

5.02: Public Hearing: Consider Ordinance #18-13, Amendment to City Code Chapter 117 (Zoning and Subdivision of Land) to add a Neighborhood Business District

Public Hearing

Chairperson Bauer called the public hearing to order at 7:13 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating in 2016, following the Public Hearing regarding the property located at 6139 157 Lane NW, staff was instructed to create a new zoning district within the City of Ramsey for the purposes of commercial property located near or adjacent to residential properties. Primarily, this Zoning District is needed to correct a previous zoning action (improper use of a conditional use permit).

Community Development Director Gladhill reported this zoning district did not move forward in 2016 and staff has been directed to bring the case back to the Planning Commission as a discussion item. This proposed zoning district is slightly more restrictive than the current B-1 district and would not occur along Highways 47 or 10. The intent of this ordinance is truly small-scale, neighborhood-scale commercial uses. The intent is not to allow higher intensity uses most commonly found along highway corridors. This district can be a valuable tool moving forward as the City attempts to accomplish comprehensive plan goals to provide a mix of uses focused on neighborhoods. For example, another potential area for this zoning district could be used would be near the new elementary school (not proposed at this time).

Community Development Director Gladhill explained staff drafted a proposed zoning district which includes four permitted uses, four conditional uses and six prohibited uses. Following the feedback previous Planning Commission meetings, Staff has moved on-sale liquor to a conditional use and added the sales of tobacco, tobacco products or tobacco related devices to the prohibited uses. This case was also reviewed at a recent City Council Work Session.

Citizen Input

Jerry Petro, 6140 157th Lane NW, explained he lives just south of the subject property. He reported this property used to be a church and has since become a daycare and secretarial service. He questioned why the City was proposing to change this property from requiring a conditional use permit to becoming a Neighborhood Business District. He feared he would have a strip mall in his backyard in the near future. He questioned if the hours of operation for the Neighborhood Business District would be 6:00 a.m. to 6:00 p.m. He understood that alcohol and drive thru's would not be allowed on this property, however, he keeps seeing how the City changes their mind over the years. He expressed concern that he would have a McDonald's or a bar adjacent to his home that would be open till 2:00 a.m. He explained this property was not located on a major intersection but rather was located in a neighborhood.

Chairperson Bauer requested comment from staff as to the history of the property and the requirements within the proposed Neighborhood Business District.

Community Development Director Gladhill commented on the history of this property. He explained there was a unique use that was allowed through a Conditional Use Permit. He discussed how Minnesota State Statute and Court Case law had deemed it was necessary to list Conditional Uses within City Code, prior to issuing a permit. Therefore, moving forward, the City adjusted its tools and clarified Conditional Uses within City Code. He commented further on the additional protections that were set within the proposed Neighborhood Business District. He reported a strip mall could not locate on this property as only 35% of the lot could be covered with a building.

Mr. Petro questioned how much of the lot was currently covered by a building. He anticipated that the value of this property would go up substantially after the property was rezoned.

Community Development Director Gladhill stated the current building coverage was 20%.

Jacqueline Abendroth, 15810 Sodium Street, explained she lived next door to the daycare and has been a resident of Ramsey since 1970. She expressed concern with the future businesses that could locate on this site. She stated she had no problem with the current business but feared how new uses would impact the neighborhood. While she didn't oppose someone trying to get ahead, she did not believe this should be at the expense of others. She indicated she was also concerned with how her property value would be impacted by the rezoning.

Elaine Parsons, 15813 Nowthen Boulevard, stated she had concerns with the increase in traffic that would be brought to the site if it were rezoned. She feared lighting and noise would negatively impact her neighborhood. She requested on-sale liquor sales not be allowed on this property. She encouraged the Commission to consider how her property value would be adversely impacted if the rezoning were approved. She explained there were vacant strip malls in Ramsey already and stated she did not want to see another failed strip mall in her backyard.

Chairperson Bauer reported on-sale liquor sales was not a permitted use, but would be a conditional use.

Mr. Petrow expressed concern with the fact the building coverage on the site could almost double. He feared how additional businesses with expanded hours would impact his neighborhood.

Commissioner VanScoy questioned what hours of operation would be reasonable for this property.

Mr. Petrow discussed the traffic that flowed through the property currently for the daycare. He commented that a restaurant serving alcohol would have later hours of operation that would impact and change the neighborhood.

Commissioner VanScoy commented the proposed rezoning had to be resolved due to a concern with State Statute.

