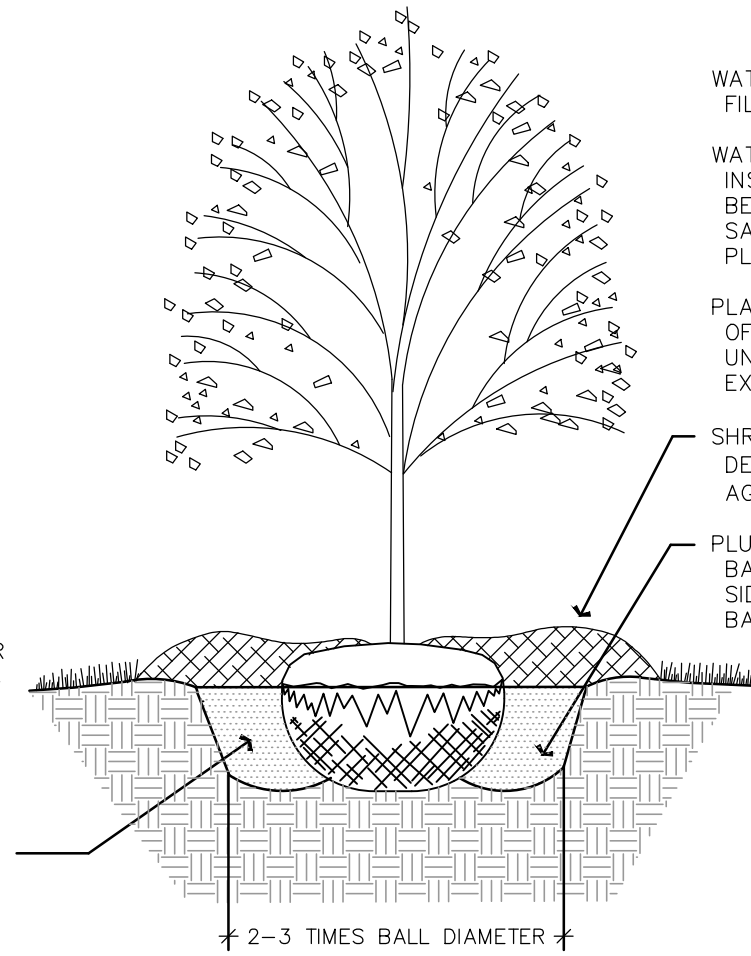
### DECIDUOUS TREE PLANTING DETAIL

TRIM OUT DEAD WOOD AND WEAK AND/OR DEFORMED TWIGS. DO NOT CUT A LEADER. DO NOT PAINT CUTS.

SET PLANT ON UNDISTURBED NATIVE SOIL OR THOROUGHLY COMPACTED BACKFILL SOIL. INSTALL PLANT SO THE ROOT FLARE IS AT OR UP TO 2" ABOVE THE FINISHED GRADE.

PLACE PLANT IN PLANTING HOLE WITH BURLAP AND WIRE BASKET, (IF USED), INTACT. BACKFILL WITHIN APPROXIMATELY 12" OF THE TOP OF ROOTBALL. WATER PLANT. REMOVE TOP 1/3 OF THE BASKET OR THE TOP TWO HORIZONTAL RINGS, WHICHEVER IS GREATER. REMOVE ALL BURLAP AND NAILS FROM TOP 1/2 OF THE BALL. REMOVE ALL TWINE.

SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING.



WATER TO SETTLE PLANTS AND FILL VOIDS.

WATER WITHIN TWO HOURS OF INSTALLATION. WATERING MUST BE SUFFICIENT TO THOROUGHLY SATURATE ROOT BALL AND PLANTING HOLE.

PLACE MULCH WITHIN 48 HOURS OF THE SECOND WATERING UNLESS SOIL MOISTURE IS EXCESSIVE.

SHREDDED WOOD MULCH MIN. 4" DEEP (DO NOT PLACE MULCH AGAINST TRUNK OF TREE).

PLUMB AND BACKFILL WITH BACKFILL SOIL. BREAK DOWN SIDES OF HOLE WHEN BACKFILLING.

2-3 TIMES BALL DIAMETER

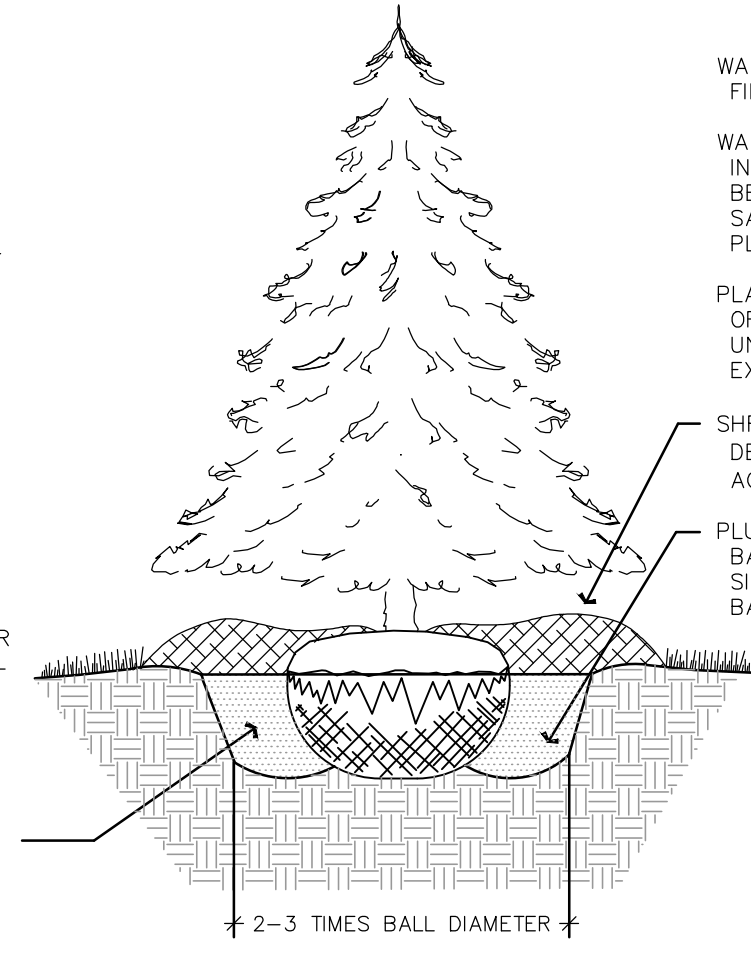
### CONIFEROUS TREE PLANTING DETAIL

TRIM OUT DEAD WOOD AND WEAK AND/OR DEFORMED TWIGS. DO NOT CUT A LEADER. DO NOT PAINT CUTS.

SET PLANT ON UNDISTURBED NATIVE SOIL OR THOROUGHLY COMPACTED BACKFILL SOIL. INSTALL PLANT SO THE ROOT FLARE IS AT OR UP TO 2" ABOVE THE FINISHED GRADE.

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PLUMB AND BACKFILL WITH BACKFILL SOIL. BREAK DOWN SIDES OF HOLE WHEN BACKFILLING.

