

City of Ramsey
Agenda
Regular Planning Commission
Thursday, March 7, 2019
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Citizen Input**
- 4. Approve Agenda**
- 5. Approve Minutes**
 1. Approve the February 7, 2019 Planning Commission Meeting Minutes.
- 6. Public Hearing**
- 7. Commission Business**
 1. Review Sketch Plan for Rivenwick Subdivision (Project No. 19-02); Case of Paxmar
 2. Review Sketch Plan for 6080 Highway 10; Case of Village Bank (Project #18-163)
- 8. Commission/Staff Input**
 1. Zoning Bulletins
- 9. Adjournment**

Regular Planning Commission

5. 1.

Meeting Date: 03/07/2019

By: JoAnn Shaw, Community Development

Information

Title:

Approve the February 7, 2019 Planning Commission Meeting Minutes.

Purpose/Background:

n/a

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

02 07 19 Minutes

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 03/01/2019

Reviewed By

Tim Gladhill

Date

03/01/2019 02:03 PM

Started On: 02/28/2019 08:46 AM

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, February 7, 2019, 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 regular meeting to order at 7:00 p.m.

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Gengler, VanScoy, Anderson, Surma, 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 January 3, 2019

Motion by Commissioner Anderson, seconded by Commissioner Surma, to approve the following minutes as presented: Planning Commission Meeting Minutes dated January 3, 2019.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Consider Resolution #19-037 Granting a Conditional Use Permit for Auto Sales at 8000 Highway 10; Case of Druk Auto

Public Hearing

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

Presentation

City Planner McGuire Brigl presented the staff report stating the purpose of this case is to consider a request from Druk Auto (the "Applicant") for a Conditional Use Permit (CUP) for auto sales at 8000 Highway 10 NW (the "Subject Property"). The Applicant currently operates in Forest Lake and is wishing to return to Ramsey, where they started their business over a decade ago. The property is zoned B-2 Highway Business District and is guided for Commercial in the comprehensive plan. Motor vehicle, implement, and recreation equipment sales and service are allowed as a Conditional Use in the B-2 District. Staff reviewed an updated Site Plan with the Commission and recommended approval of the Conditional Use Permit.

Citizen Input

Commissioner Anderson asked if there was a need for striping in the display parking area.

City Planner McGuire Brigl reported striping was not necessary in this area but noted all City setbacks would have to be met.

Daniel Patrick Druk, 2850 109th Court NE in Blaine, thanked staff for the thorough report. He explained he was in the process of purchasing the subject property.

Commissioner Anderson questioned if the applicant was planning to park cars along Highway 10.

Mr. Druk stated he would not be parking cars along Highway 10.

Commissioner Surma asked if the applicant had plans to dress up the building façade.

Mr. Druk explained he had plans to get rid of the brick façade and noted he also wanted to change out the windows.

Commissioner Surma inquired what type of cars Druk Auto would be selling.

Mr. Druk reported he has run a successful auto sales business selling classic cars and newer warrantied vehicles.

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

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

Chairperson Bauer closed the public hearing closed at 7:11 p.m.

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council adopt Resolution 19-037 granting a Conditional Use Permit for Auto Sales at 8000 Highway 10 NW contingent upon the updated site plan with modifications addressing the issues raised in this case.

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

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.

5.03: Public Hearing: Consider Multiple Actions related to 17902 St. Francis Boulevard NW (Project No. 19-101); Case of Dale and Tammy Wills

- 1. Request for a Home Occupation Permit to Operate a Commercial Horse Farm**
- 2. Request for a Conditional Use Permit to Exceed Square Footage for Detached Accessory Building**
- 3. Request for a Variance to Accessory Building Height and Lot Frontage Requirements**

Public Hearing

Chairperson Bauer called the public hearing to order at 8:18 p.m.

Presentation

City Planner Anderson presented the staff report stating Dale and Tammy Wills (the "Applicant") have approached the City about the prospect of operating a commercial horse farm on the property located at 17902 Saint Francis Blvd (the "Subject Property"). Their vision is to provide a setting for youth to learn how to properly care for and build relationships with horses and then continue on with riding lessons, both Western and English style. They have submitted applications for a Home Occupation Permit, Conditional Use Permit, and Variance that would be needed for their endeavor. The Applicant is under contract to purchase the Subject Property; the current property owner has signed the Land Use Application and is aware of and supports the current proposal. Staff reviewed the request in detail with the Commission and recommended approval of the Home Occupation Permit, Conditional Use Permit and Variance.

Citizen Input

Chairperson Bauer questioned where the City limits were located between Nowthen and Ramsey.

City Planner Anderson reviewed the location of the Nowthen and Ramsey city limits. He stated it was his understanding the land in Nowthen may be used as a pasture for the horses.

Commissioner Woestehoff requested further information regarding the existing home and its location.

City Planner Anderson discussed the location of the existing home on the property and noted the proposed location of the new home. He commented further on the proposed lot split and reported the existing home lot would house the new barn structures while the other lot would house the new home.

Commissioner Anderson asked why the cul-de-sac was necessary.

City Planner Anderson stated a public road was not being proposed, but rather the applicant was proposing to connect their driveway to the existing cul-de-sac.

Community Development Director Gladhill explained there was another home on this roadway that required access to the cul-de-sac. He reviewed a map with the Commission noting the location of the cul-de-sac and how the applicant would receive access.

Dale Wills, 2176 157th Lane in Andover, thanked staff for the thorough presentation. He reported the lot split was not completed and noted he would be working with engineers to complete this project. He stated the property in Nowthen would be used for horse riding trails and pasture land. He indicated the urine concerns would not apply to his horse farm given the fact he would not have more than 100 animals and because he had enough land for the horses to feed on. He commented further on the proposed mean gable height (42 feet) for the riding arena and stable building.

Commissioner VanScoy asked why it was important for these two building heights to match.

Mr. Wills described why he had to have the building heights matching in order to tie the buildings together.

City Planner Anderson commented a two-story accessory building was permissible in the R-1 Residential Developing zoning district.

Brian Hiedl, 17826 Potassium Street, questioned where the paddocks would be located.

Mr. Wills described where the two paddocks and pasture land would be located on the property. He discussed how he planned to maintain the paddocks and manure from the horses. He reported he would be composting the manure which would assist in addressing the neighbor's concerns regarding insects and odor.

Deb Kemp, 6003 178th Lane, explained she lived just south of the subject property. She stated she had concerns with road usage along Potassium Street and with how the proposed use would impact the southwest corner of her property. She indicated she had sand hill cranes on the southwest corner of her property and feared they would be displaced.

Community Development Director Gladhill reported the City would not be acquiring any private property on the Potassium Street cul-de-sac. He explained the proposed use would have a lower impact on the neighborhood than a single-family residential development.

Arnie Cox, 6001 177th Lane, asked if any stop signs would be installed in the neighborhood.

City Planner Anderson commented the City had not discussed stop signs but noted this concern could be brought to the Public Works Department for further consideration.

Mr. Cox stated he would like a stop sign at the corner of Potassium Street and 177th Lane. He questioned who would be paying to fix the road in the future. He wanted a guarantee that Mr. Wills would be assisting with this expense.

Chairperson Bauer commented on the City's assessment policy for street reconstruction projects.

Community Development Director Gladhill commented over the past few years, the City has recognized that it has fallen behind on its street and roadway maintenance. He reported the City was working to address this concern.

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

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

Chairperson Bauer closed the public hearing closed at 9:15 p.m.

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #19-042 approving a Home Occupation Permit to operate a Commercial Horse Farm for the property at 17902 St. Francis Boulevard NW.

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

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #19-043 approving a Conditional Use Permit to exceed Square footage for detached accessory buildings for the property located at 17902 St. Francis Boulevard NW.

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

Commissioner Anderson asked if staff was comfortable with the proposed building height for the riding arena and stable.

City Planner Anderson explained with the proposed setbacks, staff was comfortable with the proposed building heights.

Motion by Commissioner Anderson, seconded by Commissioner Gengler, to adopt Resolution #19-044 granting a variance to lot frontage and accessory building height for the property located at 17902 St. Francis Boulevard NW.

Further discussion

Commissioner VanScoy questioned what made this property unique. He wanted to be assured that a precedent was not being set.

City Planner Anderson commented on the lot frontage and grade change that occurred on this property. In addition, he discussed the number of trees that would be lost along the southern property line if the cul-de-sac were extended. He reported it did not appear to accomplish anything by pushing the cul-de-sac 20 to 30 feet further north. In terms of the accessory building heights, this request was unique in order to accommodate equestrian riding and jumping indoors. He stated staff supported the proposed building heights given the distance these buildings were from neighboring properties.

Commissioner VanScoy asked if the existing cul-de-sac met City requirements.

City Planner Anderson explained the existing cul-de-sac met all City requirements.

Commissioner VanScoy stated the cul-de-sac was placed short of the property line, which was a unique situation. He recommended this be stated in the Findings of Fact.

City Planner Anderson reported this was the case.

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

5.04: Public Hearing: Consider Amendment to Chapter 117, Section 111 and 112 to Modify the R-1 Residential and R-2 Residential Zoning Districts to Allow 50- and 65-Foot-Wide Lots and Clarifying Existing Language

Public Hearing

Chairperson Bauer called the public hearing to order at 9:26 p.m.

Presentation

City Planner McGuire Brigl presented the staff report stating the purpose of this case is to review a proposed zoning amendment (text) to allow 50- and 65-foot-wide lots. The case came forward as part of the Harvest Estates 2nd Addition Preliminary Plat application, but is being handled and treated as a separate case. The proposed zoning amendment (text) modifies both R-1 and R-2 regulations, while consolidating and making the R-2 section easier to read and utilize. These changes have been requested by a number of Developers over the past several years.

Community Development Director Gladhill explained the City would be creating a district that would allow 50- and 65-foot-wide lots based on changing market conditions. He reported the

City has been allowing 50- and 65-foot-wide lots through the PUD process, however, this would codify a change in City Code.

Citizen Input

Commissioner VanScoy asked why setbacks were being changed. He feared that the proposed setbacks would make it difficult for new neighborhoods to have sidewalks or be able to park cars in driveways.

Community Development Director Gladhill stated a 25-foot front yard setback would allow for sidewalks and proper driveway length to allow for cars to be parked.

Commissioner VanScoy questioned if staff had received feedback from the Fire Department regarding the reduced side yard setback.

City Planner McGuire Brigl stated she reached out to the Police and Fire Departments regarding this matter. She noted the Police Department did not have any concerns. She explained the Fire Marshall supported a 10-foot separation between buildings, or a five-foot side yard setback. She suggested the language regarding the separation for detached villas be changed from 15 feet to 10 feet in the R-2 district.

Commissioner VanScoy stated he would support a 30-foot front yard setback.

Community Development Director Gladhill discussed how neighborhood design was changing and certain neighborhoods were bringing their homes closer to the street. He discouraged the Commission from changing the front yard setback from 25 feet.

Ben Minks, Capstone, explained the 25-foot front yard setback was adequate to allow for residents to park their cars in the driveway and noted there was still room for sidewalks.

Commissioner VanScoy questioned if the setbacks for Harvest Estates had to be addressed.

Community Development Director Gladhill reported this development was approved with 30-foot front yard setbacks. Staff was directed to review this matter with the City Attorney to ensure the setback would remain 30 feet.

Rich Hennes, 5690 152nd Lane NW, stated he did not support the proposed project.

Chairperson Bauer reported the proposed project would be discussed under the next Public Hearing.

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

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

Chairperson Bauer closed the public hearing closed at 9:49 p.m.

Commission Business

Motion by Commissioner Gengler, seconded by Commissioner Surma, to recommend that City Council introduce Ordinance #19-02.

Further discussion

Commissioner VanScoy requested staff speak with the City Attorney regarding prevailing setback requirements.

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

5.05: Public Hearing: Review Actions Related to Harvest Estates 2nd Addition; Case of Meadowcreek Builders, Inc.

- **Adopt Ordinance #19-04 Amending Official Zoning Map**
- **Adopt Resolution #19-025 Approving Preliminary Plat**

Public Hearing

Chairperson Bauer called the public hearing to order at 9:50 p.m.

Presentation

City Planner McGuire Brigl presented the staff report stating the purpose of this case is to review a preliminary plat application for a fifteen (15) lot residential subdivision. The Applicant has proposed to subdivide the approximately six and a half (6.5) acre parcel into fifteen (15) single family lots serviced by City utilities. The site is generally located at the site of the old municipal center, east of Nowthen Boulevard and south of Alpine Drive. The lot is legally described as Lot 25, Block 1 Harvest Estates (the "Subject Property").

City Planner McGuire Brigl stated the proposed lots are 65-foot-wide lots; a separate case is handling the proposed creation of a new zoning district(s). This purpose of this case also includes a zoning amendment (map) to rezone the Subject Property from R-1 Residential (MUSA) and R-1A Residential (MUSA). This would rezone the property to a new residential zoning district allowing 65-foot-wide lots.

Citizen Input

Randy Hedland, Landform Professional Services, thanked the Commission for their consideration. He explained the units would range in price from \$320,000 to \$450,000. He commented on the tree preservation plan for the property and noted the builder was more than willing to provide additional screening along the property line.

Commissioner VanScoy asked what the square footage was for the proposed lots.

City Planner McGuire Brigl reported all but two lots meet the City's square footage requirements.

Commissioner VanScoy questioned if this development would have a homeowner's association.

Mr. Hedland reported this was the case.

Rich Annis, 5690 152nd Lane NW, stated he did not support the proposed development. He believed the proposed lot sizes would not fit in with the surrounding neighborhood.

Judy Annis, 5690 152nd Lane NW, asked if the cul-de-sac would be pushed back.

Mr. Hedland reported the cul-de-sac would be installed as originally approved on the master plan.

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

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

Chairperson Bauer closed the public hearing closed at 10:01 p.m.

Commission Business

Commissioner Woestehoff questioned if the lot width reduction was strictly a financial decision.

Mr. Hedland explained the proposed lot widths were a new trend and provided for smaller/deeper homes for residents that do not require a 70-foot-wide home.

Commissioner VanScoy stated he was concerned with how this Ordinance would be utilized. He indicated he had questions with how the extra density would benefit the proposed development. He commented on the physical size of the lots and was pleased that only two were undersized. He explained he was concerned with putting 65-foot-wide lots next to a development that had 80-foot-wide lots.

City Planner McGuire Brigl clarified the lots to the north were 70-foot-wide lots. She commented further on the density of the proposed development.

Commissioner Anderson commented he would prefer to see 70- or 80-foot-wide lots.

Commissioner Woestehoff stated the density on the north side of 152nd Avenue did not bother him. However, the density on the south side was a concern to him given the two non-conforming lots.

Mr. Hedland stated the lot lines for the two undersized lots could be adjusted to meet the City's requirements.

Commissioner Gengler explained she appreciated the fact the proposed housing style would provide a new variety of housing stock for the City and that the homes would be managed by an association.

Community Development Director Gladhill indicated this was a very uniquely shaped parcel which led the developer to the proposed lot layout.

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council Introduce Ordinance #19-04 amending the Official Zoning Map.

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

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #19-025 Approving Preliminary Plat for Harvest Estates 2nd Addition, contingent upon adoption of the Zoning Amendment.

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

5.06: Public Hearing: Consider Ordinance #19-03 Amending the Definition of Topsoil (Project No. 18-146)

Public Hearing

Chairperson Bauer called the public hearing to order at 10:12 p.m.

Presentation

City Planner Anderson presented the staff report stating in the mid-to-late 2000s, the City adopted a new development requirement, requiring all new construction to establish 4" of premium topsoil. The intent was to reduce the consumption of water related to lawn irrigation. Through several appropriations request to the Minnesota Department of Natural Resources for additional public wells, the City needed to implement additional water conservation measures due to the high consumption compared to peer communities. A large portion of this consumption

was due to lawn irrigation in very sandy soils. While the current standard is quite effective in water conservation, Staff believes it is an appropriate time to evaluate the cost-benefit ratio. The standard has not reduced the amount of development in the community, but the City has received much feedback on the standard.

City Planner Anderson explained for several years now, the City has been receiving feedback on the current topsoil requirement, both in the field and at other forums such as the Contractor's Networking event, hosted by the City. More recently, the City received a written request from Capstone Homes to consider revising the topsoil standard by eliminating the specification for Premium Topsoil Borrow (a now former MnDOT specification). The request identified two negative effects of the current topsoil requirement. First, that the topsoil is doing *too* good of a job in terms of holding water. They acknowledge that many homeowners are likely not adjusting their irrigation systems to account for the topsoil and are actually contributing to the problem. Secondly, they identified price as a concern compared to the cost of 'regular' black dirt.

City Planner Anderson reported staff has had multiple discussions with the EPB regarding this topic. The EPB requested Staff to gather information on what similar peer communities (with similar sandy soils) require and what the purpose of the requirement was (to see if it is an apples-to-apples comparison). Staff looked at the requirements for communities such as Andover, Big Lake, and Blaine, all of which have a topsoil requirement and are growing communities on sandy soils (Elk River was also contacted but due to significant opposition, they did not adopt a topsoil requirement and rather, through their municipal utilities division, implemented a rebate program focused on improving irrigation systems).

Citizen Input

Ben Minks, Capstone Homes, thanked the Commission for their consideration. He commented on the cost of the topsoil material noting he was working to provide a home product that working families could afford. He explained that many of the watering concerns were being created by residents. He encouraged the Commission to consider allowing generic black dirt to be used as topsoil.

Commissioner Surma thanked Capstone for building high quality housing products in Ramsey. He stated he would support Capstone's proposed request.

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 10:28 p.m.

Commission Business

Motion by Commissioner Surma, seconded by Commissioner VanScoy, to recommend that City Council adopt Ordinance #19-03 amending the definition of topsoil.

