

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, June 6, 2019, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Randy Bauer
 Commissioner Bruce Anderson
 Commissioner Cheri Gengler
 Commissioner Torrey Johnson
 Commissioner Eric Peters
 Commissioner Gary VanScoy
 Commissioner Matt Woestehoff

Members Absent: None

Also Present: Community Development Director Timothy Gladhill
 City Planner Chris Anderson
 City Planner Chloe McGuire Brigl
 Planning Consultant Eric Maass

[sections deleted]

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.04: Public Hearing: Review Multiple Items Related to River Walk Village Preliminary Plat; Case of Village Bank (Project #18-163)

Public Hearing

Chairperson Bauer called the public hearing to order at 7:32 p.m.

Presentation

City Planner McGuire Brigl presented the staff report and recommendation to adopt Resolution #19-099 approving variances for cul-de-sac length and bluffline setbacks, to recommend that the City Council adopt Resolution #19-098 approving the preliminary plat and Comprehensive Plan amendment, and to recommend that the City Council introduce Ordinance #19-10 rezoning the subject property from R-1/E-1 to R-2 Detached Villas, contingent upon successful trail relocation and dedicated outlot for the trail.

Commissioner Anderson asked where the Mississippi River is in relation to the plat. He asked if the DNR has any issue with the location of the stormwater pond. He stated that he would have an issue with that location because he could envision runoff going into the Mississippi.

City Planner Anderson replied that the stormwater pond is within the flood fringe area. He stated that staff did reach out to the DNR and the DNR responded that there is nothing that would prohibit the placement of a stormwater pond within the flood fringe area.

Commissioner Anderson asked if there are trees or plantings along the backside to prevent erosion.

City Planner Anderson referenced the updated tree preservation plan, which retains tree cover and canopy closest to the river.

Commissioner VanScoy asked which lots would have a setback variance.

City Planner McGuire Brigl identified lot five, block 3, which requires a setback variance for the back corner. She confirmed that the resolution would identify that lot specifically.

Citizen Input

Don Kveton, 5750 177th Avenue NW, stated that they have been working on this piece of land for the past seven years. He noted that the contamination was found during that time which has made this process more challenging. He stated that he has lost over \$750,000 on this project thus far. He noted that it is a beautiful piece of land and they are attempting to develop the property and create taxable income. He noted that it will cost about \$1,000,000 to remove the contamination and take this to the development level.

Commissioner VanScoy asked for details on the grants that are being applied for.

Jim Crowl, Carlson McCain, stated that they have been working with the applicant on the environmental part of the project. He noted that the City Council adopted a resolution in support of the grant applications, which were submitted on May 1st, 2019. He stated that they should be made aware of the outcome sometime during July 2019.

Vicky Chancler, 6224 Rivland, stated that this block ends in a cul-de-sac and this proposal would add 14 homes. She noted that this area is part of the Mississippi River Trail and therefore those users are on the roads. She believed that this is too many homes. She noted that the previous case for the yoga studio was cut from her requested eight students to four students and was unsure how the City could allow 14 homes. She understood that the bank has lost money on this project but noted that it is not the responsibility of the City to help make up that difference. She noted that this parcel lies between the Mississippi River and the creek. She believed that it would be wrong to put this many homes on that parcel. She believed that the Commission should visit the parcel to get a better understanding. She noted that this would have a large impact on the community of existing residents. She was unsure how that amount of traffic could

be supported on the roadway. She stated that she is not opposed to homes being built on the parcel, simply the number of homes proposed.

Commissioner VanScoy stated that when he looks at this request, he also considers the clean-up of the site that needs to be done.

Ms. Chancler stated that she has been at her home for 19 years and most of the residents have lived in that area for long periods of time. She noted that it is a private, quiet neighborhood. She stated that it is her understanding that the debris on that site was construction debris from the previous owner that constructed the homes in the area. She stated that there is nothing visible, the debris is all buried underground.

Commissioner VanScoy asked if Ms. Chancler is concerned with the contamination.

Ms. Chancler stated that the issue has been talked about between the neighbors and no one is concerned with the debris on that site. She did not believe that there is anything harmful onsite and that it is just a lot of debris that would need to be dug out and removed from the site.

Commissioner Anderson asked how many homes the resident would be comfortable with.

Ms. Chancler stated that she would be comfortable with three or four homes, which is typical for a cul-de-sac.