**BENCH MARK**  
TNH xxx' WEST OF  
xxx & xxx  
ELEV=xxx

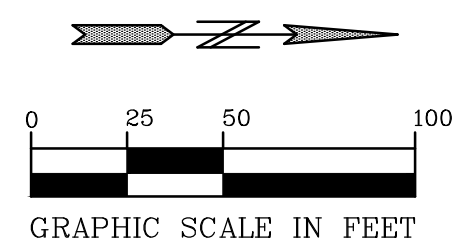
2-3 TIMES BALL DIAMETER

### LANDSCAPE NOTES

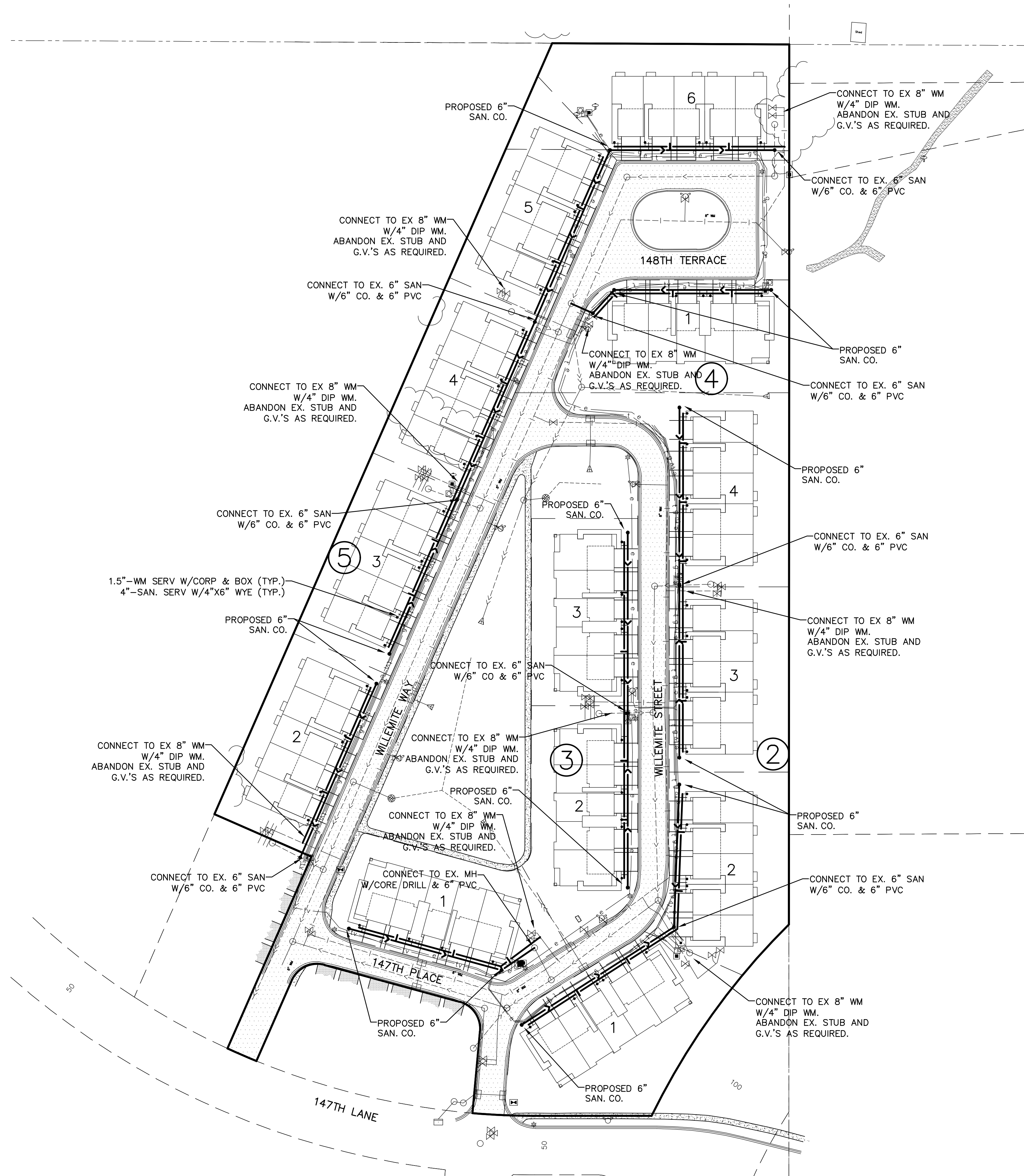
- THE LANDSCAPE CONTRACTOR SHALL VISIT THE PROJECT SITE TO BECOME FAMILIAR WITH THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID.
- THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OF PROPOSED PHYSICAL START DATE AT LEAST 7 DAYS IN ADVANCE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FIELD VERIFICATION OF ALL EXISTING UTILITY LOCATIONS ON THE PROJECT SITE WITH GOPHER STATE ONE CALL 1-800-252-1166 PRIOR TO COMMENCING WORK. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF EXISTING UTILITIES DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER. NOTIFY THE LANDSCAPE ARCHITECT OF ANY CONFLICTS TO FACILITATE PLANT RELOCATION.
- GRADING TO BE PERFORMED BY OTHERS.
- NO PLANT MATERIAL SHALL BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ALL PLANT MATERIAL SHALL MEET THE STANDARDS FOUND IN THE AMERICAN ASSOCIATION OF NURSERYMEN-AMERICAN STANDARD FOR NURSERY STOCK.
- ALL CONTAINER MATERIAL TO BE GROWN IN THE CONTAINER A MINIMUM OF SIX (6) MONTHS PRIOR TO PLANTING ON SITE.
- DECIDUOUS AND CONIFEROUS TREES SHALL NOT BE STAKED, BUT THE LANDSCAPE CONTRACTOR MUST GUARANTEE STABILITY TO A WIND SPEED OF 60 M.P.H.
- THE LANDSCAPE CONTRACTOR SHALL PROVIDE A MINIMUM GUARANTEE OF ONE YEAR ONE TIME REPLACEMENT ON NEW PLANT MATERIALS. GUARANTEE SHALL BE AGREED UPON BY DEVELOPER/BUILDER AND LANDSCAPE CONTRACTOR.
- THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS WHICH ARE DEEMED UNSATISFACTORY BEFORE, DURING OR AFTER INSTALLATION.
- IF THERE IS A DISCREPANCY BETWEEN THE NUMBER OF PLANTS SHOWN ON THE PLAN AND THE NUMBER SHOWN ON THE PLANT LIST, THE NUMBER SHOWN ON THE PLAN WILL TAKE PRECEDENCE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MULCHES AND PLANTING SOIL QUANTITIES TO COMPLETE WORK SHOWN ON THE PLAN. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL QUANTITIES SHOWN ON THE PLANT SCHEDULE.
- COMMERCIAL GRADE POLY LAWN EDGING SHALL BE INSTALLED WHERE NOTED.
- THE LANDSCAPE CONTRACTOR SHALL REPAIR ALL DAMAGE TO THE SITE CAUSED BY THE PLANTING OPERATION AT NO COST TO THE OWNER.
- THE LANDSCAPE CONTRACTOR SHALL KEEP PAVEMENTS CLEAN UNSTAINED. ALL PEDESTRIAN AND VEHICLE ACCESS TO BE MAINTAINED THROUGHOUT CONSTRUCTION PERIOD. ALL WASTES SHALL BE PROMPTLY REMOVED FROM THE SITE. ANY DAMAGE TO EXISTING FACILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE CODES, REGULATIONS AND PERMITS GOVERNING THE WORK.
- STORAGE OF MATERIALS OR SUPPLIES ON-SITE WILL NOT BE ALLOWED.

### PLANTING SCHEDULE

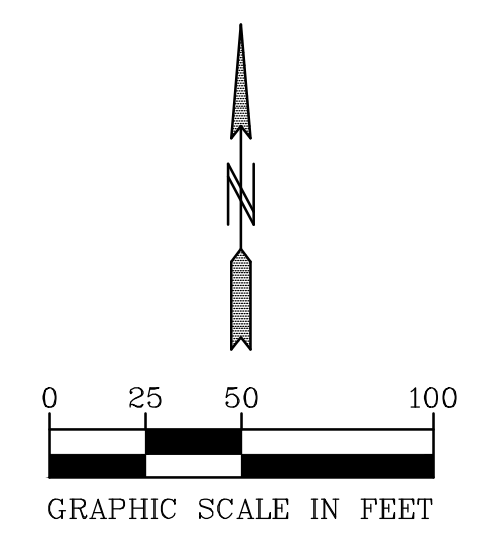
KEY	COMMON NAME/SCIENTIFIC NAME	ROOT	QUANTITY	MATURE HT. & SPREAD
<b>OVERSTORY TREES</b>				
	OHIO BUCKEYE/AESCULUS GLABRA	2.5" B&B	4	35 X 30
	AUTUMN BLAZE MAPLE/ACER X FREEMANII	2.5" B&B	8	60 X 40
	SWAMP WHITE OAK/QUERCUS BICOLOR	2.5" B&B	4	60 X 45
	COMMON HACKBERRY/CELTIS OCCIDENTALIS	2.5" B&B	9	60 X 45
	YELLOW BIRCH/BETULA ALLEGHANIENSIS	10' B&B	9	60 X 40
	DOWNY HAWTHORN/CRATAEGUS MOLLIS	2.5" B&B	8	35 X 35
<b>EVERGREEN TREES</b>				
	NORWAY SPRUCE/PICEA ABIES	6' B&B	6	80 X 40
	BLACK HILLS SPRUCE/PICEA GLAUCA DENSATA	6' B&B	9	40 X 20
	EASTERN WHITE PINE/PINUS STROBUS	6' B&B	3	40 X 20



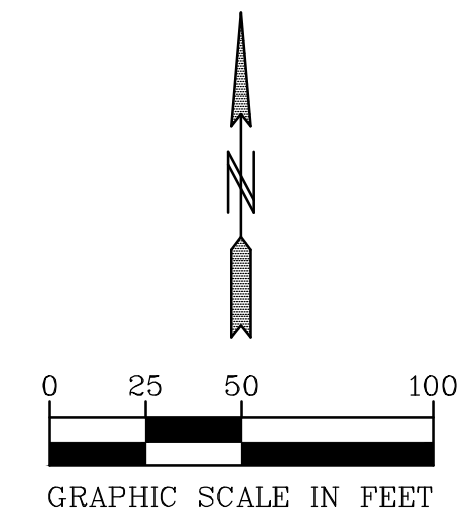
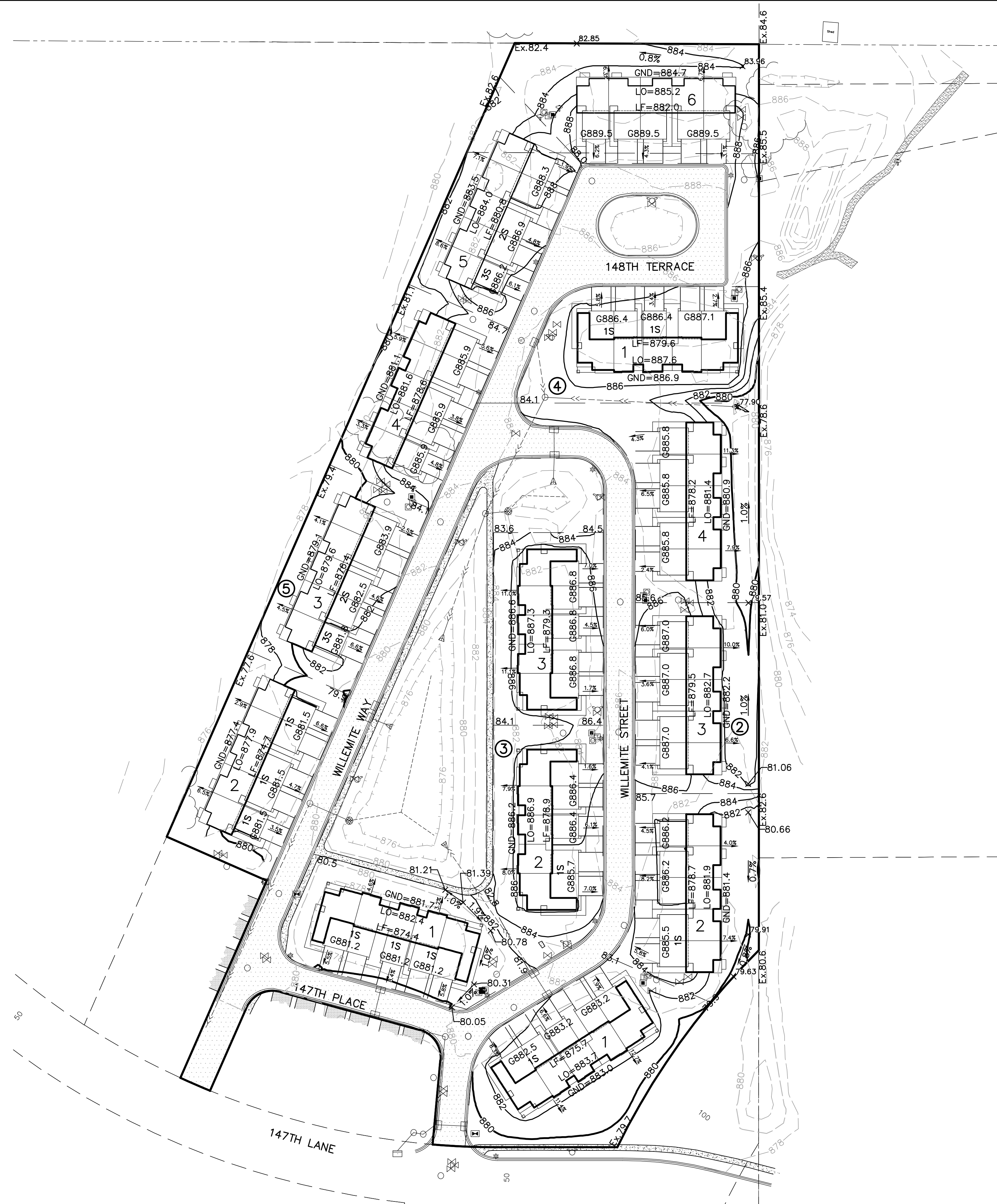
00-PLAN-118193-SHEET-LAND