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

6. COMMISSION BUSINESS

6.01: Review Updated Alternative Urbanwide Area Review (AUAR) for The COR (Project No. 18-112)

Presentation

City Planner Anderson presented the Staff Report stating in 2003, the City Council adopted Resolution #03-01-012 ordering an Alternative Urbanwide Area Review (AUAR) for The COR (formerly known as Ramsey Town Center). An AUAR is an environmental review process that can be used in lieu of more traditional environmental reviews such as Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS), as long as the geographic area is covered by an acceptable Comprehensive Plan. When considering The COR as a whole, it is likely that a series of individual projects in short sequence could trigger the need for an EAW. For example, the recent project known as Affinity at Ramsey likely would have triggered the need for an EAW based on the number of projects approved in the past several years.

City Planner Anderson explained the benefit of an AUAR is that it looks at the cumulative impacts of planned or anticipated development within a specific geographic area, whereas an EAW and/or EIS are project specific and typically can add significant time and cost to a proposed development. The AUAR can assist with reviewing cumulative potential effects to the environment, which may result from multiple developments within the specified geographic area, and can be done in advance of those developments to eliminate potential project delays. However, an AUAR does need to be updated every five (5) years until the geographic area is fully developed.

City Planner Anderson commented in 2013, the City ordered an updated AUAR, which expired in 2018. In April of 2018, the City Council authorized engaging the services of WSB to complete an update to The COR AUAR. Since this is an update to an existing AUAR, it focuses on what's been developed since the last update, whether there have been any significant changes to the envisioned development plan, and looks at whether there have been any new findings related to threatened or endangered species.

Commission Business

Motion by Commissioner Anderson, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #19-041 approving The COR AUAR Update.

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

7. COMMISSION / STAFF INPUT

7.01: Receive Staff Update

The Staff Update was noted.

7.02: Zoning Bulletins

Zoning Bulletins were noted.

8. ADJOURNMENT

Motion by Commissioner Anderson, seconded by (inaudible) to adjourn the meeting.

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

The regular meeting of the Planning Commission adjourned at 10:36 p.m.

Respectfully submitted,

Tim Gladhill
Community Development Director

ATTEST:

JoAnn Shaw
Community Development Assistant

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

Meeting Date: 03/07/2019

By: Tim Gladhill, Community Development

Information

Title:

Review Sketch Plan for Rivenwick Subdivision (Project No. 19-02); Case of Paxmar

Purpose/Background:

The purpose of this case is to review a Sketch Plan for a subdivision within the Rivenwick neighborhood. City Code states that the Planning Commission shall advise the subdivider of the extent to which the plan conforms to the requirements of the community and the ability of the city to provide essential services and may discuss possible modifications necessary to secure approval of the subdivision.

The Developer is Paxmar. The proposed project is located within the Mixed Use Planned Unit Development District. It is guided the same in the Comprehensive Plan. The Development is proposed to be made up of three (3) main components. The MU/PUD is the guiding, or umbrella district. Within that guidance, Staff is applying the appropriate traditional districts for review based on the land use and density types. A map is included to visualize this breakdown.

1. Two (2) Acre Commercial Parcel (using the B-2 Business District for review)
2. Two (2) Acre Assisted Living Parcel (using the R-3 Residential District [high density residential] for review)
3. Detached Townhome Neighborhood (using the R-2 Residential District [medium density residential] for review)

This is a unique district that is only applied in a couple areas of the community. The Rivenwick Neighborhood is the only existing neighborhood/development where the District actually applies. The main intent of this district was to provide flexibility in final layout versus strict district boundaries. This should not be interpreted to require urban mixed-use buildings. The current version of the MU/PUD District states that any one use may not comprise of more than 75% of the project area. According to Staff Review for the original subdivision, this remaining parcel was to develop as a retail/commercial use. However, the maximum coverage per land use type at the time was 70%, which has since been amended to 75%.

Notification:

Staff has attempted to notify all Property Owners within 700 feet of the Subject Property via Standard US Mail of the Sketch Plan Review. Public Hearings will be required with the Preliminary Plat stage.

Observations/Alternatives:

Based on a review of acreage, it is estimated that the final layout would result in approximately 80% residential and 20% commercial retail. The amount of residential exceeds the maximum threshold of 75% under existing zoning standards, unless the City considers the assisted living facility commercial and not residential.

Staff is seeking broad policy direction as to whether the City approves of the concept master plan. With said broad policy direction, Staff will work on the appropriate tool to obtain approval of said master plan. It is not the intent of this case at this time to do a detail review as to compliance with any particular district standard. Staff simply desires to know if the City wants to get to the finish line at this time, and will use subsequent meetings to navigate the particulars.

Detailed review based on appropriate districts is attached.

Funding Source:

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

Currently, there are no requests for financial assistance. All infrastructure costs are the responsibility of the Developer. The Developer is responsible for standard Development Fees.

Recommendation:

This is a legislative decision of the City with some broad discretion. In other words, the City is not obligated to approve the request, but would be within legal means to approve the project. Staff does not object to the project based on past difficulties to develop as retail as currently guided and based on public input on multiple workshops related to the topic. Given the complexity of this case, Staff recommends that the project be reviewed by the City Council prior to proceeding with Preliminary Plat.

Action:

Motion to direct the Developer to proceed with Preliminary Plat after review by the City Council, contingent upon compliance with Staff Review.

Attachments

Site Location Map

Existing Zoning Map

Subdistrict Exhibit

Sketch Plan

Sketch Plan with Aerial

Staff Review

Mixed Use Planned Unit Development District

R-2 Residential District

R-3 Residential District

B-2 Business District

Form Review

Inbox

Tim Gladhill (Originator)
Form Started By: Tim Gladhill
Final Approval Date: 03/01/2019

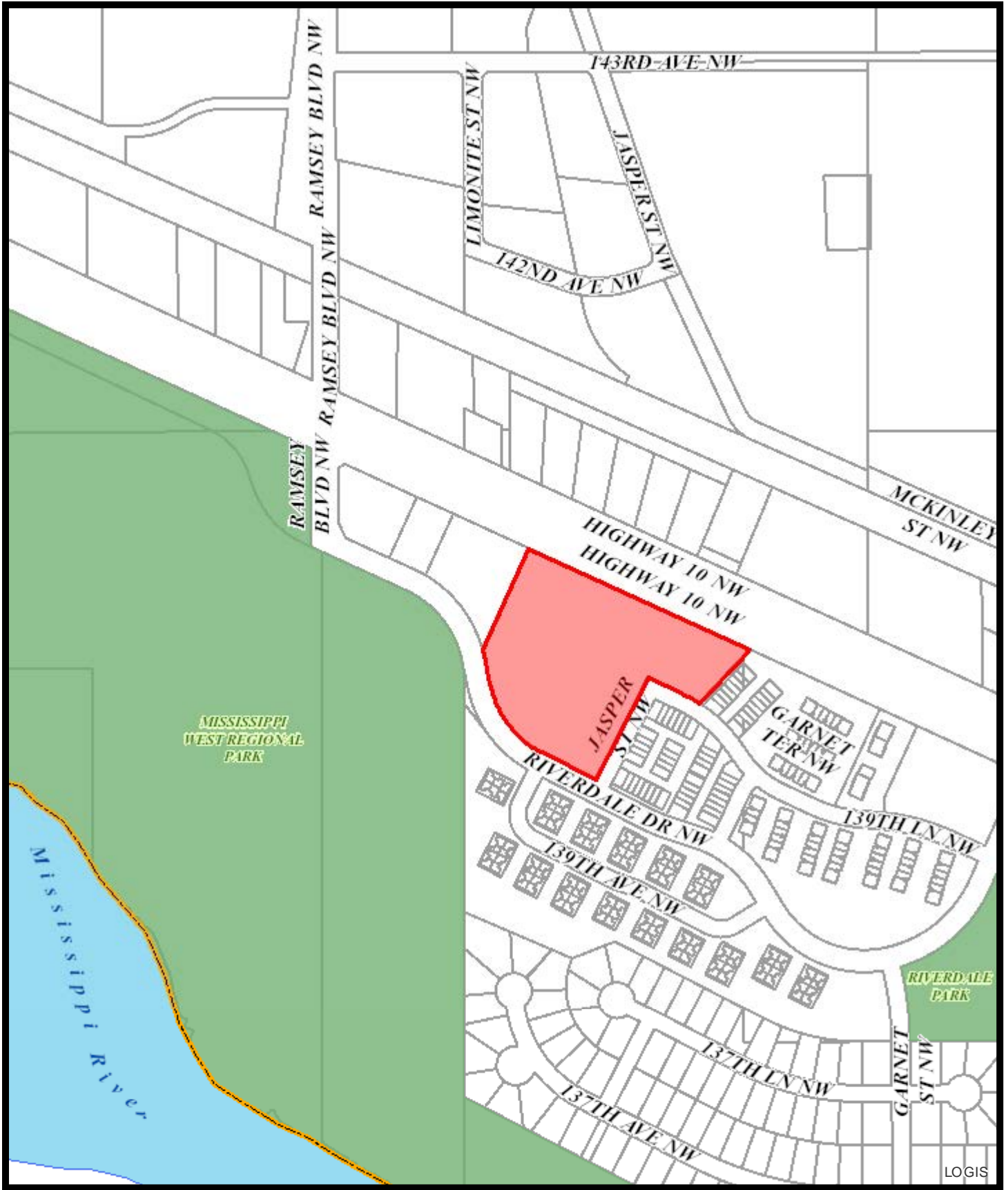
Reviewed By

Tim Gladhill

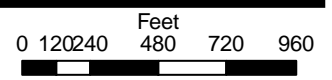
Date

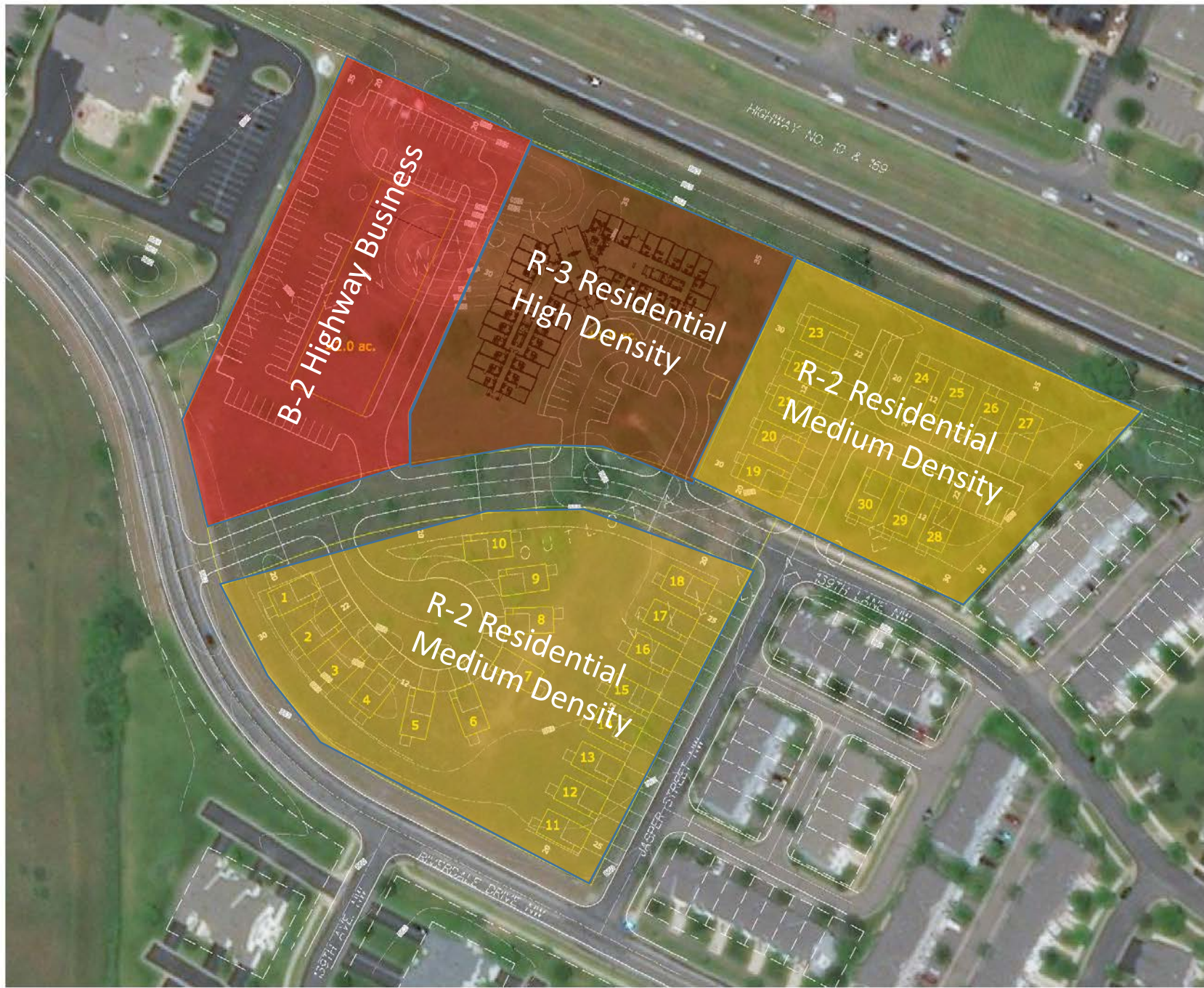
03/01/2019 03:19 PM
Started On: 03/01/2019 12:51 PM

Site Location Map



LOGIS

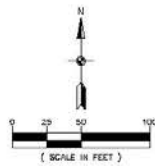




SITE DATA

TOTAL BOUNDARY AREA	±9.34 AC.
COMMERCIAL LOTS	1
SENIOR LIVING UNITS	32
SINGLE FAMILY LOTS	30

- GENERAL NOTES:**
- No field work has been completed at this time.
 - Topography shown taken from Anoka County GIS.



**CONCEPT PLAN F
AERIAL**

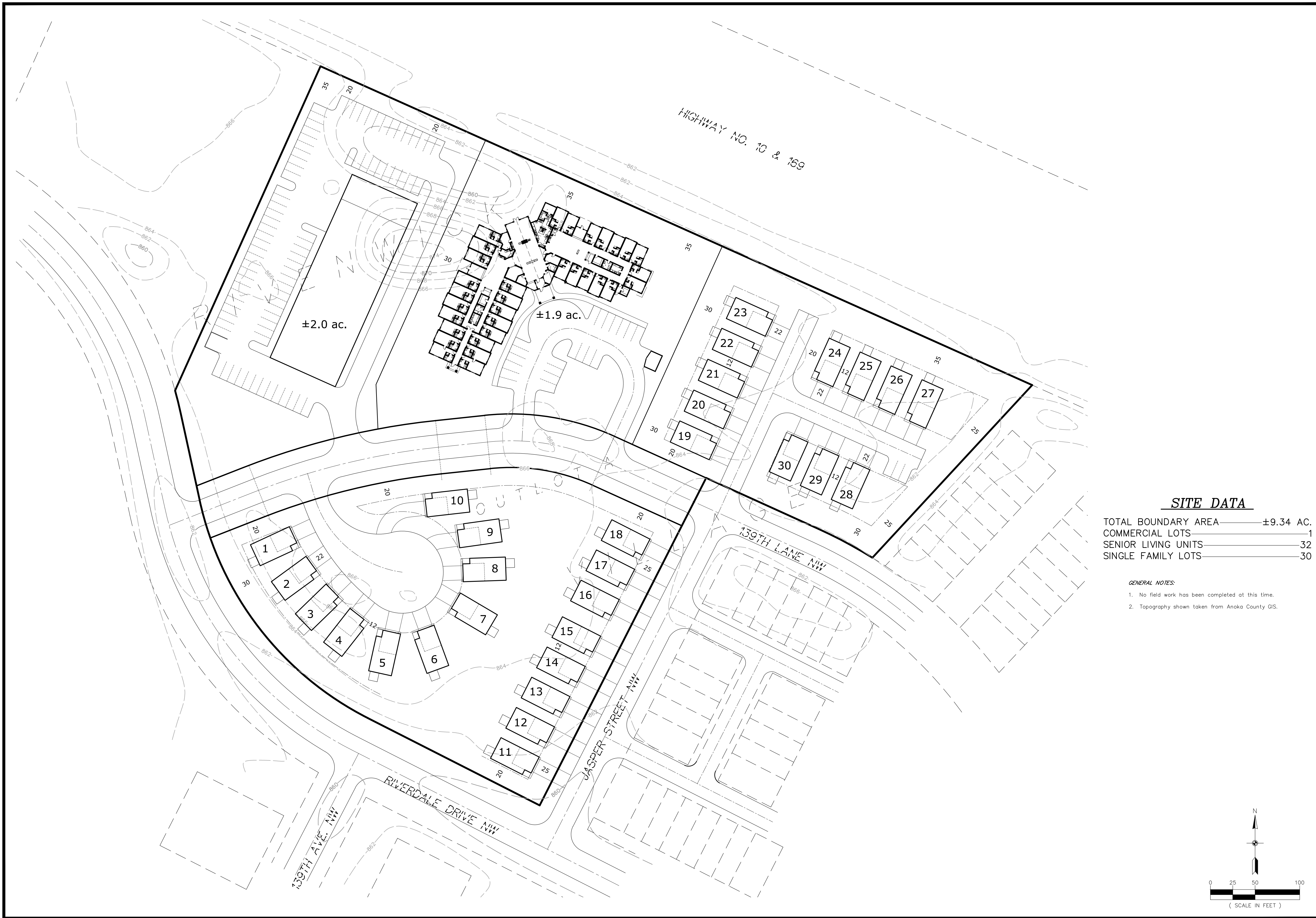
RIVENWICK
 Ramsey, Minnesota

PAXMAR
 2850 Cutters Grove Ave. - Suite 207
 Anoka, Minnesota 55303

REVISIONS

1.	
2.	
3.	
4.	
5.	
6.	