Mr. Petrow recommended the hours of operation be restricted in order to reduce the impact on the neighborhood.

Lowell Parsons, 15813 Nowthen Boulevard, stated he lived to the north of the subject property. He questioned if any of the Commissioners would like to have this property behind their home. He explained he worked 60 hours a week to maintain his property and feared his property would be devalued by the proposed rezoning. He feared the City was going down a slippery slope. He encouraged the Commission to reevaluate the situation and to become more compassionate to the adjacent residents. He explained alcohol did not need to be sold in a neighborhood.

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 7:51 p.m.

Commission Business

Community Development Director Gladhill explained the café/on-sale liquor sales language could be removed from the City Code amendment. He commented the Commission could also limit the hours of operation or size of a future restaurant space/outdoor seating.

Chairperson Bauer explained the original intent of the Commission was to allow beer or wine at a café. He indicated restrictions could be put in place to ensure on-sale liquor was no more than 20% of the restaurants' revenue. He stated this would require any future restaurants to be focused primarily on food and not alcohol.

Community Development Director Gladhill reported this could be done but explained this would be difficult for City staff to enforce. He suggested a maximum of 25% of sales receipts be related to on-sale liquor sales.

Commissioner Anderson supported eliminating the on-sale liquor sales language completely. He reported this code amendment was for the entire City and not for this one property. He feared that liquor sales in neighborhoods was asking for trouble.

Commissioner Woestehoff stated he would like to see the language remain in place as there may be other properties in the City that could benefit from a neighborhood café with beer and wine. He explained he would support setting restricted hours of operation. He reported he would be fine living next to the subject property and having several neighborhood businesses in his backyard.

Chairperson Bauer explained he used to live in Detroit Lakes and had a supper club 200 feet from his property. He stated he never had a problem and noted the use did not impact his property value.

Commissioner VanScoy commented the restaurant at the Rum River Golf Course serves food and alcohol. He reported this restaurant had not ever been a concern for the neighborhood. He stated he has heard the concerns from the neighbors and recommended the Planning Commission not allow alcohol sales as a conditional use on the subject property. He commented further on the differences between permitted and conditional uses.

Commissioner Anderson stated he was opposing the alcohol sales noting the City had other tools available. He reported the proposed code amendment was for neighborhoods and not for the larger commercial areas in Ramsey. He did not believe alcohol sales should occur in neighborhoods.

Community Development Director Gladhill discussed the success of the Buena Sera restaurant in Champlin noting this restaurant was located in a residential neighborhood, served beer and wine, along with food.

Commissioner VanScoy asked if it would be appropriate to add hours of operation to the code amendment.

Commissioner Woestehoff stated he would support limiting the hours of operation for the Neighborhood Business District. He suggested the hours of operation be 6:00 a.m. to 6:00 p.m.

Community Development Director Gladhill anticipated that a café would want to hit both the lunch and supper rush which may mean the hours of operation would have to be from 11:00 a.m. to 8:00 p.m. He stated as a compromise, the hours of operation for the Neighborhood Business District could be from 6:00 a.m. to 8:00 p.m., further restricting on-sale liquor sales from 11:00 a.m. to 8:00 p.m., to have no outdoor seating, no outdoor music and that liquor sales be no more than 25% of the gross receipts of the business.

Commissioner Woestehoff stated he could support on-sale alcohol sales occurring until 9:00 p.m.

Chairperson Bauer questioned how to phrase these amendments to the Ordinance.

Community Development Director Gladhill recommended the Commission make several motions to amend the Ordinance prior to recommending approval of the amended Ordinance.

Motion by Commissioner VanScoy, seconded by Commissioner Woestehoff, to amend Ordinance #18-13, amending the hours of operation to 6:00 a.m. to 9:00 p.m., with on-sale liquor sales to occur from 11:00 a.m. to 9:00 p.m.

Further discussion

Commissioner VanScoy asked if 9:00 p.m. was acceptable. The Commission supported the proposed hours of operation.

Commissioner Surma commented each neighborhood would have to be considered separately with future neighborhood business requests.

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

Motion by Commissioner VanScoy, seconded by Commissioner Woestehoff, to amend Ordinance #18-13 to not allow outdoor music or speakers within the Neighborhood Business District.

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

Motion by Commissioner Woestehoff, seconded by Commissioner Surma, to recommend that City Council adopt Ordinance #18-13 as amended.

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

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