- UTILITY NOTES:**
- CONNECT TO EX. 6" SANITARY SERVICE STUBS WITH 6" CLEANOUTS AND 6" PVC SEWER PIPE.
  - PROPOSED SANITARY SERVICE SHALL BE 4" PVC
  - CONNECT TO EX. 6" WATERMAIN SERVICE STUBS WITH 4" DIP WATERMAIN.
  - PROPOSED WATER SERVICE SHALL BE 1.5" COPPER OR HDPE



Know what's below.  
 Call before you dig.



# RAMSEY TOWN CENTER 9TH ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That Ramsey Town Center, LLC, a Minnesota limited liability company, fee owner of the following described property situated in the County of Anoka, State of Minnesota, to wit:

OUTLOT L, OUTLOT B and OUTLOT E, RAMSEY TOWN CENTER 8TH ADDITION, according to the recorded plat thereof;

Has caused the same to be surveyed and platted as RAMSEY TOWN CENTER 9TH ADDITION and does hereby donate and dedicate to the public, for public use forever the drainage and utility easements shown on the plat.

In witness whereof, said Ramsey Town Center, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this 30<sup>TH</sup> day of SEPTEMBER, 2005.

SIGNED: Ramsey Town Center, LLC, a Minnesota limited liability company

By: Bruce A. Nedegaard as CHIEF MANAGER

STATE OF Minnesota  
COUNTY OF Anoka

The foregoing instrument was acknowledged before me this 30 day of September, 2005, by Bruce A. Nedegaard as Chief Manager of Ramsey Town Center, LLC, a Minnesota limited liability company, on behalf of said company.

Kelly J. Nekola  
Notary Public Anoka County, Minnesota  
My Commission Expires January 31, 2010



I, Keith E. Dahl, hereby certify that I have surveyed and platted the property described on this plat as RAMSEY TOWN CENTER 9TH ADDITION; that this plat is a correct representation of said survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be placed as required by the City of Ramsey; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.02, Subd. 1, or public highways to be designated other than as shown.

Keith E. Dahl  
Keith E. Dahl, Land Surveyor  
Minnesota License No. 18418

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of September, 2005 by Keith E. Dahl, Land Surveyor, Minnesota License No. 18418.

Barbara Votter  
Notary Public Chisago County, Minnesota  
My Commission Expires January 31, 2010



CITY OF RAMSEY, MINNESOTA

This plat of RAMSEY TOWN CENTER 9TH ADDITION, was approved and accepted by the City Council of the City of Ramsey, Minnesota, at a regular meeting thereof held this 26th day of July, 2005. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minn. Statutes, Section 505.03, Subd. 2.

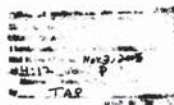
CITY COUNCIL OF THE CITY OF RAMSEY, MINNESOTA

Thomas Gamec  
Thomas Gamec, Mayor  
James E. Norman  
James E. Norman, City Administrator

ANOKA COUNTY SURVEYOR

This plat was checked and approved this 3<sup>RD</sup> day of NOVEMBER, 2005.  
Maureen J. Devine  
Anoka County Surveyor

485167.002

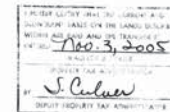


\$96.00

1979530.002

OFFICE OF COUNTY RECORDER  
STATE OF MINNESOTA, COUNTY OF ANOKA

3<sup>rd</sup> Nov. 2005  
410 P 40  
Maureen J. Devine  
TAP  
\$56.00

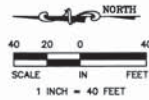
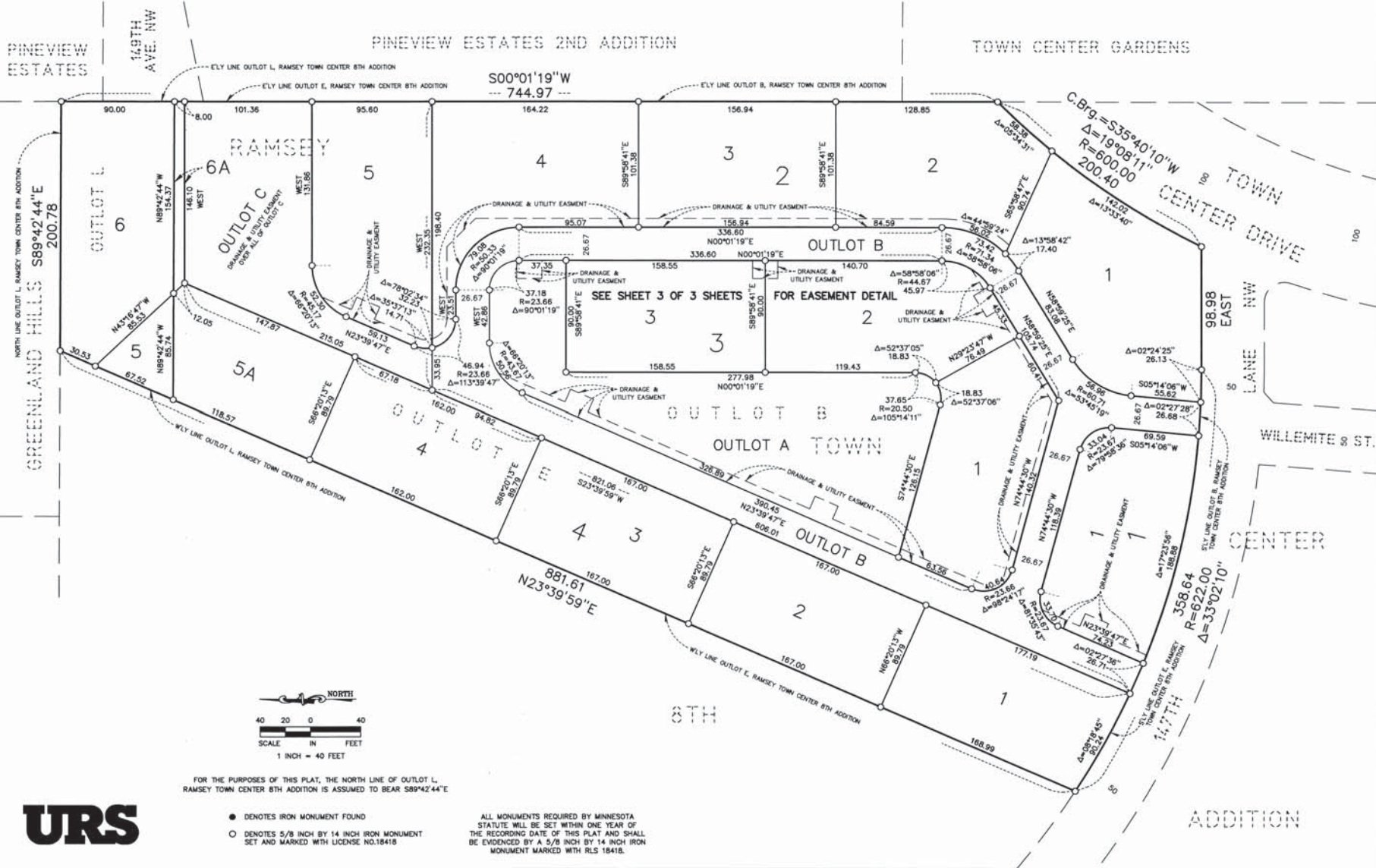


OFFICIAL PLAT

# RAMSEY TOWN CENTER 9TH ADDITION

Bk. 70 of Abs., Pg. 40

CITY OF RAMSEY  
COUNTY OF ANOKA  
SEC. 28, TWP. 32, RGE 25



FOR THE PURPOSES OF THIS PLAT, THE NORTH LINE OF OUTLOT L, RAMSEY TOWN CENTER 8TH ADDITION IS ASSUMED TO BEAR S89°42'44"E.