DRAWN BY: _____ CP
 TITLE DATE: _____ DATE: _____
 FILE NO: _____ FILE NO: _____



SITE DATA

TOTAL BOUNDARY AREA	±9.34 AC.
COMMERCIAL LOTS	1
SENIOR LIVING UNITS	32
SINGLE FAMILY LOTS	30

GENERAL NOTES:

1. No field work has been completed at this time.
2. Topography shown taken from Anoka County GIS.

CONCEPT PLAN F

RIVENWICK
 Ramsey, Minnesota

PAXMAR
 2850 Cutters Grove Ave. - Suite 207
 Anoka, Minnesota 55303

REVISIONS

1.	
2.	
3.	
4.	
5.	
6.	
DRAWN BY:	C#
ISSUE DATE:	02/06/19
FILE NO:	XXX

Site: 02/06/19 | 763-489-7900 | 763-489-7959 | rivenwick_village - media a1ced c3fbarney@paxmar1933_1904r.koing

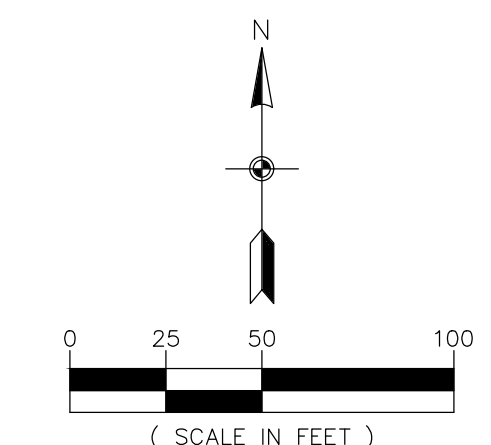


SITE DATA

TOTAL BOUNDARY AREA	±9.34 AC.
COMMERCIAL LOTS	1
SENIOR LIVING UNITS	32
SINGLE FAMILY LOTS	30

GENERAL NOTES:

1. No field work has been completed at this time.
2. Topography shown taken from Anoka County GIS.



**CONCEPT PLAN F
AERIAL**

RIVENWICK
Ramsey, Minnesota

**Carlson
McCain**
ENVIRONMENTAL · ENGINEERING · SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-7959

PAXMAR
2850 Cutters Grove Ave. - Suite 207
Anoka, Minnesota 55303

REVISIONS

1.	
2.	
3.	
4.	
5.	
6.	
DRAWN BY:	C#
ISSUE DATE:	02/06/19
FILE NO:	XXX

Site: 02/06/19 / 1/16/19/1931 - 7/8/19/1931 - rivenwick_village - media a1ced c:\barney\p\1931\1931.dwg

Changemarks Report

Project Name: 19-102 Paxmar Rivenwick

Workflow Started: 02/13/2019 9:34 AM

Report Generated: 03/01/2019 01:42 PM


Cycle	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
1	False	Unresolved	Civil Engineer		Rivenwick Concept F.pdf	LL	Move entrance	Move cul-de-sac entrance to be across from commercial driveway.	02/27/2019 2:00 PM	Len Linton	
1	False	Unresolved	Civil Engineer		Rivenwick Concept F.pdf	LL	Entrance Spacing	Evaluate spacing between these entrances, Jasper Street and the commercial entrance. Provide statement on conditions with next submittal.	02/27/2019 2:00 PM	Len Linton	
1	False	Unresolved	Civil Engineer		Rivenwick Concept F.pdf	LL	Sanitary Sewer	Analysis of impact of additional buildings on existing lift station will be required.	02/27/2019 2:00 PM	Len Linton	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Driveway Length	Driveways must be at least 25 feet in length.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Parcel Boundaries	Sketch shall be updated to reflect individual parcel boundaries.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Residential Setback	Minimum setback for medium density residential is 25 feet.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Maximum Density - Suite Living	Maximum density for high density residential is 15 units per acre.	02/20/2019 12:16 PM	Tim Gladhill	

Partial Review

Changemarks Report

1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Incorrect Measurement?	This is measuring at 22 feet, not 25 feet.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Highway 10 Setback	This can be reduced to 30 feet.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Parking Lot Setback to Structure - Suite Living	Minimum parking lot setback to structures is 15 feet.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Lot Coverage - Suite Living	Please add note for lot coverage.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Lot Coverage - Abra Auto Body	Please add note for lot coverage.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Floor Areas - Suite Living	Please include floor areas for individual units.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Parking Stall Dimensions - Suite Living	Please indicate parking stall dimensions.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Parking Stall Dimensions and Drive Aisle Width - Auto Body	Add stall dimensions and drive aisle width.	02/20/2019 12:16 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Minimum Separation Between Buildings	Minimum separation = 15 feet. Currently discussing policy change to reduce to 10 feet (5 foot setbacks).	02/20/2019 12:16 PM	Tim Gladhill	

Changemarks Report

1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Open Space Requirement	Minimum 40% open space; 10% must be identifiable community space.	02/20/2019 12:16 PM	Tim Gladhill
1	False	Unresolved	Community Development Director		Rivenwick Concept F.pdf	Tim Gladhill	Floor Areas	Please include floor areas for individual units. Standard layout exhibit is acceptable.	02/20/2019 12:16 PM	Tim Gladhill

Partial Review

Sec. 117-119. - Mixed Use Planned Unit Development (MU-PUD) District.

- (a) *Intent.* The intent of the Mixed Use Planned Unit Development (MU-PUD) District is to provide a range of retail and service commercial, office, and residential uses that are organized and planned in a comprehensive manner. The MU-PUD District is created for development seeking alternative development regulations that embody more traditional neighborhood design (TND) principles to promote a better integration of uses that might typically be separated and to provide for an adequate mixture of commercial and residential uses and in no case shall a development contain more than 75 percent of one use.
- (b) *Permitted uses.*
 - (1) Offices and banks.
 - (2) Enclosed retail activities without outdoor activities.
 - (3) Personal and professional services.
 - (4) Restaurants and cafes.
 - (5) Uses allowed in the R-1, R-2 and R-3 Districts.
- (c) *Standards.*
 - (1) *Bulk standards.*

Standard	Minimum Requirement
Development area	10 acres
Lot width	No minimum
Front yard setback	As approved by PUD
Side yard setback	As approved by PUD
Rear yard setback	As approved by PUD
Height (max.)	45 feet
Building coverage (max.)	As approved by PUD

(2) *Other standards.*

- a. The planned unit development process (section 117-123) shall be used for all development in the MU-PUD District.
- b. Standards for residential and commercial uses may be applied as determined necessary when reviewing development proposals. Otherwise, development standards are established for each element of a project as approved by the PUD.

(Code 1978, § 9.20.26; Ord. No. 80-04, 5-25-1980; Ord. No. 86-2, 8-25-1986; Ord. No. 93-06, 4-23-1993; Ord. No. 03-21, 8-25-2003; Ord. No. 03-23, 8-25-2003; Ord. No. 04-19, 6-1-2004)

Sec. 117-112. - R-2 Residential District.

- (a) *Intent.* The intent of the R-2 Residential District is to accommodate multiple dwellings at a density of three to seven dwelling units per acre and multiple-dwelling complexes within the 2002 MUSA. All lots created by subdivision located within the 2020 MUSA shall be serviced by sanitary sewer and municipal water.
- (b) *Permitted uses.*
 - (1) Multiple-dwelling structures which include duplexes, twinhomes, townhomes, and apartment buildings, containing no more than ten units.
 - (2) Detached townhomes, including villas or cottage homes.
 - (3) State licensed group homes in accordance with state statutes.
 - (4) Licensed home daycares in accordance with state statutes.
 - (5) Home occupations as permitted by section 117-351.
 - (6) Accessory uses as permitted by section 117-349.
- (c) *Uses permitted by conditional use permit.*
 - (1) Religious Institutions.
 - (2) Keeping of wild animals in accordance with chapter 10, article IV.
 - (3) Increased accessory structure height/size.
 - (4) Oversizing of signs.
 - (5) Expansion or enlargement of lawful nonconforming uses.
 - (6) Micro-scale WECS.
- (d) *R-2 bulk standards.*

Miscellaneous Standards	Duplex	Twinhome or Quad
Lot size	14,000 square feet per structure	7,000 square feet per dwelling unit
Minimum density (net)	3.0	3.0
Maximum density (net)	7.0	7.0
Lot width	100 feet	50 feet

Front yard setback	30 feet	30 feet
Side yard setback	10 feet	10 feet
Side yard setback corner lot	30 feet	30 feet
Side yard interior wall setback	N/A	0
Rear yard setback	30 feet	30 feet
Maximum lot coverage for all principal and accessory buildings (excludes impervious or prepared surface)	35%	35%
Maximum building height (measured from mean ground level to mean ground gable)	35 feet	35 feet
Accessory structure setbacks:		
Front	30 feet or same as principal structure, which ever is greater	30 feet or same as principal structure, which ever is greater
Rear	5 feet	5 feet
Side	6 feet	6 feet
Side corner	30 feet	30 feet
Maximum number of units per structure	2	2 (4 for quad)

Miscellaneous Standards	Attached and Detached Townhomes	Multifamily
Lot size	None	None
Minimum density (net)	3.0	3.0
Maximum density (net)	7.0	7.0
Lot width	None	100 feet
Building setback from public street right-of-way	25 feet	25 feet
Building setback from private street measured from back of curb	25 feet	25 feet
Building setback from exterior development	30 feet	30 feet
	25 feet (detached)	
boundary line Minimum separation between	20 feet	20 feet

<p>buildings, including any appurtenances thereto (i.e., patios, decks)</p>	<p>15 feet (detached)</p>	
<p>Parking node setback from exterior development boundary line</p>	<p>30 feet</p>	<p>30 feet</p>
<p>Parking node setback from structure</p>	<p>15 feet</p>	<p>15 feet</p>
<p>Maximum lot coverage</p>	<p>35%</p>	<p>35%</p>
<p>Maximum building height (measured from mean ground level to mean gable)</p>	<p>35 feet</p>	<p>35 feet</p>

Accessory structure setback (measured from the development boundary line)	30 feet	30 feet
Maximum number of units per structure	81 (detached)	10
Open space required	40% general open space 10% of which must be identifiable community space	40% general open space 10% of which must be identifiable community space

(e) *General R-2 residential performance standards.*

(1) *Miscellaneous standards.*

Miscellaneous Standards	
Townhouse with garage	1 bedroom - 700 square feet
	2 bedrooms - 800 square feet
	3 bedrooms - 960 square feet
	Each additional bedroom - 125 square feet

	Efficiency unit - 400 square feet
Duplex dwelling	800 square feet per unit
Twinhome dwelling	912 square feet per unit
Multifamily dwellings	1 bedroom - 700 square feet
	2 bedrooms - 800 square feet
	3 bedrooms - 960 square feet
	Each additional bedroom - 125 square feet
	Efficiency unit - 400 square feet
No. of required off-street parking spaces	Duplex - 2 enclosed
	Twinhome - 2 enclosed
	Townhome - 2 off-street, 1 of which must be enclosed.
	Multifamily - 2½ off-street spaces per unit, 1 parking space must be enclosed, the remaining required parking spaces must be located within the development
Maximum building lot	35%
Maximum driveway width	20 feet
Side yard setback for driveways	5 feet

Required driveway surface	Bituminous or concrete
---------------------------	------------------------

(2) *Parking.*

- a. The surfaces of parking stalls, aisles, and access driveways shall be constructed with blacktop or concrete and properly maintained. The term "properly maintained" includes keeping the blacktop or concrete in good condition and free from chuckholes and other types of surface cracks and breakage.
- b. The entire perimeter of the parking stalls, aisles and access driveways shall be curbed with six-inch-high curbing of poured concrete.
- c. All required parking stalls shall be located on the premises of the principal building.
- d. A parking stall shall not be less than 180 square feet in area, with a minimum width of nine feet.
- e. Additional parking spaces may be required by the city.

(3) *Streets.*

- a. *Public streets.* Residential developments in this district must provide one main thoroughfare through the development and main thoroughfares must be dedicated as public streets.
- b. *Private streets.* Private streets or driveway collectors are permitted if they serve as access driveways from dwelling units to public streets and meet the city engineer's street standards together with the dimension standards described below:
 1. Minimum private street width with no parking permitted: 24 feet.
 2. Minimum private street width with parking permitted on one side of street: 28 feet.
 3. Minimum private street width with parking permitted without restriction: 32 feet.
 4. Maximum private street length without a turnaround provided: 200 feet.

5. Maximum private street length with a turning provision provided: 300 feet.
6. Maximum private street length with a cul-de-sac provided: 600 feet, except that when exceeding 300 feet, the entire length of the private street must be 32 feet wide.
7. Minimum access road width at street frontage: 24 feet.
8. Minimum parking aisle width: 24 feet.
9. Maximum driveway width at road frontage: 20 feet.
10. Edge of curb opening shall not be closer to nearest portion of a street right-of-way intersection than 27 feet or two-thirds of the lot width, whichever is smaller (where a "T" intersection exists, a drive may be located opposite the end of the intercepted street).
11. Minimum access drive angle to the street: 75 degrees.
12. Building setback from private street, measured from back of curb: 25 feet.
13. Minimum radius at intersections: 20 feet.

(4) *Fences.*

- a. Fencing or walls (except retaining walls) located in the front yard shall not exceed four feet height. Fencing or walls located in the side or rear yard shall not exceed six feet in height. Fences outside the 2020 MUSA are allowed up to eight feet in height in any yard but must be set back a minimum of 100 feet from the front property line unless they have at least 75 percent clear visible opening. Fences may be constructed of barbed wire to accommodate agricultural activities and the raising of livestock and animals as defined by chapter 10, Animals. Lots of record as of July 1, 2002, within the MUSA that are currently used for agricultural activities or the raising of livestock and animals also qualifies under this provision.
- b. Fencing material shall consist only of wood or chain link. No other types of materials will be permitted.
- c. Fence framing must face inward on the fence owner's lot.
- d. Fencing must be located 100 percent on the fence owner's lot.

(5)

Garbage receptacle storage. Outdoor garbage receptacles serving multifamily units must be in either the rear or side yard and must be screened from public view and adjacent lots.

(6) *Lot landscaping.*

- a. *Minimum landscaping requirements.* All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the lot. A reasonable attempt should be made to preserve as many existing trees as practicable in order to incorporate the trees into the development.
- b. *Minimum planting requirements.* The minimum number of plantings required shall be determined based on crown or canopy cover. To fulfill the planting requirements, a combination of trees and shrubs shall meet or exceed the minimum required canopy cover square footage. The minimum canopy cover shall be calculated as follows:
 - 1. Determine ratio of impervious area to entire site area.
 - 2. Multiply the impervious area/site area ratio by the square footage of the pervious area to calculate the required canopy cover square footage for the project area.
 - 3. The following formula shall be utilized to determine the average canopy cover of a species:

$$[(\text{Minimum} + \text{Maximum Spread}) \div 4]^2 \times \pi \times (0.65 \text{ for preferred species or } 0.50 \text{ for acceptable species, as identified in the Ramsey Tree Book}).$$
- c. *Minimum size of plantings.* Required trees shall be of the following minimum planting size:

Planting Type	Size
Deciduous trees	1-inch diameter as measured six inches above ground
Coniferous trees	5 feet in height

Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height or 2 feet in width, whichever applies
Ornamental trees	1-inch diameter as measured six inches above ground

- d. *Planting types.* Acceptable and preferred plantings shall be identified in the Ramsey Tree Book. The compliment of trees fulfilling the landscaping requirements shall not be less than 25 percent deciduous and not less than 25 percent coniferous. No more than 25 percent of the canopy cover requirements shall be fulfilled with the use of shrubs and ornamental trees.
- e. *Irrigation.* If a landscape irrigation system is provided, the system shall be equipped with the following:
 - 1. Technology that inhibits or interrupts operation of the irrigation system during periods of sufficient moisture (rain sensor).
 - 2. One or more water efficient technologies. This could include, but is not limited to, WasterSense labeled weather-based irrigation controllers, soil moisture sensors, and/or evapotranspiration (ET) sensors.
- f. *Open space.* Each townhouse development shall have at a minimum, 40 percent open space for the enjoyment of its residents that may be held as private lots or in common areas. Qualifying areas include grassed lawns, landscape areas, gardens, natural areas, landscape rock, mulch, wetlands, and ponding areas. Of the 40 percent open space, ten percent is to be dedicated as an identifiable common area for use by residents of the development.

(7) *Screening.*

- a. *Bufferyards.* The table below establishes the minimum bufferyard and additional plantings required when a higher density zoning district is adjacent to a lower density zoning district. The screening requirements are applicable when any portion of a lot with a higher zoning

designation shares a property line with a lot of a lower zoning designation. Within that bufferyard, an additional percentage of landscaping is also required based on the minimum landscape plantings. The additional percentage of plantings required, are to be planted within the bufferyard.

		Adjacent Existing Development	
Proposed Development		R-1	R-2
	R-1	-	-
	R-2	30 ft.	-
	% increase required	10%	-
	R-3	40 ft.	30 ft.
	% increase required	20%	10%

- b. The additional landscaping materials shall be in addition to the number of plantings required in the site landscaping section of this district and shall be located within the required bufferyard.
 - c. Screening shall be installed in accordance with section 117-356.
- (8) *Lighting.* Lighting used to illuminate an off-street parking area, sign or structure, shall be arranged to deflect light away from adjacent residential districts or public streets. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be directed so that the bulb is not visible from off the property where the light source is located.
- (9) *Architectural standards.* The purpose of this section is to encourage the development of high-quality, diverse multiple-dwelling structures in the city while permitting flexibility in the development process.
- a.

General standards. The requirements in this section apply to the front facade of all multiple-dwelling structures, as defined under permitted uses in this section.