Jennifer Shoemaker, 6150 Rivland Avenue, stated that her home is directly next to this parcel. She stated that she has been very involved in this process as the result will directly impact her family. She stated that they moved from downtown Anoka to this quiet neighborhood in Ramsey on the Mississippi River. She stated that several years ago the bank decided to develop this property, cut the trees down and dug up the land before deciding that they could not move forward because of the contamination. She noted that the bank left the property in that condition, which increased noise and visibility to Highway 10. She stated that the Mississippi River Trail was then extended through the neighborhood, noting that the road does not have sidewalks or bikeways and therefore the road is part of the trail. She noted that this project would hugely impact this neighborhood. She explained that currently the neighborhood has 17 homes in entirety. She stated that the houses proposed are large homes, over 2,000 square feet, with small lots. She encouraged everyone to walk down through the area to get a better feel for the neighborhood and what the bank did to the property. She stated that the contamination has been there for years, noting that you cannot see the buried construction debris. She noted that wildlife often walk through that property and 14 homes would change the character of the neighborhood. She stated that she is pleased to see that the tree preservation plan has been revised to save trees. She felt that this project is getting pushed through under the guise that the site needs to be cleaned up. She stated that if the site ends up not being developed, that is not the problem of Ramsey residents. She noted that something being left out is the request for the City of Ramsey to contribute towards the clean-up if the grant funds are awarded. She stated that she would have a problem with the City contributing funds to help a bank develop its property. She stated that this is the bank's problem, not the City's problem, and not the problem of residents. She

suggested that perhaps the City swap land with the bank and let the land remain natural as an entrance to the trail. She stated that adding 14 homes would be ridiculous.

Scott Shoemaker, 6150 Rivland Avenue, stated that if an extension is being added to the neighborhood, it should follow the character of the existing neighborhood. He stated that this extension would double the size of the neighborhood on half the space. He stated that this is an odd shaped piece of land and the developer is routing the street in order to fit the most houses rather than placing homes logistically. He referenced the holding pond, noting that the flood fringe has been under water every year that he has lived in his home and therefore the holding pond will overflow and run into the river.

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Gengler, Johnson, Peters, and Woestehoff. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 8:04 p.m.

Commission Business

Mr. Kveton stated that he has met with the Shoemakers a number of times and is aware of their concerns. He stated that over the years they have sold the property multiple times. He noted that a previous request was for senior housing, but noted that would have generated additional traffic; another request is for commercial/industrial, which he did not feel would be fair to the neighborhood; and noted that this residential option appears to be the best option for the neighborhood. He provided an example of this housing product being constructed in Blaine. He stated that this is a beautiful site and would be maintained by an HOA. He stated that typically the buyer for this product is a person in retirement and would not generate a lot of traffic.

Commissioner VanScoy referenced the contamination, noting that residents in that area do not have an issue with the contamination. He stated that the comment has been made that it would cost \$1,000,000 to clean-up the site. He asked for details on the need to clean-up the site as some people do not think it is necessary. He asked for details on the nature of contamination and the rational for removing the debris.

Mr. Kveton stated that they were working on a previous project and the contamination was discovered and the project was shut down by the City.

Community Development Director Gladhill stated that there are contaminated soils near the Mississippi River and therefore there is a benefit to cleaning up the site. He stated that they have explored every option and if anything is going to be developed on the site, that material needs to be excavated and removed from the site. He stated that is not aware of the logistics of leaving the site in its current conditions and not developing. He confirmed that for anything to be developed on the site that material would need to be removed and hauled offsite.

Commissioner VanScoy asked and received confirmation that the same clean-up activity would be needed regardless of whether it is four homes, or 14 homes being constructed.

Community Development Director Gladhill confirmed that the material would need to be removed if anything is going to be developed on the site. He stated that because there is a Comprehensive Plan amendment, zoning amendment, and variance request the City has a large amount of discretion. He stated that the Council wrestled with the concept of allowing 12 or 14 homes but noted that with either number there would still only be one residential property backing up to an existing residential property.

Chairperson Bauer asked how many lots could be developed if the zoning remained R-1.

City Planner McGuire Brigl replied that six or seven lots would be allowed under R-1.

Commissioner Woestehoff noted the delineated tree lines, noting that everything included in the plan is compliant with the R-2 requirements with the exception of the corner of the one lot that requires a variance.

City Planner McGuire Brigl stated that the density is actually slightly lower than R-2, noting that the lot sizes comply but because of the overall size of the property the density figure is lower.

Community Development Director Gladhill noted that some areas will be removed from the overall density calculations and the plat would meet the R-2 density.

Commissioner Johnson stated that he has seen the area and believes that this would be a great fit for the parcel. He noted that he lives on a cul-de-sac and there are 38 homes on his cul-de-sac. He stated that his neighborhood has children riding and a bike trail and there have been no issues with safety. He referenced the comment that was made to possibly donate the land to the City and noted that the donation would be of contaminated land that the City would then need to clean up.

Ms. Chanler stated that she was under the impression that the site would only need to be cleaned up if something is going to be built.

Commissioner Johnson stated that if the land is donated for a park, people would most likely not want a park on contaminated soils.

Community Development Director Gladhill noted that development of a park would still trigger the need to clean-up the site.

Commissioner VanScoy asked for details on the nature of the contamination and the reason it is important to remove the material.