- DENOTES IRON MONUMENT FOUND
- DENOTES 5/8 INCH BY 14 INCH IRON MONUMENT SET AND MARKED WITH LICENSE NO.18418

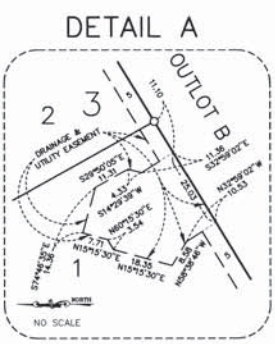
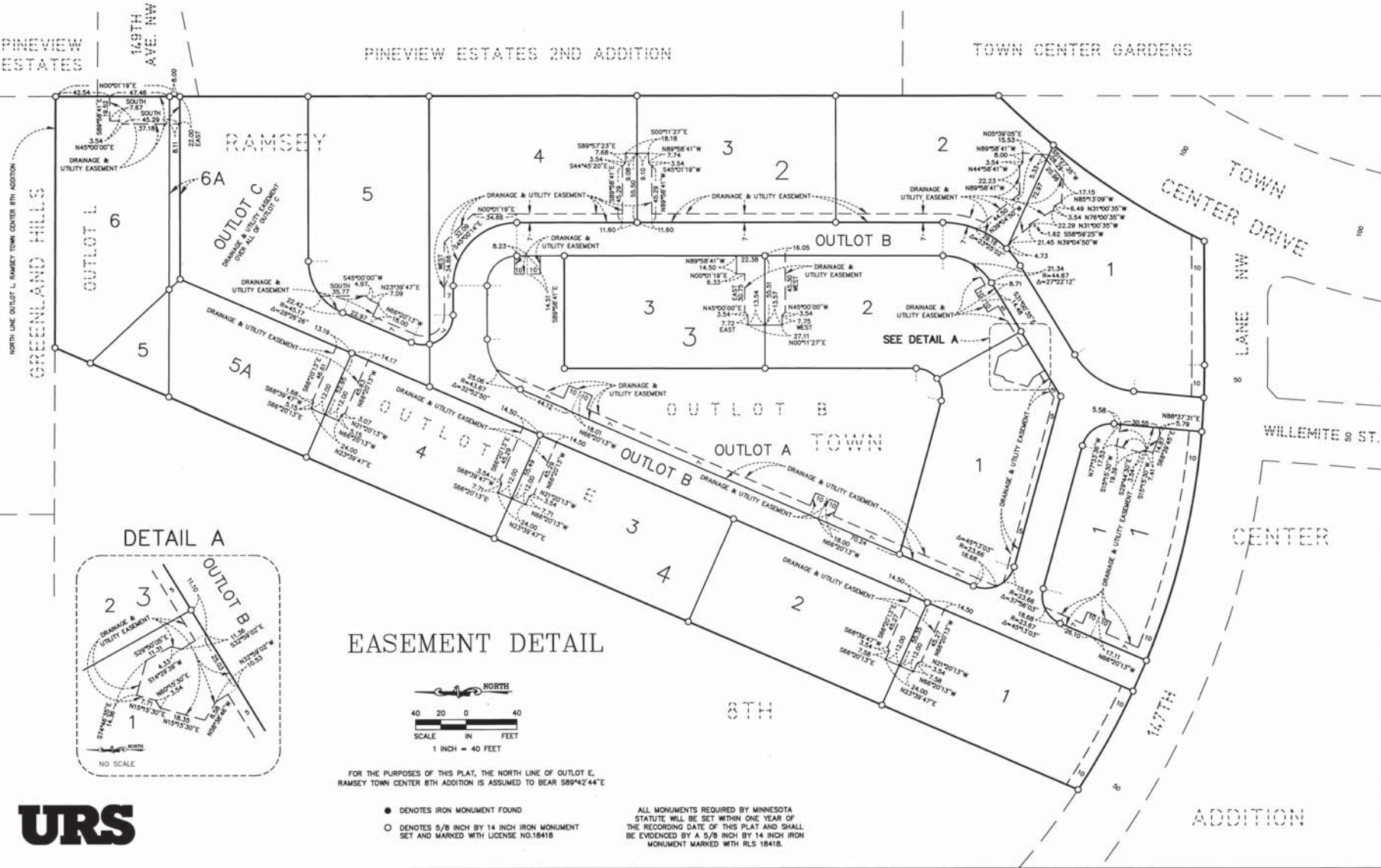
ALL MONUMENTS REQUIRED BY MINNESOTA STATUTE WILL BE SET WITHIN ONE YEAR OF THE RECORDING DATE OF THIS PLAT AND SHALL BE EVIDENCED BY A 5/8 INCH BY 14 INCH IRON MONUMENT MARKED WITH RLS 18418.

OFFICIAL PLAT

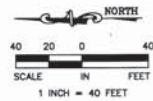
# RAMSEY TOWN CENTER 9TH ADDITION

Bk. 70 of Abst., Pg. 40

CITY OF RAMSEY  
COUNTY OF ANOKA  
SEC. 28, TWP. 32, RGE 25



## EASEMENT DETAIL



FOR THE PURPOSES OF THIS PLAT, THE NORTH LINE OF OUTLOT E, RAMSEY TOWN CENTER 8TH ADDITION IS ASSUMED TO BEAR S89°42'44"E

- DENOTES IRON MONUMENT FOUND
- DENOTES 5/8 INCH BY 14 INCH IRON MONUMENT SET AND MARKED WITH LICENSE NO.18418

ALL MONUMENTS REQUIRED BY MINNESOTA STATUTE WILL BE SET WITHIN ONE YEAR OF THE RECORDING DATE OF THIS PLAT AND SHALL BE EVIDENCED BY A 5/8 INCH BY 14 INCH MONUMENT MARKED WITH RLS 18418.





Record ID 1620374

485167.002

ABSTRACT/TORRENS  
DOCUMENT

ABSTRACT/TORRENS  
DOCUMENT

1979536.002



Record ID 1620406

THIS DOCUMENT NUMBER REPRESENTS A PLAT

MUNICIPALITY: Ramsey CERTIFIED BY: [Signature] ON 11-3-05

MAP # 3488 PLAT BOOK: 10 OF Abst. PAGE 40

DOC. DATE: 9.30.05 NO. OF PAGES: 3 TRACT BOOK: \_\_\_\_\_ PAGE \_\_\_\_\_

PLAT SHORT NAME: Ramsey Town Centre 9th

LONG NAME: Ramsey Town Centre 9th Addition

AT	PARENT PINS	RES	GRANTORS (Fees, C/Ps, Mortgagees)
A	28.32.25.21.0037	N	Ramsey Town Centre LLC
T	21.0031	N	
T	21.0034	N	ce including pins
			28.32.25.22.0004
			21.0003, 0404, 0405, 0206

FILED BY: Tonia Wiese (Union) PHONE: 612.989-9280

TAXPAYER NAME: Ramsey Town Centre

ADDRESS: 4300 Central Ave NE

CITY: Carlisle STATE: Mn ZIP: 55421

**NEW PARCELS**

LOT	BLOCK	LOT	BLOCK	LOT	BLOCK
1	1	66A	4		
1-5	2	0/c	A, B, C		
1-3	3				
1-4	4				
5A, 5	4				

DEIQ & CURRENT TAXES ARE PAID:	INITIALS: <u>[Signature]</u>	DATE: <u>11/03/05</u>	DIV. NO.:	_____
			DIV. FEE: \$	_____

ANOKA COUNTY, MINNESOTA

Document No.: 485167.002 TORRENS

I hereby certify that the within instrument was filed in this  
office for record on: 11/03/2005 4:12:00 PM

Fees/Taxes In the Amount of: \$96.00

MAUREEN J. DEVINE

Anoka County Property Tax

Administrator/Recorder/Registrar of Titles

TAP, Deputy

Record ID: 1620374

ANOKA COUNTY, MINNESOTA

Document No.: 1979536.002 ABSTRACT

I hereby certify that the within instrument was filed in this  
office for record on: 11/03/2005 4:10:00 PM

Fees/Taxes In the Amount of: \$56.00

MAUREEN J. DEVINE

Anoka County Property Tax

Administrator/Recorder/Registrar of Titles

TAP, Deputy

Record ID: 1620406

**Regular Planning Commission**

**8. 2.**

**Meeting Date:** 11/01/2018

**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: 10/26/2018

**Reviewed By**

Tim Gladhill

**Date**

10/26/2018 01:25 PM

Started On: 10/25/2018 02:37 PM

# Zoning Bulletin

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## Proceedings—Court issues order to remove garage that violates town's zoning ordinance

Garage owner argues order must be vacated because it was sought by the town under improper processes

Citation: *McLaughlin v. Zoning Board of Review of Town of Tiverton*, 186 A.3d 597 (R.I. 2018)

RHODE ISLAND (06/20/18)—This case addressed the issue of whether a zoning board's "motion for an order to comply" was a "due proceeding," as

### Contributors

Corey E. Burnham-Howard

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required by the state statute that vested the trial court with power to assist towns in the enforcement of zoning ordinances, and, if not, whether that presented a “manifest injustice” justifying relief from a court order to remove a garage that violated zoning setback requirements.

**The Background/Facts:** In 2007, William C. McLaughlin (“McLaughlin”) applied for and received a permit from the Building Inspector for the Town of Tiverton (the “Town”). The permit was for the construction of a 40-by-60-foot garage. Later it came to light that the permit was based on an erroneous site plan that inaccurately described the property boundaries. Ultimately, McLaughlin constructed a garage that was built 27 feet short of the side yard setback required by the Town Zoning Ordinance.

In 2010, after receiving a notice of zoning violation related to the garage setback, McLaughlin applied for a zoning variance from the Town’s Zoning Board of Review (the “Board”). The Board denied the variance request.

McLaughlin then appealed his variance denial to the superior court. The superior court affirmed the Board’s denial of the variance request. The court concluded that the only hardship McLaughlin faced was a self-created financial hardship, which was not a sufficient ground justifying a variance.

McLaughlin then appealed that judgment to the Supreme Court of Rhode Island. That appeal was dismissed as procedurally improper. Subsequently, however, the Board filed a motion with the superior court, under the original zoning appeal case. That motion was entitled “Motion for Order to Comply.” Under that motion, the Board asked the superior court to order McLaughlin to “either move or remove the [garage] to comply with local zoning in accordance with the decision of the [Board], affirmed by the [superior court].” The Board suggested a penalty of a daily fine for each day, after 90 days, that McLaughlin failed to remove the garage. In its request, the Board specifically asked the superior court to invoke its equitable powers under state statutory law, G.L., 1956, § 8-2-13, and order McLaughlin to comply with the Town Zoning Ordinance by moving or removing his garage. That statute vests the superior court with “exclusive original jurisdiction of suits and proceedings of an equitable character and of statutory proceedings following the course of equity.”

In April 2014, the superior court granted the Board’s motion and entered the requested order (the “April 2014 Order”).

When, nearly three years later, McLaughlin had still not removed the non-compliant garage, the Board filed a motion to enforce with the superior court. The Board asked the court to allow the Town to remove the garage. Unlike with the Board’s early “Motion for Order to Comply [,]” which pointed to the Superior Court’s equity jurisdiction under § 8-2-13, this motion to enforce invoked G.L. 1956 §§ 45-24-62(3) and (4). That statute vests the superior court with jurisdiction to aid towns and cities in their enforcement of their zoning ordinances, “upon due proceedings in the name of the city or town, instituted by its city or town solicitor . . .” That statute also authorizes the superior court to, among other things, “order the removal by the property owner of any building, structure . . . in violation of any zoning ordinance . . . and to authorize some official of the city or town, in the default of the removal by the owner, to remove it at the expense of the owner . . .”