1. The type of building materials used on exterior walls of all structures in the R-2 Residential District shall be face brick; natural stone; stucco; aluminum, steel, or vinyl siding; wood; masonite products; or other compatible residential materials that may be approved by the city. Exterior Insulation and Finish Systems (EIFS) material is prohibited. The front exterior building finish of multiple-family buildings shall consist of a minimum of 35 percent face brick, natural stone, or stucco (excluding window and door area in the calculation). This requirement shall also apply to the side of a building when it faces a public street.
 2. Multiple-dwelling developments that face county highways, state highways, or MSA roads shall vary structure orientation.
 3. A minimum of three colors shall be used for each multiple-dwelling building. Elements that may count towards this requirement include siding, trim, doors, and garage doors. A color palette shall be included as a part of the building elevation submittal at the time of preliminary plat review.
 4. All multiple-dwelling structures shall include at least two of the following architectural elements:
 - (i) Articulated/cantilevered facade.
 - (ii) Dormers.
 - (iii) Articulated roofline.
 - (iv) Projected or inset windows.
 - (v) Balconies, porches, or decks.
 - (vi) Window treatments, such as shutters and window boxes.
 - (vii) Other elements as approved by the city council.
- b. The 35 percent masonry requirement (under subsection (e)(9)a.1 of this section) may be waived in whole or in part based on inclusion of one or more of the following criteria:
1. Two additional architectural elements from the list in subsection

(e)(9)a.4 of this section are included.

2. Two additional colors are included in the overall color palette, for a total of five colors.
3. Decorative sidewalks (brick, stone inlays, etc.).
4. Other aesthetic enhancements deemed to be appropriate by the city council.

(Code 1978, § 9.20.12; Ord. No. 73-9, 6-1-1973; Ord. No. 86-2, 8-25-1986; Ord. No. 93-13, 8-30-1993; Ord. No. 96-17, 10-28-1996; Ord. No. 96-23, 1-13-1997; Ord. No. 02-17, 7-15-2002; Ord. No. 03-21, 8-25-2003; Ord. No. 04-08, 5-17-2004; Ord. No. 06-24, § 2, 8-8-2006; Ord. No. 09-06, § 2, 4-28-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 17-04, § 2, 5-9-2017)

State Law reference— Permitted single-family uses, Minn. Stats. § 462.357, subd. 7; permitted multifamily uses, Minn. Stats. § 462.357, subd. 8.

Sec. 117-113. - R-3 Residential District.

- (a) *Intent.* The intent of the R-3 Residential District is to accommodate high-density residential housing at a density greater than seven units per acre but not to exceed 15 units per acre within the 2020 MUSA. All lots created by subdivision located within the 2020 MUSA shall be serviced by sanitary sewer and municipal water.
- (b) *Permitted uses.*
 - (1) Multiple-family dwelling units (excluding twinhomes and duplex units).
 - (2) Agriculture, excluding the raising of livestock, poultry, and fowl within the MUSA boundary unless compliance with chapter 10, Animals, can be maintained.
 - (3) State licensed group homes in accordance with state statutes.
 - (4) Licensed home daycares in accordance with state statutes.
 - (5) Home occupations as permitted by section 117-351.
 - (6) Accessory Uses as permitted by section 117-349.
- (c) *Uses permitted by conditional use permit.*
 - (1) Religious institutions.
 - (2) Increased accessory structure height/size.
 - (3) Keeping of wild animals in accordance with chapter 10, Animals.
 - (4) Oversizing of signs.
 - (5) Expansion or enlargement of lawful nonconforming uses.
 - (6) Micro-scale WECS.
- (d) *R-3 bulk standards.*

Miscellaneous Standards	Townhomes	Multifamily
Lot size	None	None
Maximum density (net)	15.0	15.0
Minimum density (net)	7.0	7.0
Lot width	None	100 feet

Building setback from street right-of-way	25 feet	25 feet
Building setback from private street (measured from back of curbline)	25 feet	25 feet
Building setback from exterior development boundary line	30 feet	30 feet
Minimum separation between buildings, including any appurtenances thereto (i.e., patios, decks)	20 feet	20 feet
Parking node setback from structures	15 feet	15 feet
Parking node setback from exterior development boundary line	30 feet	30 feet
Maximum lot coverage	35%	35%
Maximum building height (measured from mean ground level to mean ground gable)	35 feet	45 feet
Minimum floor area measured at or above lot grade:		
1 bedroom	700 square feet	640 square feet
2 bedrooms	800 square feet	760 square feet

3 bedrooms	960 square feet	860 square feet
Each additional bedroom	125 square feet	125 square feet
Efficiency unit	NA	400 square feet
Accessory structure setback (measured from the development boundary line)	30 feet	30 feet

(e) *General R-3 residential performance standards.*

(1) *Parking.*

- a. Townhomes: Two off-street parking spaces (one of which should be enclosed).
- b. Multiple-family dwellings: 2½ off-street parking spaces (one of which should be enclosed) per unit.
- c. The surfaces of parking stalls, aisles, and access driveways shall be constructed with blacktop or concrete and properly maintained. The term "properly maintained" includes keeping the blacktop or concrete in good condition and free from chuckholes and other types of surface cracks and breakage.
- d. The entire perimeter of the parking stalls, aisles and access driveways shall be curbed with six-inch-high curbing of poured concrete.
- e. All required parking stalls shall be located on the premises of the principal building.
- f. A parking stall shall not be less than 180 square feet in area, with a minimum width of nine feet.
- g. Additional parking spaces may be required by the city.
- h. Maximum driveway width: 20 feet.
- i. Driveway side yard setback: five feet.

(2) *Streets.*

- a. *Public streets.* Residential developments in this district must provide one main thoroughfare through the development and main thoroughfares must be dedicated as public streets.
- b. *Private streets.* Private streets or driveway collectors are permitted if they serve as access driveways from dwelling units to public streets and meet the city engineer's street standards together with the dimension standards described below:
 1. Minimum private street width with no parking permitted: 24 feet.
 2. Minimum private street width with parking permitted on one side of street: 28 feet.
 3. Minimum private street width with parking permitted without restriction: 32 feet.
 4. Maximum private street length without a turnaround provided: 200 feet.
 5. Maximum private street length with a turning provision provided: 300 feet.
 6. Maximum private street length with a cul-de-sac provided: 600 feet, except that when exceeding 300 feet, the entire length of the private street must be 32 feet wide.
 7. Minimum access road width at street frontage: 24 feet.
 8. Minimum parking aisle width: 24 feet.
 9. Maximum driveway width at road frontage: 20 feet.
 10. Edge of curb opening shall not be closer to nearest portion of a street right-of-way intersection than 27 feet or two-thirds of the lot width, whichever is smaller (where a "T" intersection exists, a drive may be located opposite the end of the intercepted street).
 11. Minimum access drive angle to the street: 75 degrees.
 12. Building setback from private street, measured from back of curb: 25 feet.
 13. Minimum radius at intersections: 20 feet.

(3) *Fences.*

- a.

Fencing or walls (except retaining walls) located in the front yard shall not exceed four feet in height. Fencing or walls located in the side or rear yard shall not exceed six feet in height. Fences outside the 2020 MUSA are allowed up to eight feet in height in any yard but must be set back a minimum of 100 feet from the front property line unless there is at least a 75 percent clear visible opening. Fences may be constructed of barbed wire to accommodate agricultural activities and the raising of livestock and animals as defined by chapter 10, Animals. Lots of record as of July 1 2002, within the MUSA that are currently used for agricultural activities or the raising of livestock and animals also qualify under this provision.

- b. Fencing material shall consist only of wood or chain link. No other types of materials shall be permitted.
 - c. Fence framing must face inward on the fence owner's lot.
 - d. Fencing must be located 100 percent on the fence owner's lot.
- (4) *Garbage receptacle storage.* Outdoor garbage receptacles serving multifamily units must be in either the rear or side yard and must be screened from public view and adjacent lot.
- (5) *Lot landscaping.*
- a. *Minimum landscaping requirements.* All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the lot. A reasonable attempt should be made to preserve as many existing trees as practicable in order to incorporate the trees into the development.
 - b. *Minimum planting requirements.* The minimum number of plantings required shall be determined based on crown or canopy cover. To fulfill the planting requirements, a combination of trees and shrubs shall meet or exceed the minimum required canopy cover square footage. The minimum canopy cover shall be calculated as follows:
 1. Determine ratio of impervious area to entire site area.
 - 2.

Multiply the impervious area/site area ratio by the square footage of the pervious area to calculate the required canopy cover square footage for the project area.

3. The following formula shall be utilized to determine the average canopy cover of a species:

$$[(\text{Minimum} + \text{Maximum Spread}) \div 4]^2 \times \pi \times (0.65 \text{ for preferred species or } 0.50 \text{ for acceptable species, as identified in the Ramsey Tree Book}).$$

- c. *Minimum size of plantings.* Required trees shall be of the following minimum planting size:

	Size
Deciduous trees	1-inch diameter as measured six inches above ground
Coniferous trees	5 feet in height
Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height or 2 feet in width, whichever applies
Ornamental trees	1-inch diameter as measured six inches above ground

- d. *Planting types.* Acceptable and preferred plantings shall be identified in the Ramsey Tree Book. The compliment of trees fulfilling the landscaping requirements shall not be less than 25 percent deciduous and not less than 25 percent coniferous. No more than 25 percent of the canopy cover requirement shall be fulfilled with the use of shrubs and ornamental trees.
- e. *Irrigation.* If a landscape irrigation system is provided, the system shall be equipped with the following:
 1. Technology that inhibits or interrupts operation of the irrigation

system during periods of sufficient moisture (rain sensor).

- 2. One or more water efficient technologies. This could include, but is not limited to, WasterSense labeled weather-based irrigation controllers, soil moisture sensors, and/or evapotranspiration (ET) sensors.
- f. *Open space.* Each townhouse development shall have at a minimum, 40 percent open space for the enjoyment of its residents that may be held as private lots or in common areas. Qualifying areas include grassed lawns, landscape areas, gardens, natural areas, landscape rock, mulch, wetlands, and ponding areas. Of the 40 percent open space, ten percent is to be dedicated as an identifiable common area for use by residents of the development.

(6) *Screening.*

- a. *Bufferyards.* The table below establishes the minimum bufferyard and additional plantings required when a higher density zoning district is adjacent to a lower density zoning district. The screening requirements are applicable when any portion of a lot with a higher zoning designation shares a property line with a lot of a lower zoning designation. Within that bufferyard, an additional percentage of landscaping is also required based on the minimum landscape plantings. The additional percentage of plantings required are to be planted within the bufferyard.

		Adjacent Existing Development	
> Proposed Development		R-1	R-2
	R-1	-	-
	R-2	30 ft.	-
	% increase required	10%	-
	R-3	40 ft.	30 ft.

	% increase required	20%	10%
--	---------------------	-----	-----

- b. The additional landscaping materials shall be in addition to the number of plantings required in the site landscaping section of this district and shall be located within the required bufferyard.
 - c. Screening shall be installed in accordance with section 117-356.
- (7) *Lighting.* Lighting used to illuminate an off-street parking area, sign or structure, shall be arranged to deflect light away from adjacent residential districts or public streets. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be directed so that the bulb is not visible from off the property where the light source is located.
- (8) *Architectural standards.* The purpose of this section is to encourage the development of high-quality, diverse multiple-dwelling structures in the city while permitting flexibility in the development process.
- a. General standards. The requirements in this section apply to the front facade of all multiple-dwelling structures, as defined under permitted uses in this section.
 - 1. The type of building materials used on exterior walls of all structures in the R-3 Residential District shall be face brick; natural stone; stucco; aluminum, steel, or vinyl siding; wood; masonite products; or other compatible residential materials that may be approved by the city. Exterior Insulation and Finish Systems (EIFS) material is prohibited. The front exterior building finish of multiple-family buildings shall consist of a minimum of 35 percent face brick, natural stone, or stucco (excluding window and door area in the calculation). This requirement shall also apply to the side of a building when it faces a public street.
 - 2. Multiple-dwelling developments that face county highways, state highways, or MSA roads shall vary structure orientation.
 - 3.

A minimum of three colors shall be used for each multiple-dwelling building. Elements that may count towards this requirement include siding, trim, doors, and garage doors. A color palette shall be included as a part of the building elevation submittal at the time of preliminary plat review.

4. All multiple-dwelling structures shall include at least two of the following architectural elements:
 - (i) Articulated/cantilevered facade.
 - (ii) Dormers.
 - (iii) Articulated roofline.
 - (iv) Projected or inset windows.
 - (v) Balconies, porches, or decks.
 - (vi) Window treatments, such as shutters and window boxes.
 - (vii) Other elements as approved by the city council.
- b. The 35 percent masonry requirement (under subsection (e)(8)a.1 of this section) may be waived in whole or in part based on inclusion of one or more of the following criteria:
 1. Two additional architectural elements from the list in subsection (e)(8)a.4 of this section are included.
 2. Two additional colors are included in the overall color palette, for a total of five colors.
 3. Decorative sidewalks (brick, stone inlays, etc.).
 4. Other aesthetic enhancements deemed to be appropriate by the city council.

(Code 1978, § 9.20.13; Ord. No. 80-06, 8-3-1980; Ord. No. 83-06, 6-19-1983; Ord. No. 86-2, 8-25-1986; Ord. No. 96-17, 10-28-1996; Ord. No. 96-23, 1-13-1997; Ord. No. 02-17, 7-15-2002; Ord. No. 03-21, 8-25-2003; Ord. No. 04-09, 5-17-2004; Ord. No. 04-10, 5-17-2004; Ord. No. 09-06, § 2, 4-28-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 17-04, § 2, 5-9-2017)

State Law reference— Permitted single-family uses, Minn. Stats. § 462.357, subd. 7; permitted multifamily uses, Minn. Stats. § 462.357, subd. 8.

Sec. 117-115. - B-2 Highway Business District.

- (a) *Intent.* The purpose of the B-2 Highway Business District is to provide for and limit the establishment of motor vehicle oriented or dependent and convenience type, high intensity commercial and service activities characteristically located along major traffic carriers.
- (b) *Permitted uses.* The following are permitted uses, subject to standards established in subsection (e) of this section and performance standards established in article II, division 6 of this chapter:
- (1) Restaurants, cafes, on and off-sale liquor.
 - (2) Private clubs or lodges serving food and beverages.
 - (3) Commercial recreational uses.
 - (4) Governmental and public utility buildings and structures.
 - (5) Motels, motor hotels and hotels provided that the lot area contains not less than 500 square feet of lot area per unit.
 - (6) Animal clinics.
 - (7) Adult uses — principal and adult uses — accessory.
 - (8) Enclosed retail sales and rental activity.
 - (9) Offices, banks, personal and professional services.
 - (10) Drive-in and convenience, fast food establishments.
 - (11) Commercial carwashes (drive through and mechanical).
 - (12) Gas station, truck stop, and motor vehicle repair.
 - (13) Convenience grocery and/or food operations with convenience gas (no vehicle service or repair).
 - (14) Day care services.
- (c) *Conditional uses.* Requires a conditional use permit based upon procedures set forth in and regulated by section 117-51 (conditional use permits) of this chapter.
- (1) Outdoor commercial recreation.
 - (2) Motor vehicle, implement, and recreation equipment sales and service.
 - (3) Oversizing of signs.
 - (4) Expansion or enlargement of lawful nonconforming uses.
 - (5) Cell towers.

- (6) Micro-scale WECS.
 - (7) Medium-scale WECS.
 - (8) Religious institutions.
- (d) *Accessory uses.* The following are accessory uses, subject to standards established in subsection (e) of this section and performance standards established in article II, division 6 of this chapter:
- (1) Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed 30 percent of the gross floor space of the principal use unless otherwise approved by the city council.
 - (2) Open and outdoor areas for display of goods for sale and rental.
 - (3) Off-street parking including semi-trailer trucks, as regulated and required by this chapter.
 - (4) Off-street loading as regulated and required by this chapter.
 - (5) Signing as regulated by this Code.
 - (6) Temporary seasonal sales.
 - (7) Motor vehicle implement and recreational indoor storage when accessory to sales and service.
 - (8) Open and outdoor storage as an accessory use not to exceed 30 percent of the property provided that (this section takes precedence over other provisions of this chapter as it relates to this district):
 - a. Storage area may only be located in the side or rear yard. The storage area may not be located in the front yard.
 - b. Storage area is surfaced with concrete or bituminous with continuous B6/12 concrete curb and gutter if located in the side yard.
 - c. Storage area may be surfaced with Class V Gravel in the rear yard only provided that:
 1. The gravel depth must be at least two inches.
 2. The storage area must be setback at least 20 feet from public rights of way.
 3. The storage area must be setback at least 35 feet from adjacent residential properties.
 4. The gravel surface must be kept free of vegetative cover and

routinely maintained.

5. The size of the gravel surface may not exceed the size of areas surfaced with concrete or bituminous on the property or 30 percent of the gross lot area, whichever is less.

d. Items stored outdoors shall comply with chapter 30 of the Ramsey City Code entitled Public Nuisances.

(9) Seasonal outdoor storage of marine boats from September 1 through May 31 in accordance with subdivision (8) of this subsection, except that seasonal storage of marine boats may be parked on an unimproved surface in the rear yard.

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

(1) Bulk standards.

Standard	Requirement
Minimum lot area	½ acre
Minimum lot width	100 feet
Minimum lot depth	150 feet
Maximum building height	35 feet
Maximum structure area	35% of lot area
Minimum building setbacks	
Front yard	35 feet
Side yard	10 feet
Side yard on corner lot	20 feet
Rear yard	35 feet

Major and minor arterials and county and state roadways	60 feet from centerline of road right-of-way plus the local applicable setback
Parking and pavement (includes maneuvering areas) setback from street right-of-way	20 feet
Public/private service roads	25 feet
Setbacks from residential districts:	35 feet
Structure setback	
Off-street parking, driveways and outside sales and display areas	
Fuel pumps	

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

- a. Face brick;
- b. Stucco;
- c. Glass;
- d. Natural stone;
- e. Specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture;
- f. Factory fabricated panel materials if the panel material is to be of those noted in subsections a through e of this section; and
- g. Other material as may be approved by the planning and zoning commission and council. Combinations of such materials shall be permitted.