Jim Crowl stated that they have learned that there was uncontrolled dumping on the site between 1953 to 1970. He stated that there is about 32,000 cubic yards of material and about 16,000 cubic yards of that material is debris. He noted that because of the nature of the dump materials there is additional soil that would need to be removed because of the leaching that occurs over time. He stated that there are impacts to groundwater that can occur and in some test pits on the site the waste material is in contact with the water table.

Commissioner VanScoy stated that there have been comments from residents stating that this is not an issue for them because they cannot see visual impacts. He noted that he is very concerned with the contamination.

Jim Crowl stated that they will also look at soil vapor during this process to determine if there are potential vapors being generated. He stated that this is not just the consultant/engineer working with the bank and City. He explained that all the clean-up activities are being completed in conjunction with the Minnesota Pollution Control Agency (MPCA). He noted that a Response Action Plan has been developed and approved by the State of Minnesota.

Commissioner VanScoy referenced a comment that was made relating to the Mississippi Trail and the segment that goes down this street. He asked if there is any consideration to installing a bike trail or adding a sidewalk to the existing neighborhood.

City Planner McGuire Brigl stated that the City will require a sidewalk on one side of the development, noting that staff recommends that it be added to the southside of the development. She noted that a bike trail has not yet been discussed.

Commissioner VanScoy stated that when the trail exits the new neighborhood it would still empty onto the existing street. He asked what could be done to resolve that issue for the existing neighborhood.

Community Development Director Gladhill noted that the Public Works Committee could review that element. He explained that the Mississippi River Trail is a combination of off-road trail and on-road trail. He stated that staff can solve and make requirements for the proposed development and speak with public works for the segment through the existing neighborhood.

Commissioner VanScoy stated that the prior recommendation from the Commission was 12 lots, while the City Council supported 14. He asked for input on that decision.

Community Development Director Gladhill stated that the Council discussed the difference in impact between 12 and 14 lots for those adjacent to the development. He stated that additional units are not being added adjacent to existing residential, as those lots are more internal to the site. He stated that some of the Councilmembers were hesitant to support 14 lots but wanted to have additional input from the public. He stated that it would be reasonable to consider perhaps 13 lots, which would eliminate the need for a variance. He explained that the Council supported 14 lots for discussion and finding additional details. He stated that the Council was interested in the rational if 12 lots are supported, as the impact to the neighborhood would not be different.

Commissioner VanScoy asked if the potential access from Highway 10 made a difference.

City Planner McGuire Brigl explained that because that was able to be removed, the lot should be able to meet the 50-foot standard.

Commissioner Anderson stated that he does not like the idea of 14 lots as he believed that is too big for the neighborhood. He also did not think City money should be spent on the clean-up. He stated that he would like to see the cul-de-sac eliminated but recognized that there is no way to connect to another roadway. He did not believe that this project as proposed is suitable for the neighborhood.

Commissioner Woestehoff asked if there has been input as to whether this application would continue under R-1, if the rezoning to R-2 is denied.

Mr. Kveton replied that the project would not be financially feasible to develop under R-1. He explained that even with 14 lots, the bank would still not make its money back. He explained that the site needs to be cleaned up and he believed that this would be the best option with the existing neighborhood.

Commissioner VanScoy commented that in other situations where there is a transition from R-1 to industrial areas, the City has considered higher density residential as a transition and therefore he does not see this proposal as unacceptable. He understood the concerns of the residents but noted that there has been a significant attempt to work on that transition between R-1 and R-2. He stated that the contamination has to come out and is a significant concern. He stated that activity needs to be funded somehow and the community has a responsibility to public safety, not just for Ramsey but for the surrounding communities as well. He stated that he does not see a difference in 14 lots compared to 12. He noted that the issues he had previously (clear cutting, buffering, transitioning) have been addressed. He stated that he is concerned about the fact that the Mississippi Trail goes down an existing street but acknowledged that is not a part of this application. He stated that he would support the proposal.

Chairperson Bauer suggested that the Preliminary Plat be considered first, as the variances would not be applicable if the plat is not approved.

Motion by Commissioner VanScoy, seconded by Commissioner Johnson, to recommend that City Council adopt Resolution #19-098 Approving the Preliminary Plat and Comprehensive Plan Amendment.

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

Motion by Commissioner VanScoy, seconded by Commissioner Johnson, to recommend that City Council introduce Ordinance #19-10 Rezoning the Subject Property from R-1/E-1 to R-2

Detached Villas, Contingent Upon Successful Trail Relocation and Dedicated Outlot for the Trail.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Johnson, Gengler, and Peters. Voting No: Commissioners Anderson and Woestehoff. Absent: None.

Motion by Commissioner VanScoy, seconded by Commissioner Johnson, to approve Resolution #19-099 Approving Variances for Cul-de-sac Length and Bluffline Setbacks.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Johnson, Gengler, and Woestehoff. Voting No: Commissioners Anderson and Peters. Absent: None.