In November 2015, the trial justice entered an order granting the Board's motion to enforce. When, by March 2016, McLaughlin still had not removed the garage, the Town removed it. The Town also placed a lien on McLaughlin's property for the \$69,300 in fines imposed by an August 2015 contempt order related to McLaughlin's failure to remove the garage as court ordered in the April 2014 Order.

In May 2016, McLaughlin filed a motion to vacate the April 2014 Order. Among other things, McLaughlin argued that because the Superior Court lacked the subject matter jurisdiction to order him to remove the garage, the April 2014 Order was void under Superior Court Rules of Civil Procedure Rule 60(b)(4). That rule allows relief from judgment or order when the judgment is void. McLaughlin rested his argument on the fact that, pursuant to § 45-24-62, the Town had not filed a separate action to obtain a removal order and thus the Superior Court did not have jurisdiction when it acted. McLaughlin also argued in the alternative that the April 2014 Order should be vacated under Superior Court Rules of Civil Procedure Rule 60(b)(6), because the lack of a separate action brought by the Town and the interests of justice justified relief from the operation of the order. Rule 60(b)(6) allows for relief from final judgment or order for "[a]ny other reason justifying relief from the operation of the judgment." In summary, McLaughlin contended that: (1) the Superior Court lacked the authority to entertain the zoning board's request that he be ordered to remove his garage; and (2) in order for the Town to have properly obtained an order requiring him to remove the garage, the Town should have filed a separate action in the Superior Court, not a motion for an order to comply filed by the Board in a zoning appeal.

The superior court rejected McLaughlin's arguments.

McLaughlin appealed.

**THE COURT'S DECISION: Order denying motion to vacate reversed.**

The Supreme Court of Rhode Island agreed with McLaughlin that the April 2014 Order should be vacated under Rule 60(b)(6) of the Superior Court Rules of Civil Procedure, in the interests of justice "given the unique circumstances of this case."

In so holding, the court first disagreed with McLaughlin that the Board lacked subject matter jurisdiction to order the removal of McLaughlin's garage and was thus void under Rule 60(b)(4). The court instead found that, pursuant to § 45-24-62(3), the superior court possessed the jurisdiction to order the removal of McLaughlin's garage.

Again, § 45-24-62 vests the superior court with jurisdiction to aid towns and cities in their enforcement of their zoning ordinances, "upon due proceedings in the name of the city or town, instituted by its city or town solicitor . . ." That statute also authorizes the superior court to, among other things, "order the removal by the property owner of any building, structure . . . in violation of any zoning ordinance . . . and to authorize some official of the city or town, in the default of the removal by the owner, to remove it at the expense of the owner . . ."

Looking at the language of the statute, the court concluded that it was "constrained to conclude that the Superior Court was vested with the subject

matter jurisdiction to order McLaughlin to remove the garage.” The court concluded that “[b]ecause the Superior Court possessed the subject matter jurisdiction to order McLaughlin to remove his garage, and because the granting of the April 7, 2014 [O]rder did not mark a ‘plain usurpation of power constituting a violation of due process[,]’ the [April 2014 Order] was and is not void.”

The court, however, did agree with McLaughlin that, given “[t]he unique and narrow facts of this case,” enforcing the April 2014 Order “would constitute a manifest injustice,” thus warranting the April 2014 Order be vacated under Rule 60(b)(6). The court emphasized that “[p]rocess is important.” The court found that, contrary to the requirements of § 45-24-62(3)—which gave the superior court jurisdiction to issue the April 2014 Order, this was not a case brought by the Town solicitor via a separate complaint on behalf of the Town setting forth McLaughlin’s alleged noncompliance with the Town Zoning Ordinance. Rather, the court found that this was a case that involved an appeal of a denied variance, where the Town was the defendant. As such, the court concluded that it was not the required “due proceeding[ ] in the name of [the Town of Tiverton], instituted by its . . . town solicitor . . .,” as required by the clear language of § 45-24-62. Furthermore, the court noted that, at the time the Board filed its “Motion for Order to Comply” (which resulted in the April 2014 Order), final judgment had entered. “In other words, the controversy before the Superior Court—revolving around whether there were grounds justifying reversal of the zoning board’s denial of McLaughlin’s variance request under § 45-24-69(d)—had been resolved to a finality.” Thus, the court concluded that the Board’s filing of the “Motion for Order to Comply” was “an effort to transform the case from a closed-out zoning appeal to a request for permanent injunctive relief”—relief to which the Board was not entitled, found the court. Accordingly, the court opined that, given the facts of the case, the April 2014 Order should have been vacated under Rule 60(b)(6).

See also: *Zeilstra v. Barrington Zoning Bd. of Review*, 417 A.2d 303 (R.I. 1980).

## **Use/Nonconforming Use—Property owners operate a commercial kennel and pet store in a residential zoning district that prohibits such uses**

Property owners argue their use is a “permitted agricultural use” exempt from regulation under Massachusetts statutory law

Citation: *Fink v. LeDuc*, 2018 WL 3340766 (Mass. Land Ct. 2018)

MASSACHUSETTS (07/06/18)—This case addressed the issue of whether a commercial kennel and pet store, operating in a residential zoning district that prohibited such uses, qualified as an “agricultural use,” exempt from zoning regulation under state statutory law. It also addressed whether such uses were, under the facts of the case, protected preexisting, nonconforming uses.

**The Background/Facts:** Robert and Bridgette Fink (the “Finks”) operated a commercial kennel and pet store out of their residentially-zoned property in the Town of Oxford (the “Town”). The Finks did not live at the property, but used the house as an office and pet store for the sale of puppies, open to the public every day. The Finks’ employees, puppy delivery trucks, and potential customers for the puppies regularly came and went from the property. At any given time, there were over 150 dogs and puppies on the premises. Nearly all of the puppies sold by the Finks were purchased by the Finks from out-of-state breeders. In 2018, the Finks were “on track to sell more than 1,000 puppies from this location, and perhaps as many as 1600.”

After neighbors complained to the Town about activities on the Finks’ property, the Town’s zoning enforcement officer (the “ZEO”) ordered the Finks to cease and desist their kennel and pet store operations as such activities were prohibited in the Finks’ residential zone under the Town’s zoning by-law. The Finks appealed that order to the Town’s Zoning Board of Appeals (the “ZBA”). The ZBA upheld the cease and desist order.

The Finks then appealed the ZBA’s decision to the Massachusetts Land Court. The Finks maintained that the ZBA improperly upheld the cease and desist order. The Finks first argued that their business was a “permitted agricultural use” allowed as of right in their zoning district and exempt from regulation under Massachusetts statutory law—G.L. c. 40A, § 3. General Law c. 40A, § 3 provides, in part: “No zoning ordinance or by-law shall . . . prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture.” The Finks also argued that, in any case, their commercial kennel and pet store was a grandfathered use (i.e., a permitted, preexisting nonconforming use) because there had been a kennel on the property since the 1950s before the Town had zoning by-laws.

**DECISION: Decision of ZBA affirmed, with exceptions.**

Addressing the Finks’ arguments, the Massachusetts Land Court first held that the Finks’ commercial kennel and pet store was not, as the Finks had claimed, an agricultural use that was allowed as of right in their zoning district and exempt from regulation under Massachusetts statutory law—G.L. c. 40A, § 3. Citing Massachusetts appellate court precedent, the court found that “the boarding, grooming, and training of dogs not owned or kept as breeding stock by [the property owner] [were] not agricultural uses, because [those] activities [were] not an integral part of the breeding or raising of dogs.” Here, the court found that the Finks bought puppies and pet supplies from others, sold them to paying customers, and stored them on the property before resale. None of that was an agricultural use, concluded the court. Instead, the court found those activities were “an entirely commercial operation that [could] not lawfully take place on the property,” under the Town’s zoning by-laws. In other words, the court concluded that, pursuant to the Town’s by-laws, prohibiting commercial kennels and pet stores in the zoning district in which the Finks’ prop-

erty was located, the Finks could not lawfully sell any dogs that were not bred at the property and could not sell any pet supplies—because those were not agricultural activities exempted from regulation under Massachusetts statutory law, G.L. c. 40A, § 3.

Notably, however, the court did find that the breeding and raising and training of dogs owned by a property owner on the land was an “agricultural pursuit,” allowed under G.L. c. 40A, § 3. Thus, the court concluded that the Finks could, “as a matter of zoning, breed and raise dogs that they permanently own at the property since that is a protected agricultural use.”

The Finks had also argued that, whether or not exempted as agricultural activities, their commercial kennel and pet store were protected from regulation as a preexisting nonconforming use because there had been a kennel on the property since the 1950s—before the Town had zoning by-laws. The court disagreed with the Finks’ argument.

The court explained that “[a] prior nonconforming use is one that is lawfully carried on at the time a zoning ordinance or by-law is adopted that prohibits that use.” The court further explained that, under Massachusetts statutory law—G.L. c. 40A, § 6, “a preexisting nonconforming use is not subject to a subsequently enacted zoning by-law.” However, emphasized the court, “any change or substantial extension of such use” has no such protection. (See G.L. c. 40A, § 6.)

The court acknowledged that the Town first adopted zoning in 1956 and a zoning by-law in 1968. (Since adoption of the zoning by-law, and with each subsequent version of the by-law, commercial kennels and pet store uses were prohibited in the zoning district in which the Finks’ property was located.) The court further acknowledged that at the time the Town first enacted zoning, the then-owners of the Finks’ property boarded and bred dogs. The court found, however, that the Finks’ current use was “substantially different in scope and in kind” from the original owners’ vacation boarding and small breeding operation. While the original owners’ small operation focused on vacation dog breeding, the Finks’ operation was year-round, involving the purchasing and selling of as many as 1600 puppies per year to hundreds of customers, and including a pet store with employees, retail customers, and large delivery trucks coming and going on the property. Accordingly, the court concluded that given the substantial difference in scope and kind of use, the Finks’ commercial kennel and pet store were not protected preexisting, nonconforming uses.

See also: *Town of Sturbridge v. McDowell*, 35 Mass. App. Ct. 924, 624 N.E.2d 114 (1993).