(3)

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

- (4) The entire site shall have a drainage system which is subject to the approval of the city engineer.
- (5) All signing and information or visual communication devices shall be in compliance with the applicable provisions of this Code.
- (6) All magazinging or stacking space for vehicles shall be off-street and shall be constructed to size that will accommodate that number of vehicles which can be serviced during a maximum 30 minute period and shall be subject to the approval of the city engineer.
- (7) Parking or car magazine storage space shall be screened from view of abutting residential districts.
- (8) Provisions are made to control and reduce noise.
- (9) A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle service areas.
- (10) Motor fuel activities shall be installed in accordance with state and city standards, regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands with protective canopies. Canopies shall maintain a 20-foot setback from property lines as measured from the edge of the canopy.
- (11) There shall be no off-street parking or outside sales and display areas within 20 feet of any street right-of-way.
- (12) Open and outdoor storage areas and/or open and outdoor service, sales, display or rental areas shall not encroach on the required off street parking, loading area or traffic maneuvering area required by this chapter.
- (13)

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

- (14) Open and outdoor service, sales, display or rental shall be fenced or screened from view of abutting residential districts. All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.
- (15) Lighting. Any lighting used to illuminate an off-street parking area, sign or structure shall be arranged to deflect light away from an adjoining residential district or public street. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be so directed that the bulb is not visible from off of the property where such light source is located.
- (16) Landscaping and buffering.
 - a. *Site landscaping.*
 1. *Minimum landscaping requirements.* All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the site. A reasonable attempt should be made to preserve as many existing trees as is practicable and to incorporate them into the development. For each existing significant tree retained one overstory tree can be deducted from the minimum requirements.
 2. *Number of plantings.* The minimum number of overstory trees on any given site shall be as indicated below. These are minimum requirements that are typically supplemented with other understory trees, shrubs, flowers and ground covers deemed appropriate for a complete quality landscape treatment of a site.

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

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

Landscape Material	Size
Deciduous trees	2.5 inches diameter as measured three feet above ground
Coniferous trees	6 feet in height
Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height or 2 feet in width, whichever applies
Ornamental trees	1.5 inches diameter as measured three feet above ground

4. *Planting Types.*
 - (i) Acceptable plantings shall be determined by the City of Ramsey Tree Book.
 - (ii) The compliment of trees fulfilling the landscaping requirements shall be not less than 25 percent deciduous and not less than 25 percent coniferous. No more than 25 percent of the required plantings shall consist of ornamental trees.
 - (iii) For every 35 feet of public road frontage, one overstory tree shall be planted on the private property adjacent to the public road right-of-way.
- b. *Topsoil.* All exposed ground areas of a site not occupied by building, parking or storage, excluding natural areas that are left undisturbed, shall be covered with four inches of topsoil, as defined in section 117-1, or an approved alternative as referenced in section 117-348.
- c. *Sodding and ground cover.* All areas not otherwise improved in accordance with approved site plans shall be finished with sod up to the edge of improved streets. Any alternative to the sod requirement shall require city council approval.
- d. *Irrigation.* If a landscape irrigation system is provided, the system shall be equipped with the following:
 1. Technology that inhibits or interrupts operation of the irrigation system during periods of sufficient moisture (rain sensor).
 2. One or more water efficient technologies. This could include, but is not limited to, WasterSense labeled weather-based irrigation controllers, soil moisture sensors, and/or evapotranspiration (ET) sensors.
- e. *Parking lot landscaping.* All parking lots are required to provide internal overstory tree plantings in an effort to shade parking surfaces and provide visual relief. Plantings are required at the following minimum schedule. The planting schedule is established to provide an acceptable number of plantings that may be planted in regular symmetrical patterns or irregular clusters or groupings.
 1. 1 tree per every ten parking spaces.

2. Every overstory tree planting shall be provided with a planting area of 162 square feet.
 3. Acceptable ground cover materials include sod, mulch, and other natural ground cover. Landscaping rock and plastic underlayment is not allowed.
 4. All parking lot planting areas shall include underground irrigation systems.
- f. *Bufferyards.* This section is intended to be minimum requirements to achieve screening between differing uses with varied intensities and impacts that are not always complementary when adjacent to one another. When a bufferyard is required under this section, the yard space and planting requirements are not to be reduced for other purposes such as future parking and driveways, building expansions, or other activities that are not in keeping with the purposes of buffering and screening.
1. Bufferyards are intended to provide additional screening of businesses that are adjacent to residential areas. The following table details the width of the bufferyard along the common adjacent property line. An additional increase of landscape plantings would be required in the bufferyard. That increase is expressed in the table below as a percentage of the total required site landscaping.

		Existing Adjacent Development		
		R-1	R-2	R-3
<i>Proposed Development</i>	B-1 Bufferyard width	40 ft.	30 ft.	20 ft.
	% increase in plantings required	25%	20%	20%
	B-2 Bufferyard width	50 ft.	40 ft.	30 ft.

	% increase in plantings required	30%	25%	20%
--	----------------------------------	-----	-----	-----

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

(17) Off-street loading. One off-street loading dock/berth shall be provided for the first 10,000 square feet of floor area and one additional dock/berth for each additional 25,000 square feet of floor area. Such loading berth/dock shall be located in the rear or side wall of building.

(Code 1978, § 9.20.22; Ord. No. 86-2, 8-25-1986; Ord. No. 93-03, 3-1-1993; Ord. No. 96-12, 7-29-1996; Ord. No. 03-21, 8-25-2003; Ord. No. 04-20, 6-1-2004; Ord. No. 09-06, § 2, 4-28-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 09-13, § 2, 9-8-2009; Ord. No. 10-04, § 2, 4-13-2010; Ord. No. 11-09, § 2, 6-28-2011; Ord. No. 14-10, § 2, 9-23-2014; Ord. No. 17-04, § 2, 5-9-2017; Ord. No. 18-15, § 2, 10-23-2018)

Regular Planning Commission

7. 2.

Meeting Date: 03/07/2019

By: Chloe McGuire Brigl, Community
Development

Information

Title:

Review Sketch Plan for 6080 Highway 10; Case of Village Bank (Project #18-163)

Purpose/Background:

The purpose of this case is to review a Sketch Plan submitted by Village Bank (the "Applicant") for 6080 Highway 10 NW (the "Subject Property") for a 14 lot residential subdivision. The applicant has proposed 50-foot wide, R-2 Detached Villa lots. The purpose of Sketch Plan is to provide the applicant high-level feedback and pertinent information to inform and expedite the Preliminary Plat process.

The the project would require a rezoning and a comprehensive plan amendment - both of which are discretionary actions, meaning the City Council has the right to approve or deny the request.

Notification:

City Staff attempted to notify all property owners within 700 feet of the Subject Property of the request via U.S. mail and published a notice of sketch plan the Anoka Union Herald, the City's official newspaper.

Observations/Alternatives:

Summary/Zoning

The Subject Property is located in the E-1 Employment, with a small portion in the R-1 Residential (MUSA) District (Single Family Detached Homes). The site is currently two separate parcels. The developer is proposing to rezone the property to R-2 Residential District (Detached Villas) and is proposing 50 foot wide lots with detached single family homes. The homes would be served by City utilities. Lot 1, Block 4 does not meet the minimum depth requirement for lots, which require 100 feet of depth for at least 60 feet. This lot will need to be removed.

Previous Proposal

The City saw a similar proposal in the past, which was halted due to the cost of removing the construction debris onsite. The applicant is proposing to remove all the debris with the construction of this project. A debris removal plan will be required with Preliminary Plat submittal. It is assumed that there are no hazardous materials. However, there is approximately an acre of disturbance as deep as 14 feet. The site was utilized as an unpermitted landfill for construction materials. This material must be mitigated as part of the project.

Roads/Access

The applicant is proposing to extend Rivlyn Avenue which would terminate at a public cul-de-sac. The total cul-de-sac length would be approximately 950 feet, based on aerial photos. Staff would need this exact measurement with the submittal of the preliminary plat, and the Planning Commission would need to grant a variance to total cul-de-sac length in order for the project to move forward. The road would be a public road, and sidewalks will be required on at least one side of the road (which is not currently shown on the plan set). Staff will seek a Parks and Recreation recommendation on sidewalks. The applicant is not proposing access onto Highway 10, though the City Police Department has requested an emergency access from the north, potentially a trail with breakaway barriers.

Landscaping

The site will require density transitioning to the adjacent properties to the west, which are located in the R-1 Residential District. The site layout is challenging, so additional discussions are required. A tree preservation and a

landscaping plan will be required with Preliminary Plat submittal. The density transitioning requirements will likely cause some of the lots to shift in order to meet the requirements. Staff has also requested landscaping along the northern edge of the property for the homes abutting the commercial properties to the north. Staff will need additional discussions with the Developer on this topic.

Funding Source:

All costs associated with processing the Application are the responsibility of the Applicant. There are no requests for financial assistance from the City at this time. However, given the amount of construction debris cleanup, the project is seeking cleanup funds from the State of Minnesota. This may require some sort of local match. These discussions will occur at future stages of the project.

Recommendation:

Staff seeks broad policy direction on the Comprehensive Plan and Zoning Amendment requirement. This is a discretionary action. Staff does not object to the project if the City desires to move forward, contingent upon compliance with Staff Review.

Action:

Motion to direct the Developer to proceed with preparation of the Preliminary Plat after City Council review.

Attachments

Site Location Map

Plan Set

R-2 Residential District

Staff Review

Planning Report

Environmental Policy Board Report

Form Review

Inbox

Chris Anderson

Tim Gladhill

Form Started By: Chloe McGuire Brigl

Final Approval Date: 03/01/2019

Reviewed By

JoAnn Shaw

Tim Gladhill

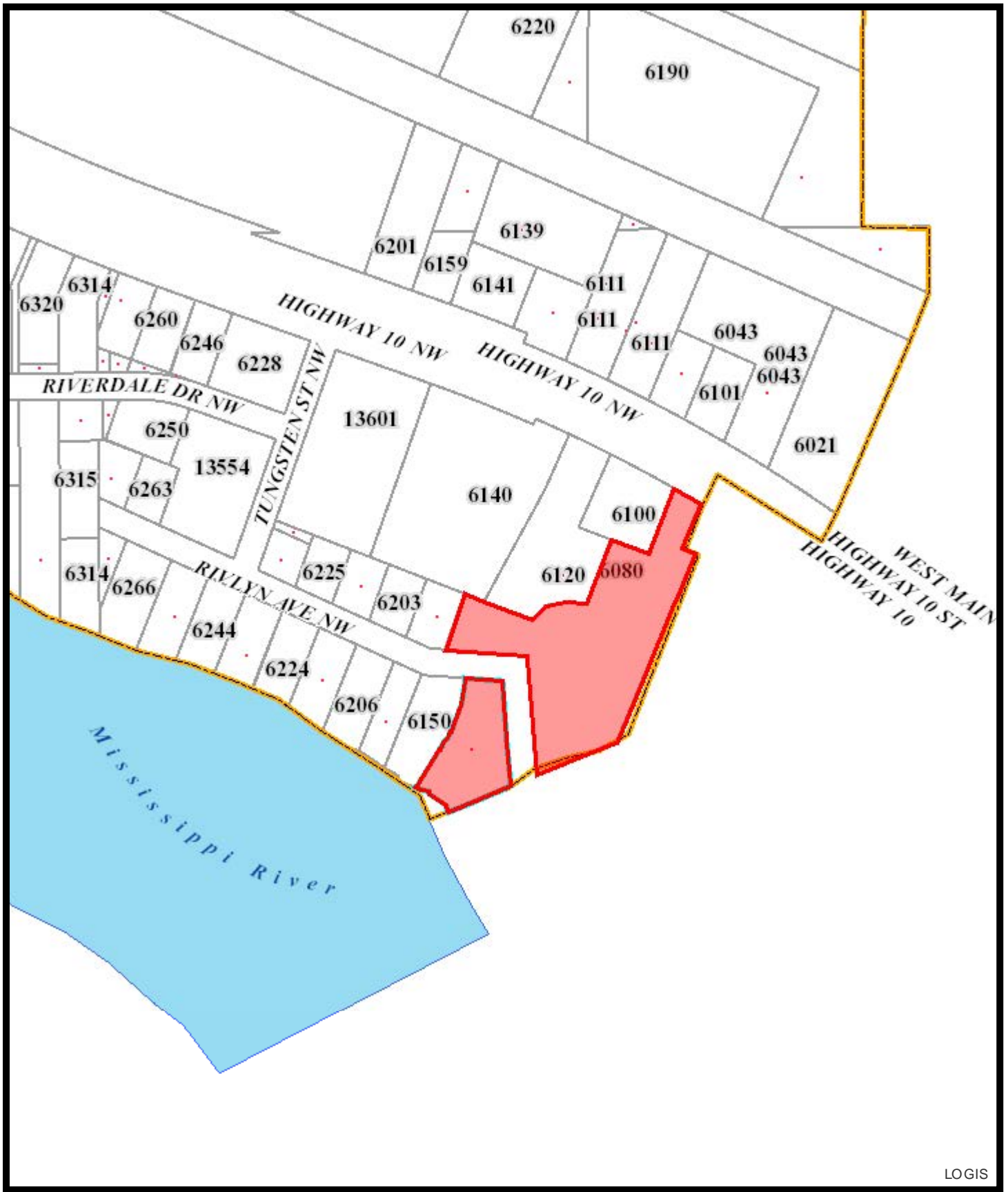
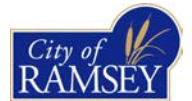
Date