See also: *Almeida v. Arruda*, 89 Mass. App. Ct. 241, 46 N.E.3d 1036 (2016).

## Enforcement—Ten years after constructing some accessory structures, property owners are issued enforcement notices stating those structures violate the township’s zoning ordinance

Property owners argue enforcement notices are barred due to the township’s delay in enforcing the zoning ordinance

Citation: *DiPaolo v. Zoning Hearing Board of Bensalem Township*, 2018 WL 3447525 (Pa. Commw. Ct. 2018)

PENNSYLVANIA (07/18/18)—This case addressed the issue of whether a township’s enforcement notices against landowners for unpermitted accessory structures in a floodplain, which came nearly a decade after the accessory structures were constructed, were barred by laches, estoppel, vested rights or justifiable reliance doctrines.

**The Background/Facts:** In June 2004, Gregory DiPaolo and Kathleen DiPaolo (the “DiPaolos”) purchased vacant property (the “Property”) in Bensalem Township (the “Township”). The DiPaolos’ Property was partially within the 100-year floodplain of a creek. In 2004, the Township’s Zoning Ordinance prohibited the construction and development of property located within the floodplain without zoning, land development and building permits. The DiPaolos applied for, and were granted, a variance from the Township’s floodplain regulations to construct a 2,035 square-foot single-family dwelling partially within the 100-year floodplain of a nearby creek.

In 2005, the Township’s Engineering Inspector examined the DiPaolos’ constructed dwelling for use and occupancy. At that time, the inspector observed a rear deck and additional stone areas not included in the DiPaolos’ construction plan. The inspector issued a report related to work the DiPaolos needed to “complete and/or correct in order to have the remainder of the Property comply with the Zoning Ordinance.” Specifically, the inspector referenced a need for an as-built plan reflecting the rear deck and additional stone areas not include in the DiPaolos’ construction plan. The Township issued a use and occupancy permit for the DiPaolos in July 2005.

In March 2014, the Township’s Engineering Inspector again inspected the DiPaolos’ Property at the request of the Township’s Director of Building and Planning/Zoning Officer. Upon this inspection, the inspector specifically outlined in a report violations of the Township’s Zoning Ordinance—namely a deck, sheds, paving/stone, and a screened gazebo that were all constructed within the floodway without permits or the approval of the Township’s Zoning Hearing Board (the “ZHB”).

Based on the inspector's report, in April 2014, the Township issued two Enforcement Notices to the DiPaolos. The first Enforcement Notice cited the DiPaolos for failing to obtain permits for the sheds on their Property. The second Enforcement Notice asserted violations of the Township's Zoning Ordinance, noting the deck, sheds, paving/stone, and a screened gazebo that were all constructed within the floodway without permits or the approval of the ZHB. The Township instructed the DiPaolos that to abate these violations, the DiPaolos had to remove the structures within the floodplain and floodway and obtain approval from the ZHB for construction/improvements within the floodplain and floodway.

The DiPaolos appealed from the Enforcement Notices. The ZHB voted to deny the DiPaolos' appeals and uphold the Enforcement Notices.

The DiPaolos then appealed from the ZHB decision to the trial court. The trial court denied their appeal and affirmed the ZHB's decision.

The DiPaolos again appealed. On appeal, among other things, the DiPaolos argued that, due to the Township's delay in enforcing the Code and the Zoning Ordinance, the Enforcement Notices were barred by "laches, estoppel, vested rights and justifiable reliance doctrines." Specifically, the DiPaolos argued that: "the Township did not issue violation notices for nearly a decade despite its full knowledge of the DiPaolos' additions to their Property; allowed the DiPaolos to pay for, erect and furnish the deck with the Township's knowledge; and knew or should have known that the DiPaolos would rely on the Township's acquiescence."

**DECISION: Judgment of Common Pleas Court affirmed.**

The Commonwealth Court of Pennsylvania held that the Township's Enforcement Notices against the DiPaolos were not barred by laches, estoppel, vested rights or justifiable reliance doctrines.

The court explained that, under Pennsylvania law, for the DiPaolos to prevail on the defenses of laches, they must "prove both inordinate delay and prejudice from that delay." In other words, they would need to show that the Township "stood by and permitted large expenditures to be made upon the faith of municipal consent informally or tacitly given." To obtain the equitable remedy of a variance by estoppel, the DiPaolos would have to show "municipal inaction amounting to active acquiescence in an illegal use." For equitable estoppel, they'd have to show that "the municipality intentionally or negligently misrepresented its position with reason to know that the landowner would rely upon that misrepresentation." For a vested right, they'd have to show "the municipality has taken some affirmative action such as the issuance of a permit." "Except for the characterization of the municipal act that induces reliance," the court explained that, "all three theories share common elements of good faith action on the part of the landowner: 1) that he relies to his detriment, such as making substantial expenditures, 2) based upon an innocent belief that the use is permitted, and 3) that enforcement of the ordinance would result in hardship, ordinarily that the value of the expenditures would be lost."

The court further explained that "[t]here are five factors relevant to whether a ZHB should grant a variance by estoppel"—all of which must be proven by "clear, precise and unequivocal evidence." The court said "[s]uch variances

are appropriate when a use does not conform to the zoning ordinance and the property owner establishes all of the following: (1) a long period of municipal failure to enforce the law, when the municipality knew or should have known of the violation, in conjunction with some form of active acquiescence in the illegal use; (2) the landowner acted in good faith and relied innocently upon the validity of the use throughout the proceeding; (3) the landowner has made substantial expenditures in reliance upon his belief that his use was permitted; and (4) denial of the variance would impose an unnecessary hardship on the applicant.”

Here, the court acknowledged that the Township issued the use and occupancy permit to the DiPaolos despite the fact that the inspector had observed that the deck violated the Township’s floodplain regulations. However, the court noted that, on its face, the use and occupancy permit was issued for the “single family dwelling” at the Property only, and upon the inspector’s 2005 inspection, the DiPaolos were notified that the deck required a permit or variance. Moreover, the court found the evidence showed that the sheds, the paved/stoned areas and the gazebo were not on the Property in 2005 when the use and occupancy permit was issued. Thus, the court concluded that the issuance of that permit was not an affirmative action by the Township that created vested rights for the DiPaolos.

With regard to the DiPaolos claim that the Enforcement Notices were barred based on laches, estoppel or justifiable reliance because the Township failed to enforce the Code and the Zoning Ordinance, when it should have known of the violation, the Court acknowledged that the Township did not enforce the DiPaolos’ deck violation for nearly 10 years. The court further acknowledged that the Township “may have allowed significant time to pass before issuing the Enforcement Notices.” However, the court found that the DiPaolos failed to offer any basis for the court to rule “that ten years was an inordinate delay, or that they were prejudiced thereby.” Moreover, the court stated that the “mere knowledge of a violation of a zoning ordinance does not in and of itself prove that a municipality actively acquiesced in the use of the property.” Further, the court noted that the law (of estoppel) required passage of time “in conjunction with some form of active acquiescence in the illegal use [,]” which the DiPaolos did not prove in this case.

Additionally, the court concluded that there was “no justifiable reliance” by the DiPaolos under the circumstances. The court found that “the DiPaolos clearly did not act in good faith when they purchased the Property that was located in the floodplain and, for those same ten years, . . . disregarded the Township’s notice about the deck violation and continued to add unpermitted sheds, paved/stoned areas and a gazebo to the Property in open disregard to the floodplain regulations.” Moreover, the court found no evidence to support the DiPaolos’ claim “that they made large expenditures or were otherwise prejudiced due to their reliance on the Township’s purported acquiescence.” Nor, found the court “did they prove that they would suffer any hardship, let alone unnecessary hardship, if the variance [was] denied.”

In summary, the court found that the DiPaolos were essentially “asking that they be permitted to continue their zoning violations regardless of the public safety concerns related to the floodplain and floodway,” and without their

engineer providing the technical evidence and documentation “demonstrating that the increase in the 100-year flood elevation that will be caused by the proposed construction, development, use or activity will have no adverse effect on downstream properties,” as required by the Township Zoning Ordinance.

Finding that the DiPaolos failed to prove the necessary criteria, the court concluded that the Enforcement Notices were not barred by laches, estoppel, vested rights or justifiable reliance doctrines.

See also: *Springfield Tp. v. Kim*, 792 A.2d 717 (Pa. Commw. Ct. 2002).

See also: *In re Kreider*, 808 A.2d 340 (Pa. Commw. Ct. 2002).

See also: *Borough of Dormont v. Zoning Hearing Bd. of Borough of Dormont*, 850 A.2d 826 (Pa. Commw. Ct. 2004).

## Zoning News from Around the Nation

### INDIANA

A zoning applicant has filed a federal lawsuit challenging the City of Fort Wayne’s decision to allow a downtown strip club to reopen. Specifically, the lawsuit argues that denial violated the applicant’s right to free speech and equal protection, and also seeks to void city codes governing adult businesses. The applicant claims its strip club use was grandfathered as a preexisting, nonconforming use, but the city maintains the use had been abandoned for more than one year.

Source: *News-Sentinel*; [www.news-sentinel.com](http://www.news-sentinel.com)

### NEW JERSEY

Jersey City’s Zoning Board recently ruled in favor of a neighborhood association. The association had argued that the “so-called mezzanines on the ground and top floors of the new building [were] so large they should be considered additional stories,”—two more stories than allowable by city zoning ordinances. The city’s zoning laws “do not allow mezzanines to constitute more than 33.3 percent of ‘the total floor area in the room or story in which the mezzanine floor occurs.’ ” Otherwise, if they exceed that size, they are considered additional stories. While opposing sides in this case agreed on the square footage of the mezzanines, they disagreed about what they should be compared to. The neighborhood association had argued that the Zoning Board must compare each mezzanine to the room they are in, and that therefore, in this case, the residential units’ mezzanines were anywhere from 48% to 62% of the total area.

Source: *NJ.com*; [www.nj.com](http://www.nj.com)

### PENNSYLVANIA

The Harrisburg-based Independence Law Center filed a federal lawsuit

Wednesday on behalf of Scott and Theresa Fetterolf, alleging that the Borough of Sewickley Heights violated their civil rights. In October 2017, the Borough served a notice of violation and cease and desist order on the Fetterolfs that said activities including a Bible study, worship night, religious retreats and fundraisers were not permitted in the Borough's historical rural and residential zone without a variance. The Fetterolfs' federal lawsuit reportedly seeks a permanent injunction prohibiting the Borough from enforcing the ordinance it says the Fetterolfs are violating "because the ordinance violates the federal Religious Land Use and Institutionalized Persons Act, along with the Fetterolfs' constitutional rights to freely exercise their religion, speech and assembly."

Source: *Sewickley Herald-Trib*; <https://sewickley.triblive.com>

# Zoning Bulletin

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## Government and related entities/ Immunity—In seeking to construct an egress, state entity claims immunity from local land use control

Local government argues that such immunity  
should not allow avoidance of public safety

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### Contributors

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## concerns

Citation: *Montclair State University v. County of Passaic*, 2018 WL 3716020 (N.J. 2018)

NEW JERSEY (08/06/18)—This case addressed the issue of what factors must be met for a state entity to receive immunity from local land use controls. Specifically, the case addressed whether a state entity must reasonably address public safety concerns, if raised, in order to receive such immunity.

**The Background/Facts:** Since 2004, Montclair State University (“MSU”) had attempted to create a third egress from its Passaic County Campus. Specifically, MSU wanted to convert a campus road on state property that intersected with Valley Road (a county road) from an ingress-only road to an ingress/egress road. MSU consulted with Passaic County (the “County”) and the City of Clifton (the “City”) about the project for almost six years. After conferring with those parties, MSU was able to satisfy most of the public entities’ concerns about the project. In April 2014, MSU submitted to the County permit applications for the new egress. However, believing that MSU’s roadway design failed to meet applicable safety standards, the County refused to issue the requested permits to MSU.

MSU then filed a legal action against the County. MSU asked the trial court to declare that no permit or other local approval was required for its proposed egress project. Alternatively, MSU asked the court to order the County to issue all the necessary permits. (The court allowed the City to intervene in the case.)

The trial court ordered MSU to return to the local planning boards, and when MSU failed to do so, the trial court dismissed MSU’s complaint.

MSU appealed. MSU pointed to New Jersey case law that has recognized that a state higher educational institution, like MSU, is: statutorily vested with control over its property (see N.J.S.A. 18A:64-7); and has a form of immunity, or exemption, from local land use controls when it comes to the use and development of its own property. MSU argued that it had met its obligations under New Jersey case law to achieve that immunity, and that, therefore, the court should declare it immune from needing County permits to proceed with its project. More specifically, MSU pointed to the case of *Rutgers, State University v. Piluso*, 60 N.J. 142, 286 A.2d 697 (1972) (“*Rutgers*”). In *Rutgers*, the Supreme Court of New Jersey held that a state agency can have qualified immunity from local land use controls if “it is able to demonstrate both that the planned action is reasonable and that the agency reasonably consulted with local authorities and took into consideration legitimate local concerns.”

On appeal, MSU argued that it was an abuse of discretion by the trial court to dismiss MSU's complaint without determining whether MSU met its obligations under *Rutgers*.

The Appellate Division agreed with MSU and remanded the matter "for reinstatement of [MSU's] complaint and a trial, if necessary for the judge to determine whether MSU satisfied its obligation under *Rutgers*."

The City petitioned for certification, and the Supreme Court of New Jersey granted that petition. The City argued that in remanding the matter, the Appellate Division had "ignored the prong [of the *Rutgers*' test] that addresses the reasonableness of the action by focusing solely on the act of consultation with local agencies and not considering reasonableness as a distinct query to the proposed project and its affect." In other words, according to the City, a state agency should not be allowed to move ahead with a project so long as the agency itself is satisfied with the reasonableness of its own proposal, "without regard to a dispute between state and local entities as to the project's safety."

**DECISION: Judgment of Appellate Division affirmed as modified.**

The Supreme Court of New Jersey agreed with the City's argument. The court held, as a matter of first impression (i.e., addressing the issue for the first time), that, in addition to the two-fold analysis set forth in *Rutgers* for state agencies to achieve immunity from land use controls, a state agency must also reasonably address public safety concerns, if raised, in order to achieve such immunity.

More specifically, the court held that "when the otherwise immune state agency's improvement directly affects off-site property and implicates a safety concern raised by a local governmental entity responsible to protect public safety with respect to that off-site property, special judicial review and action is required." The court made clear in its decision that, in such cases, "the state entity may not be compelled to submit to review before a planning board." "However, in circumstances such as are presented here, a judicial finding that the cited public safety concern has been reasonably addressed through the planning for the state agency's improvement shall be a necessary additional requirement before a court may either compel local regulatory action or grant declaratory relief that the planned action is exempt from land use regulation." In regard to implementing this additional requirement, the court said it is the trial court that should determine, "on a case-by-case basis, whether it could make such a finding via a summary proceeding or whether a more fulsome proceeding is necessary."

Applying that holding to the immediate case, the court made several conclusions. It first concluded that "MSU is a state entity that enjoys the qualified immunity from local land use controls with respect to

management of its own land and property that was recognized in *Rutgers*.” Next, turning to the review of the exercise of that immunity, the court said that, in order for the trial court (on remand) to grant MSU the relief it seeks, the trial court must: (1) first assess “the inherent reasonableness of the MSU roadway plan in its entirety, including review of the off-site impact”; and (2) also assess whether MSU “reasonably consulted and took into consideration the legitimate concerns of local governmental entities”; and (3) third, assess whether “MSU’s proposed action reasonably satisfie[d] public safety concerns”—because there was “a facially legitimate public safety concern raised” by the County and City with regard to MSU’s proposed egress (namely, the speed limit to be posted on the egress and the planned project as it affected public safety regarding the intersection with the county road), “which would have a direct impact on non-state-owned property.”

Accordingly, on the remand of this matter, the Supreme Court of New Jersey added that “in circumstances such as these, a judicial finding shall be required on the reasonableness of the planned MSU project, specifically as it affects public safety regarding the intersection with the county road.”

See also: *Rutgers, State University v. Piluso*, 60 N.J. 142, 286 A.2d 697 (1972).

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**Case Note:**

*In its decision, the Supreme Court of New Jersey made clear that “an immune entity is not to be subjected to a requirement of submission to planning board review or the like.” Rather, the court here was holding “only that a public entity must show that its planning has reasonably addressed public safety concerns identified by local governments as having a direct impact on non-state public property and that a judicial finding as to the reasonableness of the public entity’s action with respect to public safety shall be required.”*

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## Signs—City’s zoning enforcement officer says signs erected on residential property that disparage a commercial vendor violate municipal zoning regulations with regard to height, size, and location

Residential property owner contends city lacks authority to regulate her signs under Connecticut statutory law because they are not “advertising signs”

Citation: *Kuchta v. Arisian*, 329 Conn. 530, 187 A.3d 408 (2018)

CONNECTICUT (07/24/18)—This case addressed the issue of whether Connecticut General Statutes § 8-2, which authorizes a municipality’s zoning commission to regulate the height, size, and location of “advertising signs and billboards,” permits a municipality to regulate signs erected on residential property that disparage a commercial vendor. In essence, the case addressed the issue of what constitutes an “advertising sign,” for which municipal zoning commissions have statutory authority to regulate the height, size, and location.

**The Background/Facts:** Eileen R. Arisian (“Arisian”) contracted with a commercial vendor for certain home improvements. Apparently disappointed with the vendor’s performance, Arisian erected three signs on her property that disparaged the vendor. At some point, the zoning enforcement officer (“ZEO”) for the City of Milford (the “City”) issued an order notifying Arisian that her signs violated City zoning regulations “limiting the size, height, and number of signs per street line.” The ZEO ordered Arisian to remove her signs.

When Arisian failed to comply with the ZEO’s order, the ZEO brought a legal action. In that action, the ZEO asked the court to order Arisian to remove her signs because they were not in compliance with the City zoning regulations.

Arisian responded by asserting the defense that the City lacked the authority to regulate her signs under Connecticut statutory law—Connecticut General Statutes § 8-2. Section 8-2 authorizes municipality’s zoning commissions to regulate the height, size, and location of “advertising signs and billboards.” Here, Arisian maintained that since

her sign was not an “advertising sign,” the City had no authority to regulate it.

The trial court found that Arisian’s signs violated the City’s zoning restrictions on the size, height, and number of signs. However, the court nonetheless concluded that, as Arisian had argued, the City lacked the authority to regulate Arisian’s signs under § 8-2 because her signs were not “advertising signs” in that they did not promote the sale of goods or services.

The ZEO appealed. On appeal, the ZEO argued that an “advertising” sign, “as that term is used in § 8-2 and as that term is commonly defined, means any sign that makes a public announcement.”

**DECISION: Judgment of Superior Court affirmed.**

Rejecting the ZEO’s argument for a broader meaning to be applied to “advertising signs,” and agreeing with Arisian, the Supreme Court of Connecticut held that Arisian’s signs, which disparaged a commercial vendor, were not “advertising signs,” as regulated by Conn. Gen. Stat. § 8-2. Accordingly, the court concluded that the City’s regulation of such signs was outside the scope of the authority granted to the City under § 8-2.

In reaching its conclusion, the court analyzed the meaning of the term “advertising signs,” as used in § 8-2. Finding no definition of “advertising signs” or “advertise” “anywhere in the General Statutes that provides guidance in the present case,” the court looked to the common meaning of “advertising” as defined in dictionaries contemporaneous with the time of the legislative grant of municipal zoning authority to regulate “advertising signs and billboards”—in 1931. The court found that in dictionaries of that time, “advertising” was defined as “[a]ny form of public announcement intended to aid directly or indirectly in the sale of a commodity, etc., in the promulgation of a doctrine or idea, in securing attendance, as at a meeting, or the like.” In general, the court found that according to contemporaneous dictionaries, around 1931, “advertising” referred to “the promotion of many subjects, of which commercial goods and services were perhaps the most common.” The court found that because the announcement was “intended to aid” the proponent (i.e., the person advertising), the definition “implied that some benefit inured to the proponent through such promotion.”