03/01/2019 12:46 PM

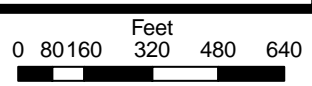
03/01/2019 02:25 PM

Started On: 02/25/2019 12:06 PM

Site Location Map



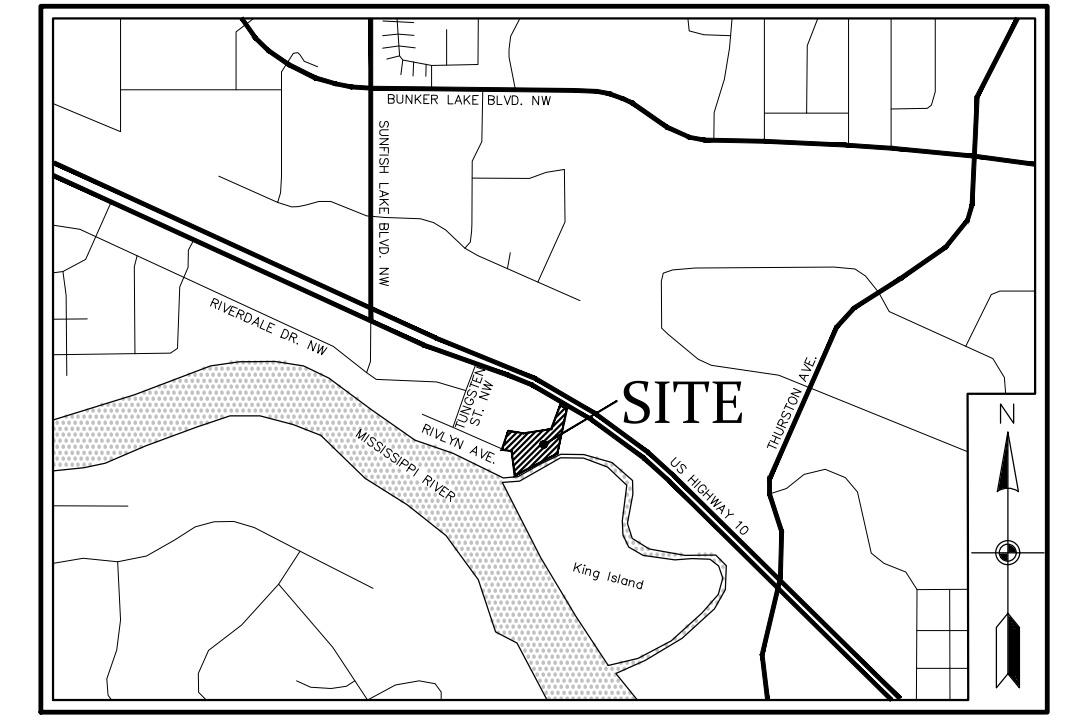
LOGIS



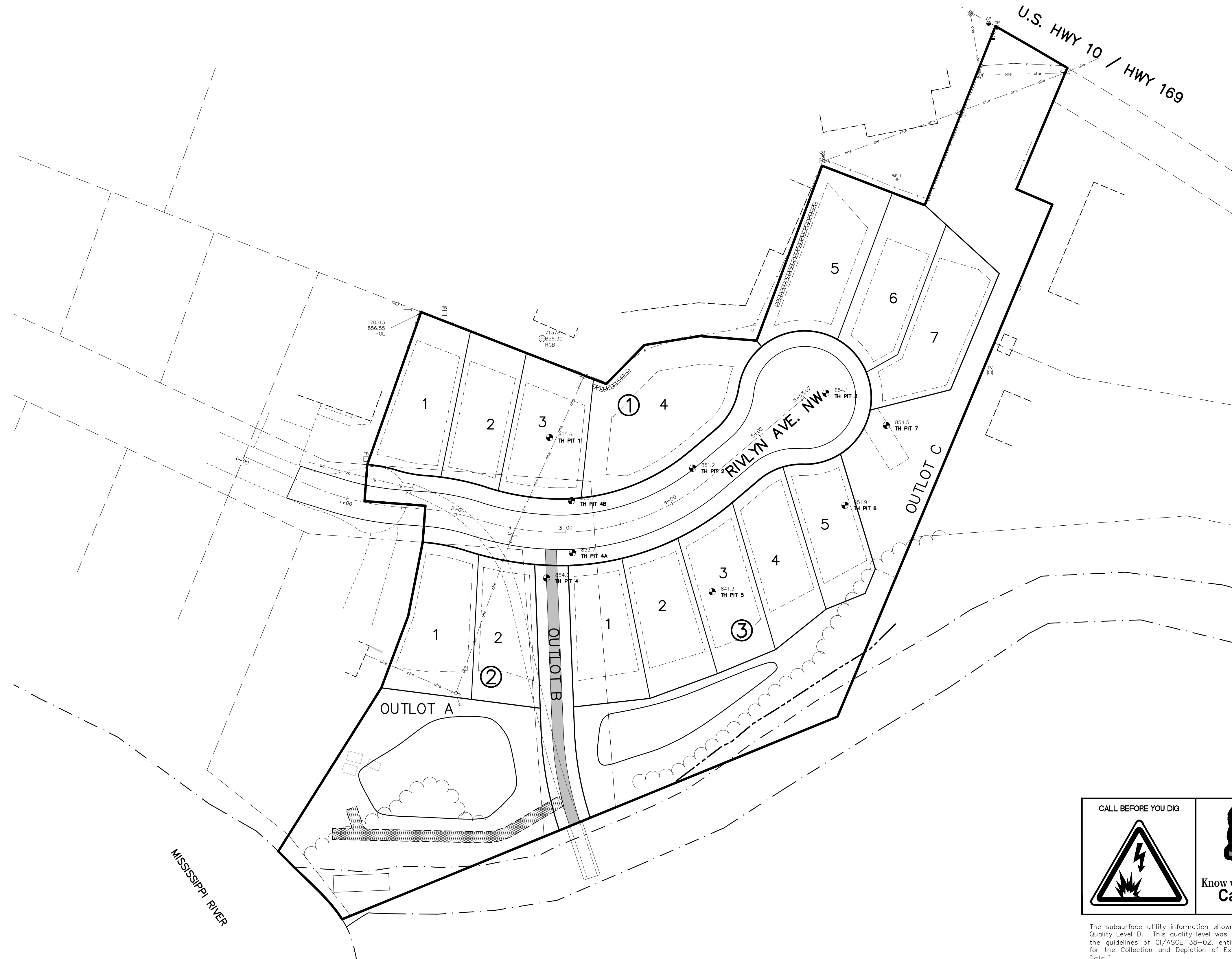
ITASCA ESTATES

RAMSEY, MINNESOTA

VICINITY MAP

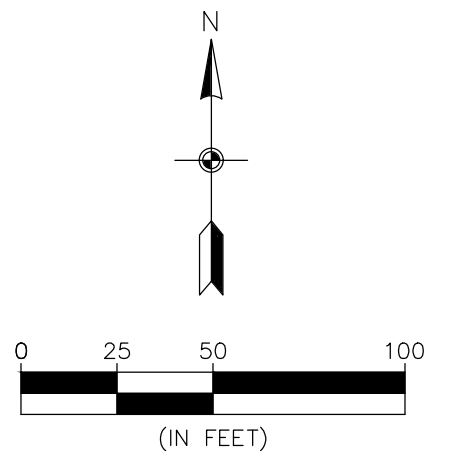


NOT TO SCALE



SHEET INDEX

1. COVER
2. EXISTING CONDITIONS
3. REMOVALS PLAN
4. SITE PLAN
5. GRADING & EROSION CONTROL PLAN
- 6-7. DETAILS
- L1. LANDSCAPE PLAN



CALL BEFORE YOU DIG



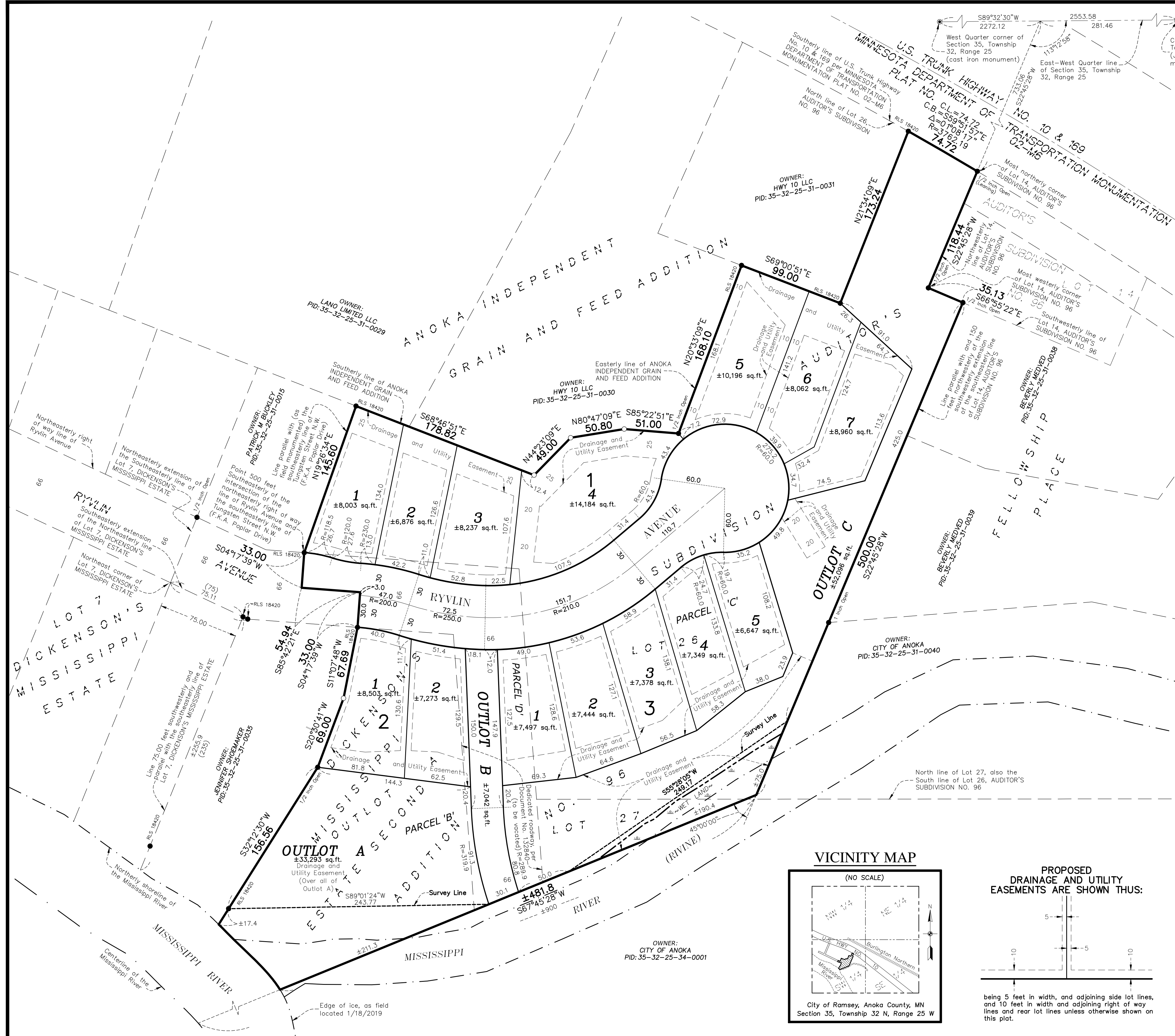


Know what's below.
Call before you dig.

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

BENCHMARK	
1.	MNDOT GSD Station #833, Named "Lumber MNDT RM 1" Elev.= 859.11
2.	MNDOT GSD Station #775, Named "E 257" Elev.= 863.67

ITASCA ESTATES



PARCEL DESCRIPTION: (Per Schedule A of Title Commitment File No. 104617, with a commitment date of January 4, 2019 at 8:00 A.M., prepared by All American Commercial Title, Inc., as issuing agent for Old Republic National Title Insurance Company)

Parcel B:
Outlot A, DICKENSON'S MISSISSIPPI ESTATE SECOND ADDITION, Anoka County, Minnesota.

PARCEL C:
That part of Lots 26 and 27 AUDITOR'S SUBDIVISION NO. 96, Anoka County, Minnesota, lying Easterly and Southeasterly of the following described line: Beginning at intersection of Northernly shoreline of the Mississippi River and a line 75.00 feet Southeasterly of and parallel with the Southeasterly line of Lot 7, DICKENSON'S MISSISSIPPI ESTATE, said Anoka County, as measured along Southeasterly extension of the Northeastly line of said Lot 7; thence Northeastly along said parallel line 235 feet, more or less, to its intersection with the Southeasterly extension of Northeastly line of said Lot 7; thence Northwestly along said Southeasterly extension 75 feet to the Northeast corner of said Lot 7; thence Northeastly along Northeastly extension of said Southeasterly line 66 feet to Northeastly right-of-way line of Ryvlin Avenue; thence Southeasterly along said right-of-way line to a point 500 feet Southeasterly (as measured along said right-of-way line) of the intersection of said right-of-way line with Southeasterly right-of-way line of Poplar Drive (now known as Tungsten Street N.W.) as shown on the plot of DICKENSON'S MISSISSIPPI ESTATE; thence Northeastly parallel with said Southeasterly right-of-way line to its intersection with the Southerly line of the plot of ANOKA INDEPENDENT GRAIN AND FEED; thence Southeasterly and Northeastly along the Southerly and Easterly line of said plot of ANOKA INDEPENDENT GRAIN AND FEED to the North line of said Lot 26 and there terminating.

And lying Westerly of the following described line: Beginning at the most Northernly corner of Lot 14, said AUDITOR'S SUBDIVISION NO. 96; thence Southerly along Northwestly line of said Lot 14 to the most Westerly corner thereof; thence Southerly along Southwesterly line of said Lot 14 to its intersection with a line parallel with and 150 feet Northwestly (as measured at right angle) of the Southwesterly extension of Southeasterly line of said Lot 14; thence Southwesterly along said parallel line a distance of 500 feet; thence Southwesterly deflecting to right 45 degrees 00 minutes 00 seconds a distance of 900 feet, more or less, to the centerline of the Mississippi River and there terminating.

EXCEPT that property dedicated by deed of dedication dated December 9, 1949 to the Township of Ramsey for public road purposes, recorded as Document No. 132840.

ALSO EXCEPT that part platted as DICKENSON'S MISSISSIPPI ESTATE SECOND ADDITION.

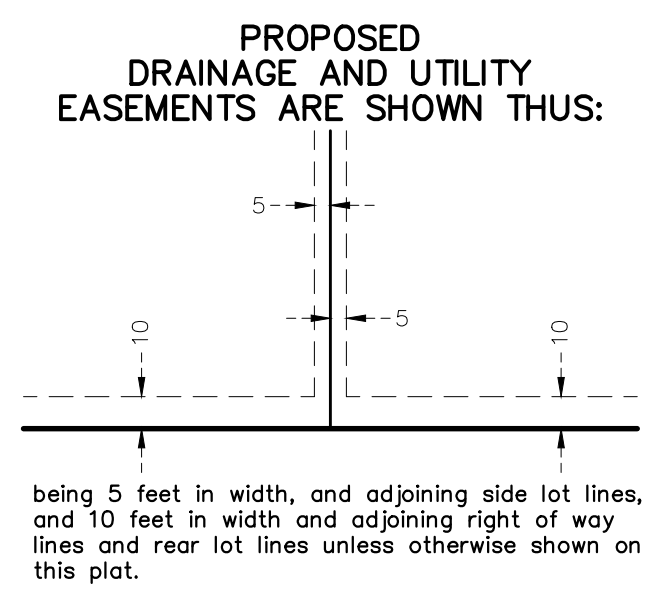
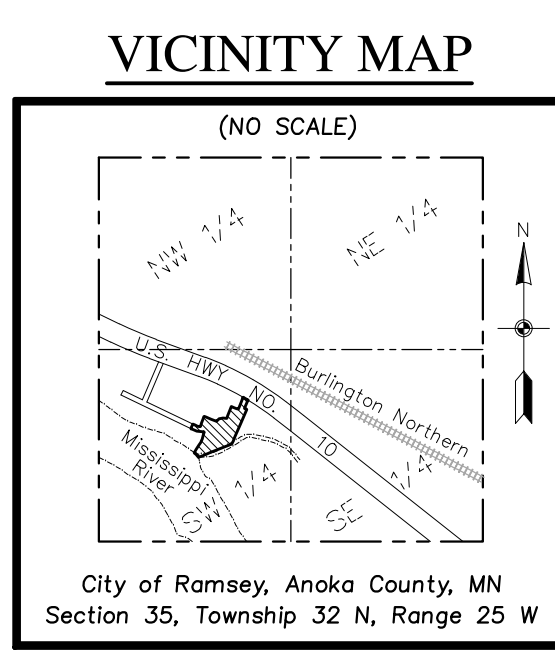
PARCEL D (proposed public roadway to be vacated):
That part of vacated Ryvlin Avenue accruing thereto by reason of street vacation.

GENERAL NOTES:

- Bearings shown are based on the East-West Quarter line of Section 35, Township 32, Range 25, Anoka County, Minnesota, which is assumed to bear N89°32'30"E.
- Surveyed property address:
Parcel B - unassigned situs, Ramsey, MN.
Parcel C - 6080 Highway 10 NW, Ramsey, MN

SITE DATA

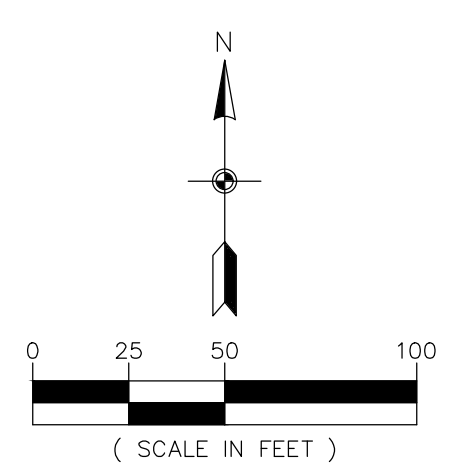
TOTAL SITE AREA	±5.55 AC.	EXISTING ZONING	R-1: MUSA
TOTAL ROW AREA	±0.75 AC.	EXISTING ZONING	E-1
TOTAL OUTLOT AREA	±2.12 AC.	PROPOSED ZONING	PUD
OUTLOT A	±0.76 AC.	UTILITIES	AVAILABLE
OUTLOT B	±0.16 AC.		
OUTLOT C	±1.20 AC.		
TOTAL LOT AREA	±2.68 AC.	MINIMUM RESIDENTIAL SETBACK DATA:	
SMALLEST LOT	±6,647 S.F.	FRONT	25 FT.
LARGEST LOT	±14,184 S.F.	SIDE (GARAGE)	7.5 FT.
AVERAGE LOT	±8,329 S.F.	SIDE (HOUSE)	7.5 FT.
TOTAL NUMBER OF LOTS	14	REAR SETBACK	30 FT.
GROSS DENSITY	2.52 LOTS/AC.		



- LEGEND**
- - Denotes Anoka County Section Monument, as noted
 - - Denotes Found Iron Monument
 - - Denotes 5/8 inch by 14 inch rebar, marked with RLS 40361
 - - Denotes Wet Land

BENCHMARK

1. MNDOT GSD Station #833, Named "Lumber MNDT RM 1" Elev.= 859.11
2. MNDOT GSD Station #775, Named "E 257" Elev.= 863.67



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

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota
 Print Name: Thomas R. Balluff, L.S.
 Signature: *Thomas R. Balluff*
 Date: 01/25/19 License #: 40361

DRAWN BY: KCM
 ISSUE DATE: 1/25/19
 FILE NO.: 1825
 Revisions:

VILLAGE BANK
 9298 Central Avenue NE
 Blaine, MN, 55434

ITASCA ESTATES
 Ramsey, Minnesota

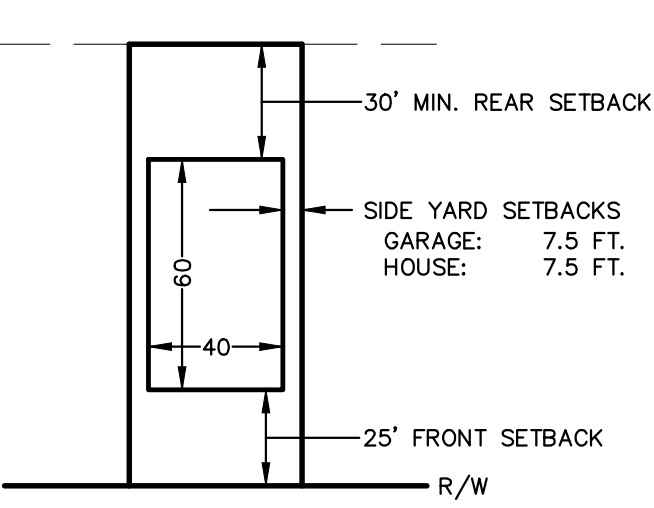
PRELIMINARY PLAT

Save Date: 01/31/19 11:03:19 AM F:\Jobs\7801 - 7820\7802 - Highway 10 ramsey\cad\3d\survey\preliminary\7802_pre.dwg

SITE PLAN LEGEND

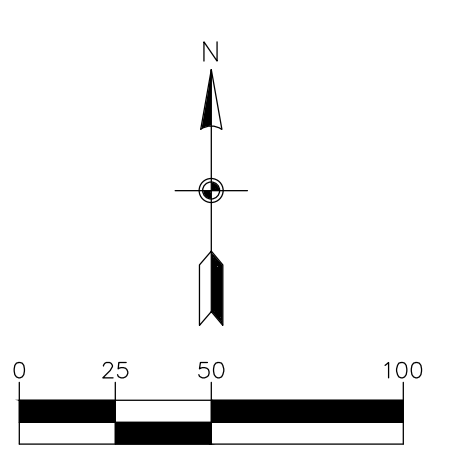
	EXISTING	PROPOSED	REMOVAL
LIGHT POLE			
SANITARY MANHOLE			
MISCELLANEOUS SIGN			
EXISTING SPOT ELEVATION	1,0000.0		
EXISTING TREE			
TELEVISION BOX			
FIRE HYDRANT			
FLUSHING HYDRANT			
GATE VALVE			
CLEANOUT			
ELECTRIC BOX			
GAS METER			
CATCH BASIN			
RAIN GUARDIAN			
ELECTRIC METER			
TELEPHONE BOX			
UTILITY POLE			
FLARED END SECTION			
STORM MANHOLE			
SERVICE			
SOIL BORING/TEST HOLE			
RETAINING WALL			
WATERMAIN			
SANITARY SEWER			
FORCEMAIN			
STORM SEWER			
PROPERTY LINE			
SETBACK LINE			
CURB			
WETLAND			
DITCH			
UNDERGROUND TELEPHONE			
UNDERGROUND ELECTRIC			
UNDERGROUND GAS			
UNDERGROUND FIBEROPTIC			
FENCE			
OVERHEAD ELECTRIC			
CONCRETE SURFACE			
BITUMINOUS SURFACE			