Again, the ZEO had argued that a broader meaning of “advertise” should be applied here—namely a meaning that encompasses any sign that makes a public announcement. The court disagreed. Linking the contemporaneous dictionary definition it had found of “advertising” to the contemporaneous dictionary definition of “sign” (i.e., a lettered board or notice placed to advertise a business), the court found “further evidence” to support its conclusion that the legislature, in enacting

§ 8-2, did not intend to “cast such a broad net” as proposed by the ZEO. If the legislature had so intended, noted the court, the legislature would have simply granted a municipality the authority to regulate “signs.”

Accordingly, the court concluded that although signs like Arisian’s made a “public announcement” and “could be a distraction to drivers and could raise safety concerns if . . . too big, too tall, or placed in certain locations,” the court was “hard pressed to characterize such signs as advertising.” Moreover, the court noted that, “[t]o the extent that such signs may give rise to similar aesthetic and safety concerns as advertising signs,” it was not up to the court to give the statute a broader meaning than the contemporaneous, common meaning intended by the enacting legislature.

See also: *Burns v. Barrett*, 212 Conn. 176, 189, 561 A.2d 1378 (1989).

## **Standing—Tax lienholder of property challenges local planning board approval of land use application for neighboring property**

Land use applicant argues tax lienholder is not an “interested party” and therefore lacks standing under state statute to bring the challenge

Citation: *Cherokee LCP Land, LLC v. City of Linden Planning Board*, 2018 WL 3650226 (N.J. 2018)

NEW JERSEY (08/02/18)—This case addressed the issue of whether a tax lienholder has standing to challenge a planning board’s approval of a land use application for a neighboring property.

**The Background/Facts:** A predecessor of GAF Corporation (“GAF”) acquired and subsequently subdivided a property in the City of Linden (the “City”) into two parcels of land. GAF retained ownership of one parcel (the “Property”), and sold the other parcel (the “Neighboring Property”) to Linden Chlorine Products, Inc. GAF then transferred the Property to Linden Property Holding, LLC (“LPH”), which entered into a purchase and sale agreement with Goodman North American Partnership Holdings, LLC (“Goodman”). The purchase and

sale agreement was contingent upon Goodman getting City approval to redevelop the Property.

In the meantime, ownership of the Neighboring Property transferred to Cherokee LCP Land, LLC (“Cherokee”). In 2013, Cherokee Equities, LLC purchased three tax sale certificates on the Neighboring Property from the City, initiated tax foreclosure proceedings, and assigned the tax sale certificates to Linden 587, LLC (“Linden 587”).

In May 2014, Goodman submitted a site plan application for development of industrial, warehouse and distribution space on the Property to the City’s Planning Board (the “Board”). The Board approved the application.

Thereafter, Cherokee and Linden 587 challenged the Board’s approval of Goodman’s application. They alleged that Goodman’s proposed project would “eliminate certain points of access to the Neighboring Property, interfere with an existing easement on the Property, and substantially modify storm water management on the Property.”

In response to the legal challenge, Goodman and LPH argued that Cherokee and Linden 587 lacked standing (i.e., the legal right to bring the action). The Board joined in their argument.

With regard to standing, New Jersey’s Municipal Land Use Law (“MLUL”) provides that “[a]ny interested party may appeal to the governing body any final decision of a board of adjustment approving an application for development.” (N.J.S.A. 40:55D-17(a).) The MLUL defines “interested party” broadly to include “any person . . . whose right to use, acquire, or enjoy property is or may be affected by any action taken under [the MLUL].” (N.J.S.A. 40:55D-4.)

Goodman, LPH, and the Board argued that Cherokee and Linden 587 lacked standing to challenge the Board’s approval of Goodman’s application because they were not “interested” parties under the MLUL. They maintained that Cherokee was not the titled owner of the Neighboring Property, and therefore was not an “interested party.” And, they argued that Linden 587 was not an “interested party” because it did not hold title to or a possessory interest in the Neighboring Property.

The trial court agreed that Cherokee and Linden 587 lacked standing to challenge the Board’s approval. The trial court found that Cherokee was not the titled owner of the Neighboring Property and therefore did not have an interest in the Neighboring Property. The trial court concluded that “Linden 587 does not have a present interest in the Neighboring Property as its ownership rights, which include the use and enjoyment of the property, are conditioned upon its right of redemption which it has failed to exercise.” The trial court found “that until redemption and entry of foreclosure, the holder of a tax sale cer-

tificate”—like Linden 587 here—“does not have any vested ownership or present possessory interest in a property that is subject to the tax sale certificate.” As a result, the trial court determined that Linden 587 “cannot be deemed an interested party” based on its status as a tax lienholder and that, as a consequence, dismissal of the legal challenge was warranted.

Cherokee and Linden 587 appealed. They did not challenge the conclusion that Cherokee was not the titled owner of the Neighboring Property. But they did challenge the conclusion that Linden 587 was not an “interested party,” and therefore did not have standing.

The Appellate Division affirmed the dismissal of their complaint.

Cherokee and Linden 587 then petitioned for certification, which the Supreme Court of New Jersey granted. Cherokee and Linden 587 argued that Linden 587, as the holder of tax sale certificates and as a plaintiff in the foreclosure proceedings upon the Neighboring Property, had standing as an “interested party” pursuant to the MLUL (N.J.S.A. 40:55D-4) “because its right to acquire or use the [Neighboring Property] ha[d] been destroyed by the Board’s approval of the Goodman plan.”

**DECISION: Judgment of Superior Court, Appellate Division, reversed, and matter remanded.**

The Supreme Court of New Jersey concluded that Linden 587 did have standing as an “interested party” under the MLUL to challenge the Board’s approval of Goodman’s application.

In so holding, the court analyzed the MLUL’s definition of “interested party.” Again, the MLUL authorized with standing to appeal a decision of a board of adjustment approving an application for development, “[a]ny interested party . . .” (N.J.S.A. 40:55D-17(a).) And, again, the MLUL defined “interested party” as including anyone “whose right to use, acquire, or enjoy property is or may be affected” by a land use application. (N.J.S.A. 40:55D-4.) The court emphasized that to have standing to bring a land use challenge, a party must not only meet the definition of “interested party” but must establish that right “is or may be affected.” (N.J.S.A. 40:55D-4.)

Analyzing whether Linden 587, as a tax lienholder on the Neighboring Property, met the requirements for standing, the court first explained that “the absence of title or possession is not determinative of standing.” The court emphasized that the MLUL “clearly and unambiguously provides that standing may be afforded to those with a ‘right to use, acquire, or enjoy property.’” (N.J.S.A. 40:55D-4.) The court then noted that a purchaser of the tax sale certificate, such as Linden 587 here, has the “right to acquire title” to the property, and “the right to use” the property in a limited manner “in order to make repairs, or abate, remove or correct any condition harmful to the public health, safety and

welfare, or any condition that is materially reducing the value of the property.” (N.J.S.A. 54:5-86(c).) Thus, the court concluded that Linden 587 met the MLUL’s definition of “interested party.”

That conclusion, however, noted the court, was not in and of itself determinative of standing. Not every tax lienholder automatically has standing to challenge a land use application, said the court. Rather, again, the court emphasized that to have standing pursuant to the MLUL, an “interested party,” including a tax lienholder like Linden 587, must show that its “right to use, acquire, or enjoy property is or may be affected” by the action. (N.J.S.A. 40:55D-4.) Here, the court found that Cherokee and Linden 587 had alleged that Goodman’s proposed project would affect their right to enter onto the property to address certain conditions because of the project’s elimination of certain points of access to the Neighboring Property, the interference with an existing easement on the Property, and the modification of storm water management on the Property.

Thus, the court concluded that Linden 587 “may have standing as the holder of tax sale certificates for the Neighboring Property whose ‘right to use . . . [the] property . . . may be affected’ if [Goodman’s] application is granted.”

## Zoning News from Around the Nation

### CALIFORNIA

The state Legislature is considering Assembly Bill 2923, which, as introduced, would authorize the Bay Area Rapid Transit (“BART”) “to ignore local zoning rules, create its own building standards and require that cities conform to BART’s development plans for any of its properties within a half-mile of a station.” Reportedly, the bill is aimed at increasing opportunities for high density “transit villages” near BART stations.

Source: *KPIX*; <https://sanfrancisco.cbslocal.com>

### MASSACHUSETTS

Boston City Councilors have filed legislation “to remove as-of-right designations for chain stores in Boston’s neighborhood business districts.” The proposal would reportedly amend the City of Boston’s Zoning Code “to regulate formula retail uses, also known as chain stores, and require a conditional use permit for any such business to open and operate in a neighborhood business district.” Under the pro-

posal, “chain stores” would be defined as “retail or service establishments that have 11 or more locations worldwide, and two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.” The amendment would not prohibit chain stores in any location, but is intended to “give residents and community members the opportunity to weigh in through the public process of obtaining a conditional use permit.” The proposal is aimed at preserving “the cultural fabric of the business district and the ability for locally-owned small businesses to survive and thrive.” If the proposal is approved by the Council, it would then be formally submitted to the Boston Zoning Commission for approval.

Source: *Charlestown Patriot-Bridge*; <http://charlestownbridge.com>

## MISSOURI

In an effort to “combat ‘advertising clutter,’ ” the Jefferson City Council will soon vote on an amended bill that would limit non-commercial temporary signage in the city.

“Non-commercial” signs include election, real estate, political or non-political signs. Under the original bill, “a residential property could have two 5-square-foot, non-commercial signs and an additional two 5-square-foot signs per street frontage during election season.” The Planning and Zoning Commission has approved the bill, but has reportedly recommended there not be a limit on the number of temporary signs on residential properties and that setback requirements for temporary signs be removed. Also under the bill, temporary signs would not be allowed on public rights-of-way unless with prior permission.

Source: *News Tribune*; [www.newstribune.com](http://www.newstribune.com)

## NEW YORK

The New York City Council has approved a plan to rezone a large portion of the Inwood neighborhood. The rezoning will reportedly “create and preserve 4,100 units of affordable housing, including 925 units on city-owned land and 675 units that will be established in market-rate buildings under housing rules that require developers to build affordable housing in projects made possible by rezoning.”

Source: *The New York Times*; [www.nytimes.com](http://www.nytimes.com)