50' LOT DETAIL

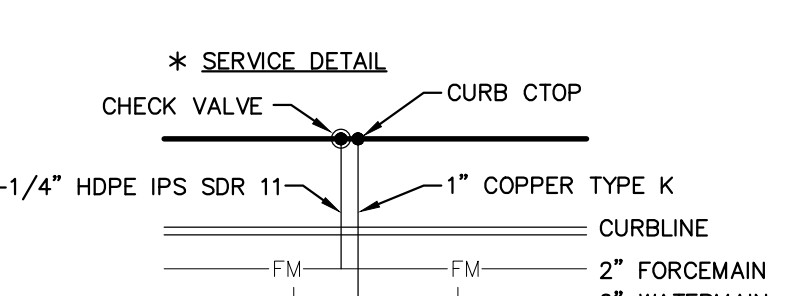


LOTS 1-2, BLK 1 & LOT 1, BLK 2
 TYPICAL SERVICES SHALL BE:
 WATER: 1" COPPER TYPE K
 SEWER: 4" PVC SDR 26
 SERVICES TO BE BURIED AT 7.5' MINIMUM DEPTH
 CURB STOP TO BE PLACED AT THE R/W

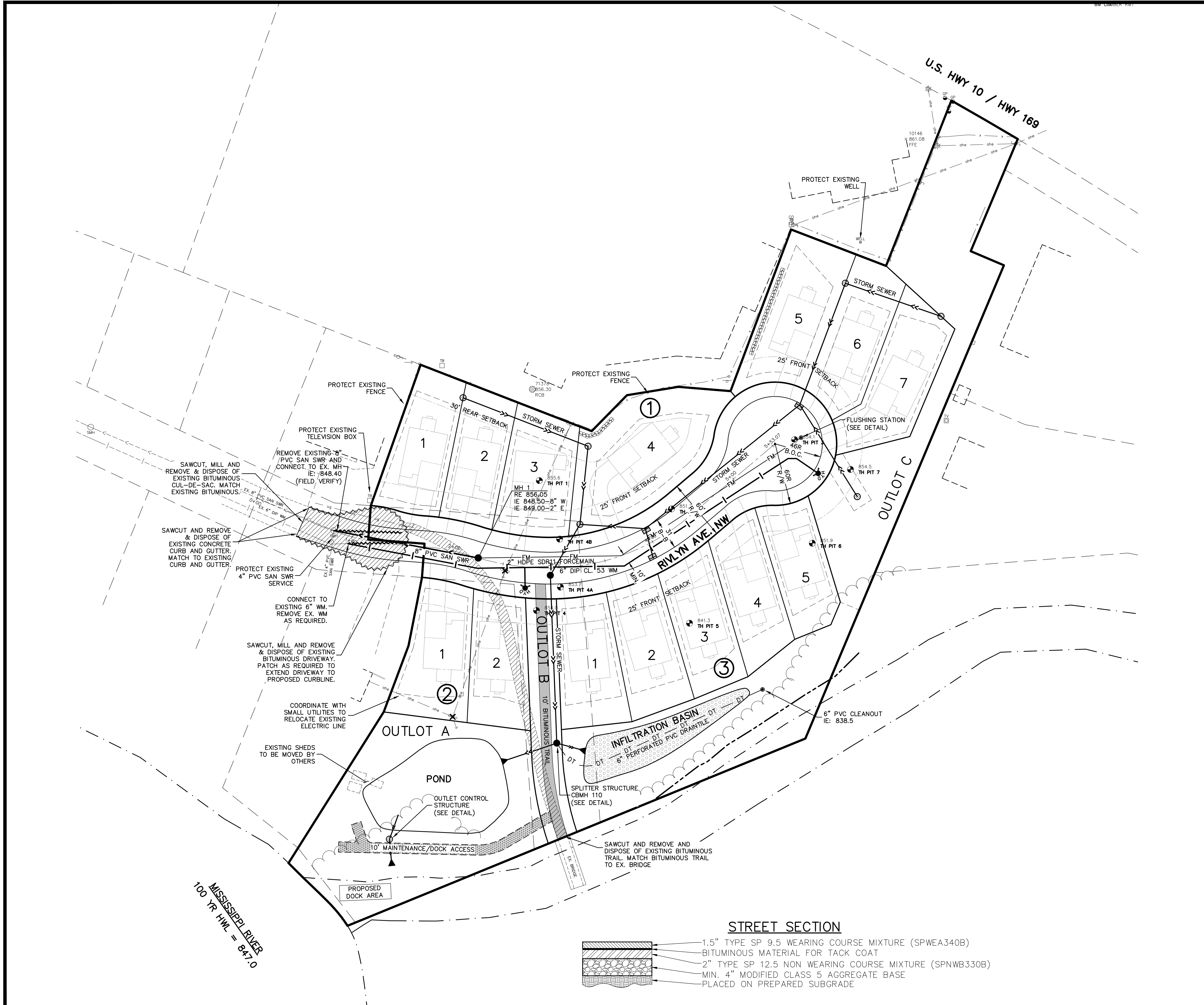
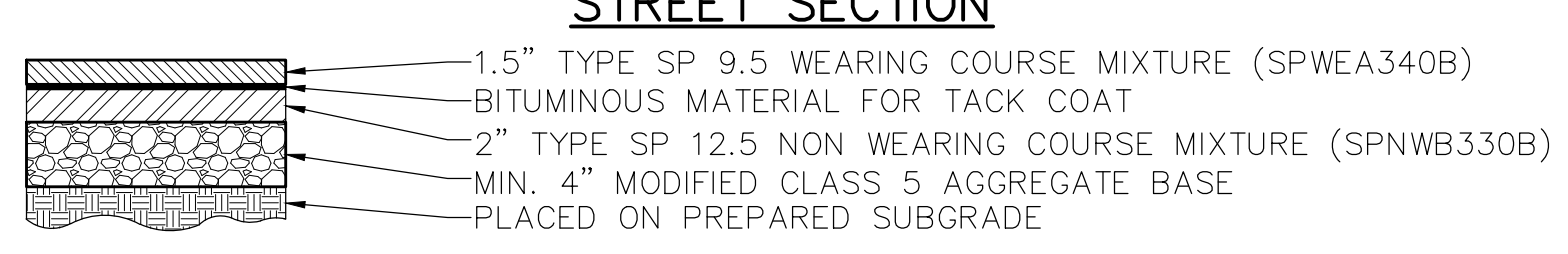
LOTS 3-7, BLK 1, LOT 2 BLK 2 & LOTS 1-5, BLK 3
 * TYPICAL SERVICES SHALL BE:
 WATER: 1" COPPER TYPE K
 SEWER: 1-1/4" HDPE IPS SDR 11
 DH071-57 INDOOR GRINDER PUMP
 SERVICES TO BE BURIED AT 7.5' MINIMUM DEPTH
 CURB STOP AND CHECK VALVE TO BE PLACED AT THE R/W

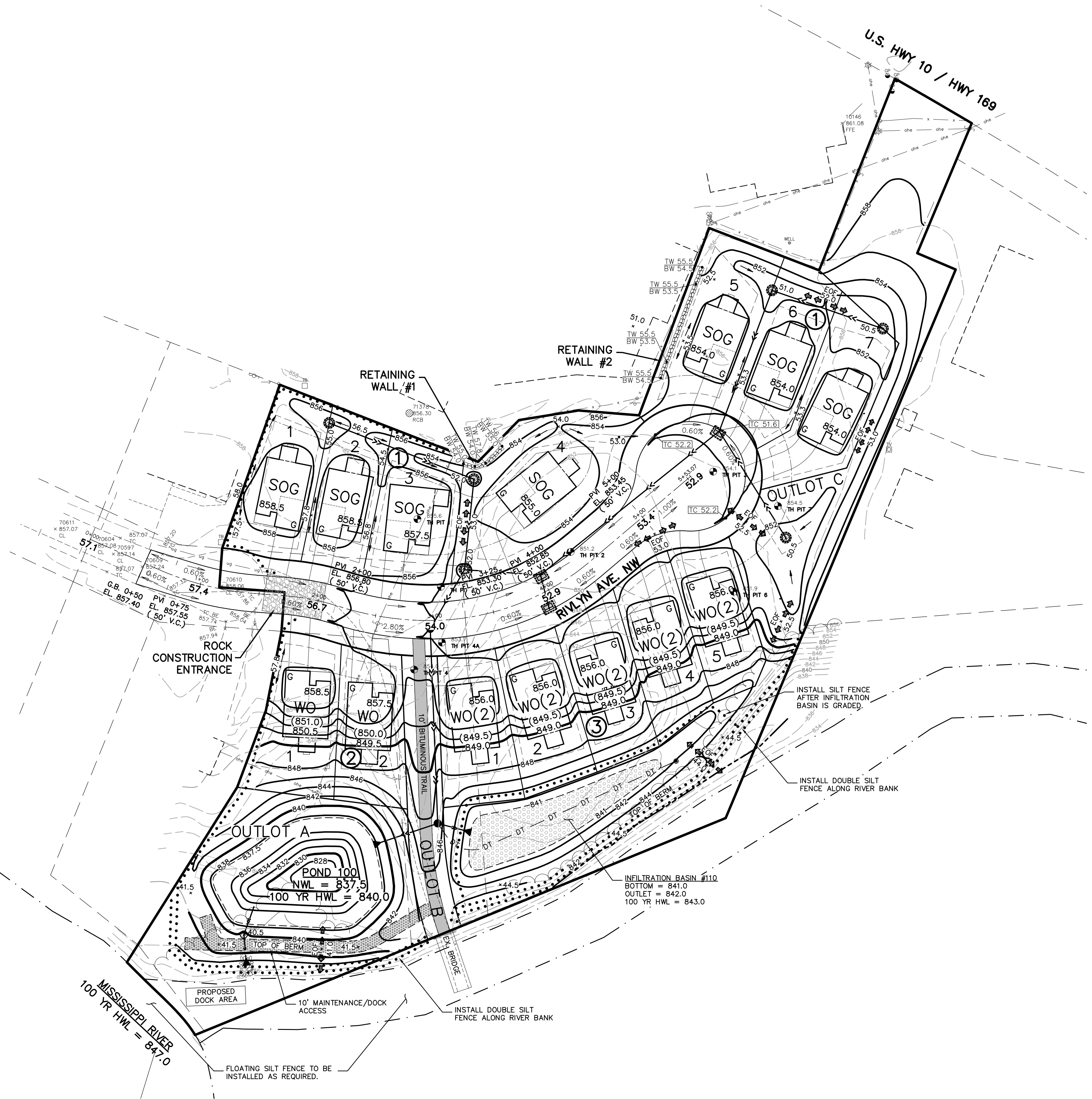


BENCHMARK	
1.	MNDOT GSD Station #833, Named "Lumber MNDT RM 1" Elev. = 859.11
2.	MNDOT GSD Station #775, Named "E 257" Elev. = 863.67

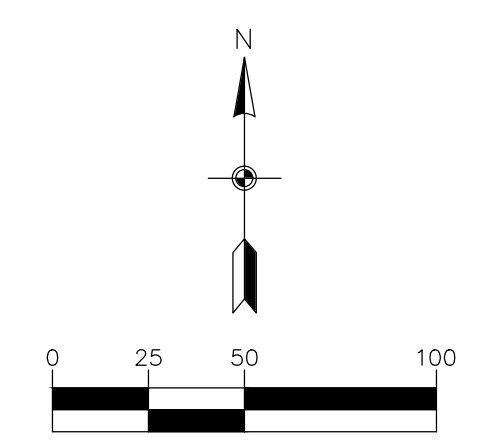


STREET SECTION





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



BENCHMARK
1. MNDOT GSID Station #833, Named "Lumber MNDT RM 1" Elev. = 859.11
2. MNDOT GSID Station #775, Named "E 257" Elev. = 863.67



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

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

Print Name: Brian J. Krystofak, P.E.
Signature: *Brian J. Krystofak*
Date: 1/25/19 License #: 25063

Drawn: ADB
Designed: BJK
Date: 1/25/19

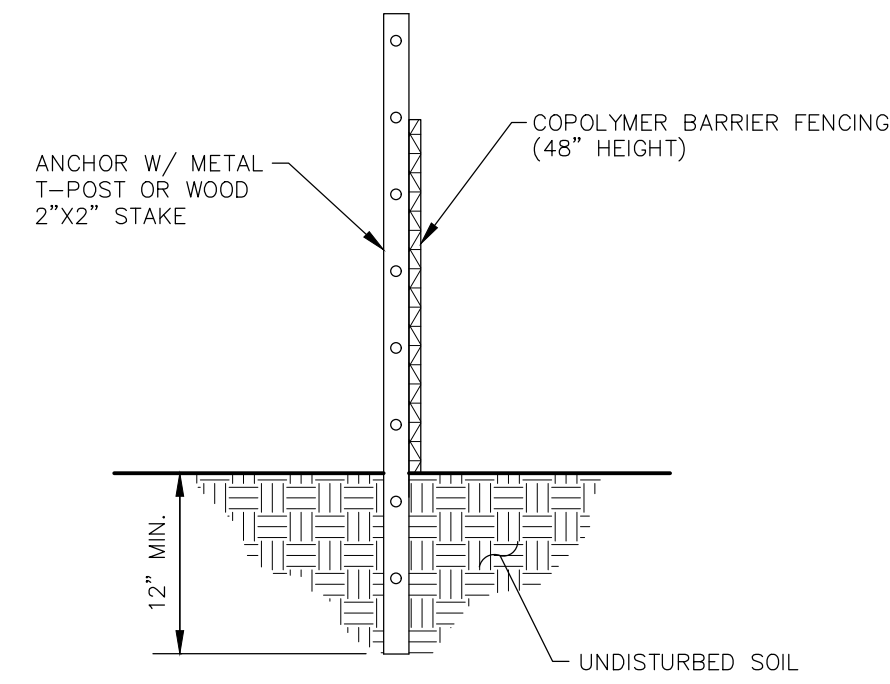
VILLAGE BANK
9298 Central Avenue NE
Blaine, MN 55434

ITASCA ESTATES
Ramsey, Minnesota

PRELIMINARY GRADING
& EROSION CONTROL PLAN

Save Date: 01/24/19 F:\jobs\7801 - 7820\7802 - Highway 10 ramsey\cad\c3d\engineering\preliminary\7802_grade.dwg

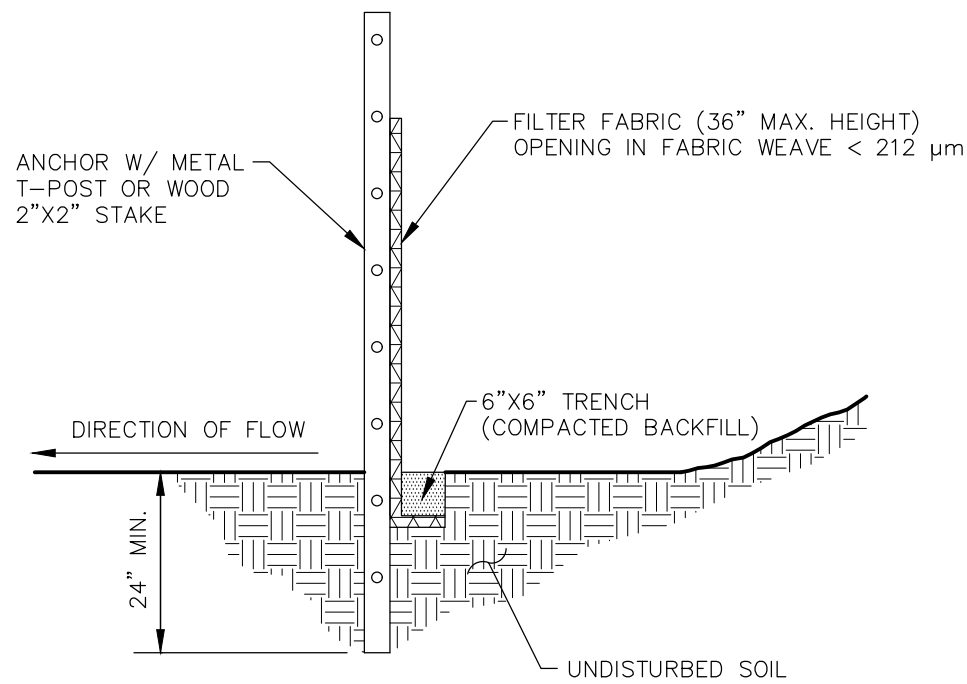
TREE FENCE



NOTES:

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

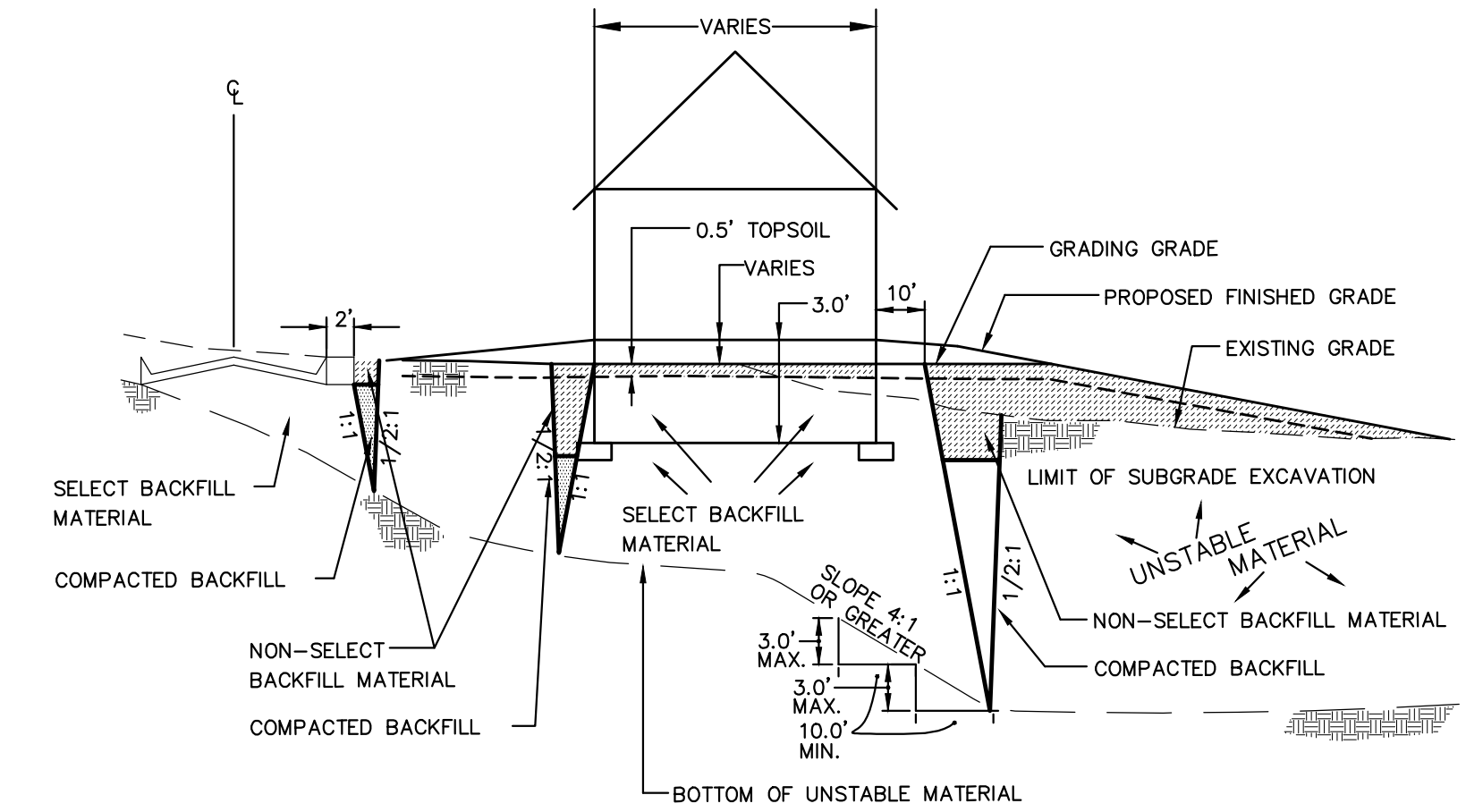
SILT FENCE



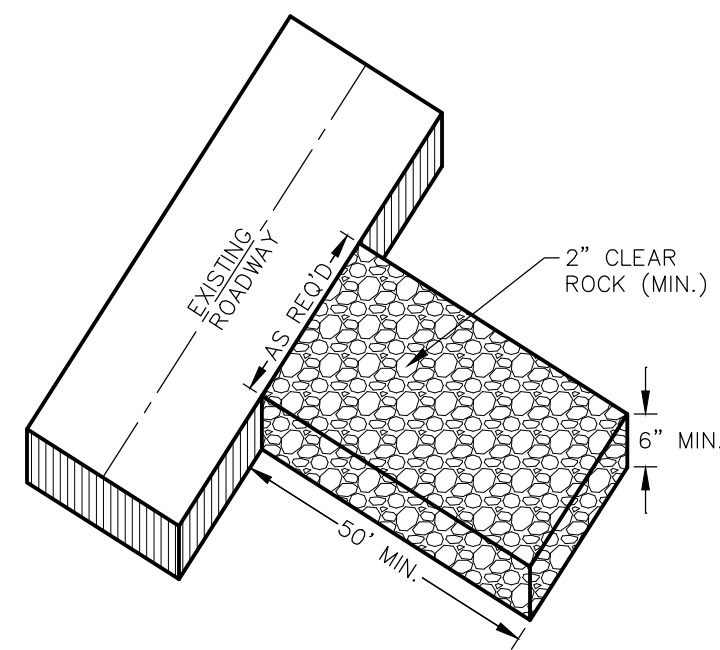
NOTES:

1. DIG A 6"x6" TRENCH ALONG THE INTENDED SILT FENCE LINE.
2. DRIVE ALL ANCHOR POSTS INTO THE GROUND AT THE DOWNHILL SIDE OF THE TRENCH.
3. POSTS SHALL BE SPACED A MAXIMUM OF 6 FEET APART.
4. LAY OUT SILT FENCE ALONG THE UPHILL SIDE OF THE ANCHOR POSTS AND BACK FILL 6"x6" TRENCH.
5. SECURELY ATTACH SILT FENCE TO ANCHOR POSTS W/ MINIMUM OF THREE ATTACHMENTS PER POST.
6. SEE MNDOT SPECIFICATIONS 2573 & 3886.

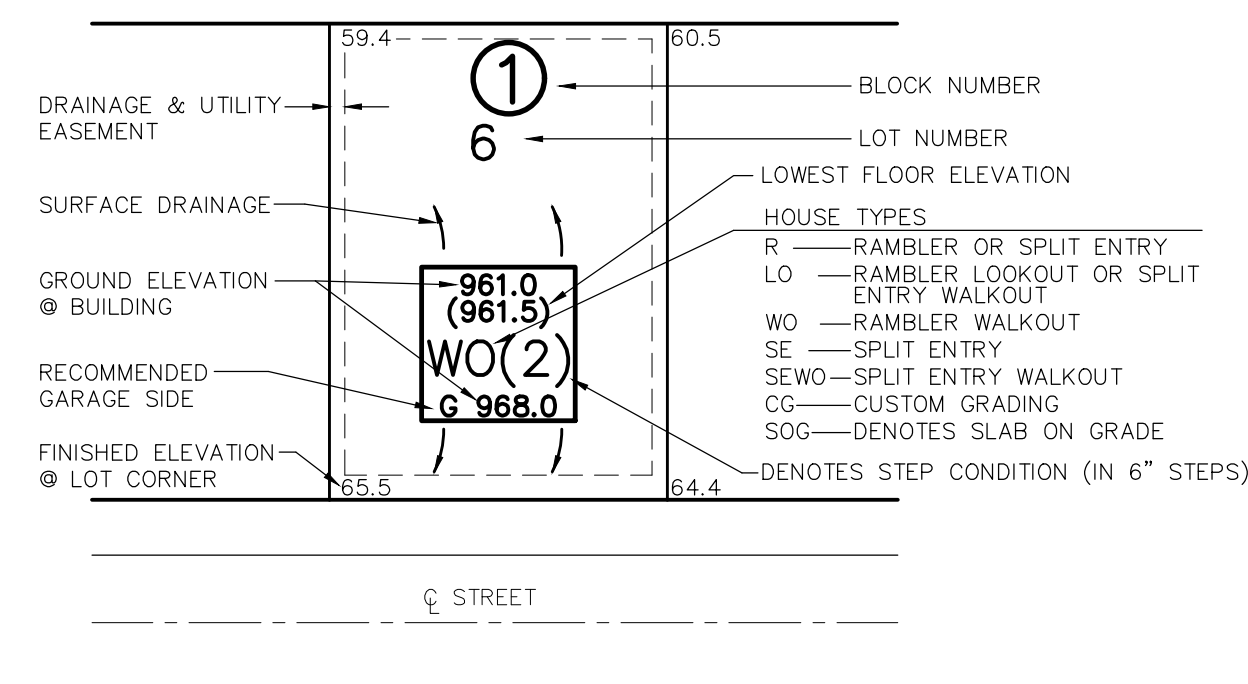
SUBGRADE CORRECTION



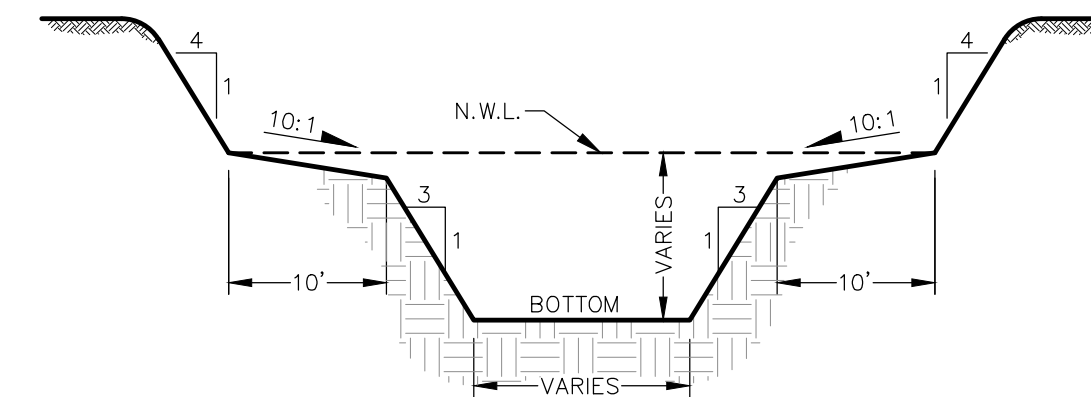
ROCK CONSTRUCTION ENTRANCE



GRADING PLAN LOT KEY



TYPICAL POND SECTION



TURF ESTABLISHMENT

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

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

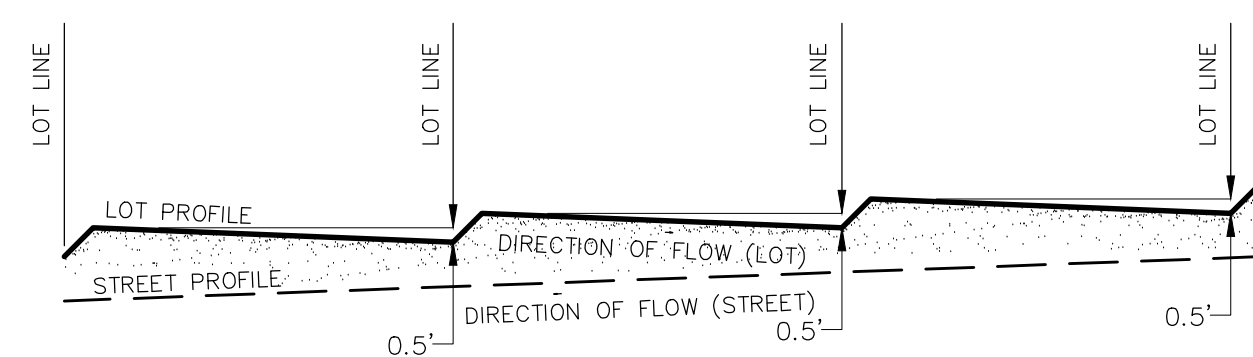
SEED: MNDOT MIXTURE 25-141 AT 60 POUNDS PER ACRE.

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

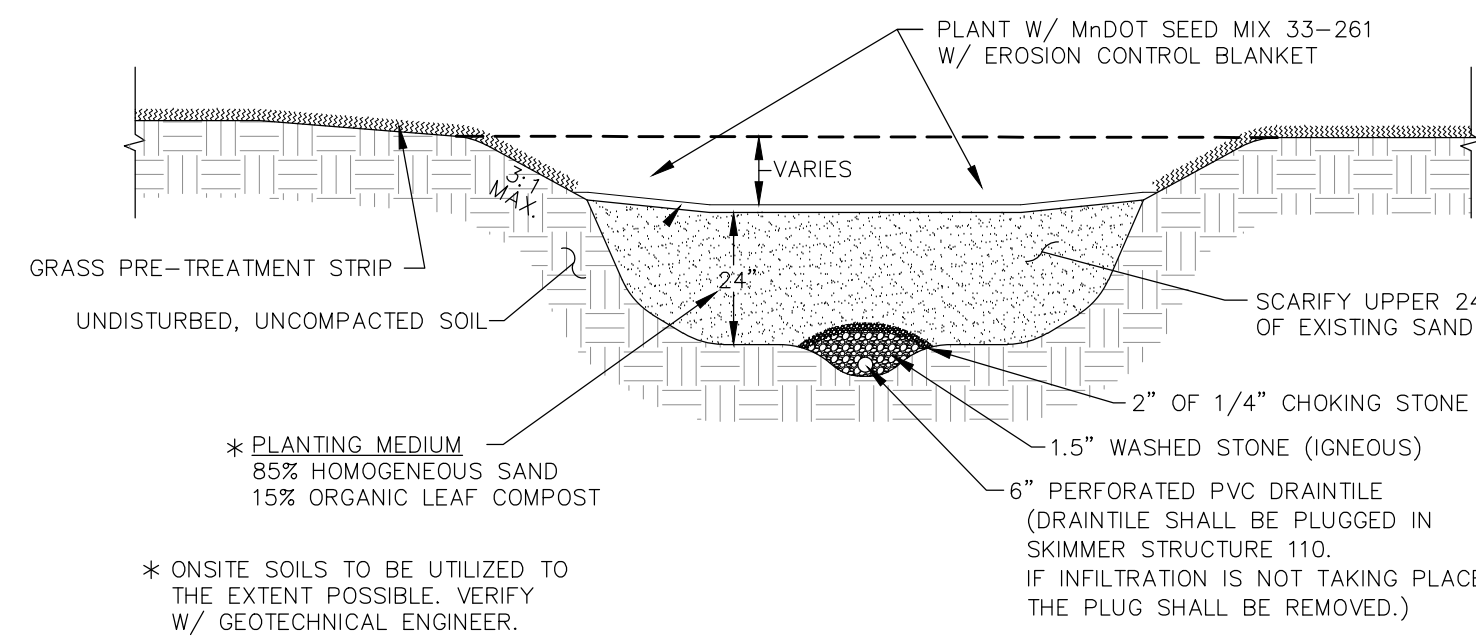
MULCH: TYPE 1 AT 2 TONS PER ACRE (DISK ANCHORED).

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

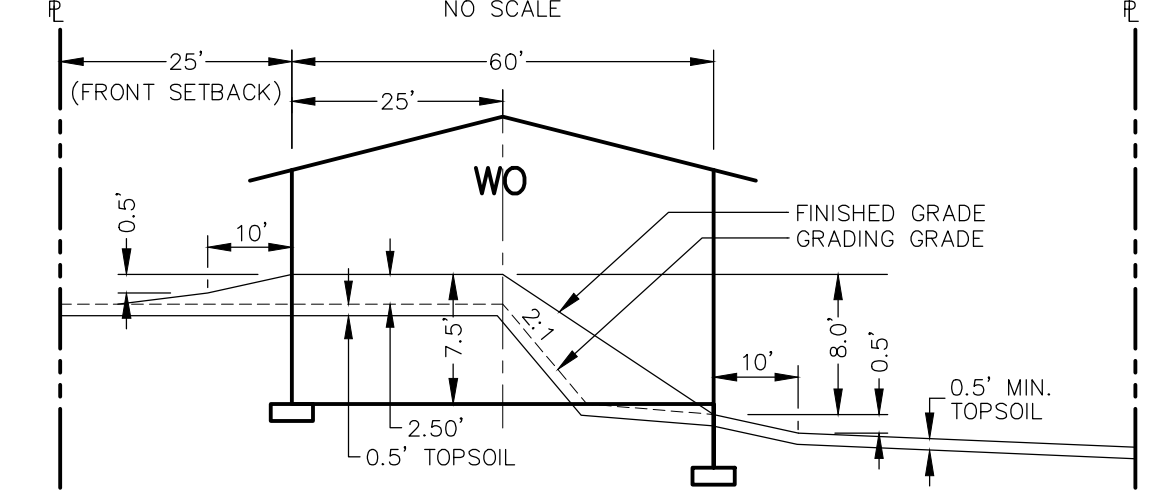
LOT BENCHING DETAIL



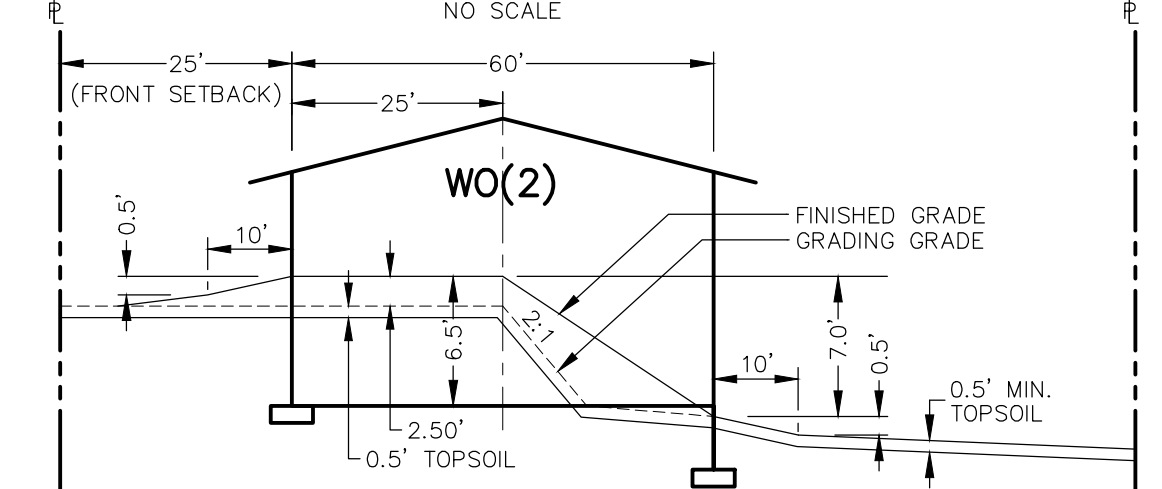
INFILTRATION BASIN



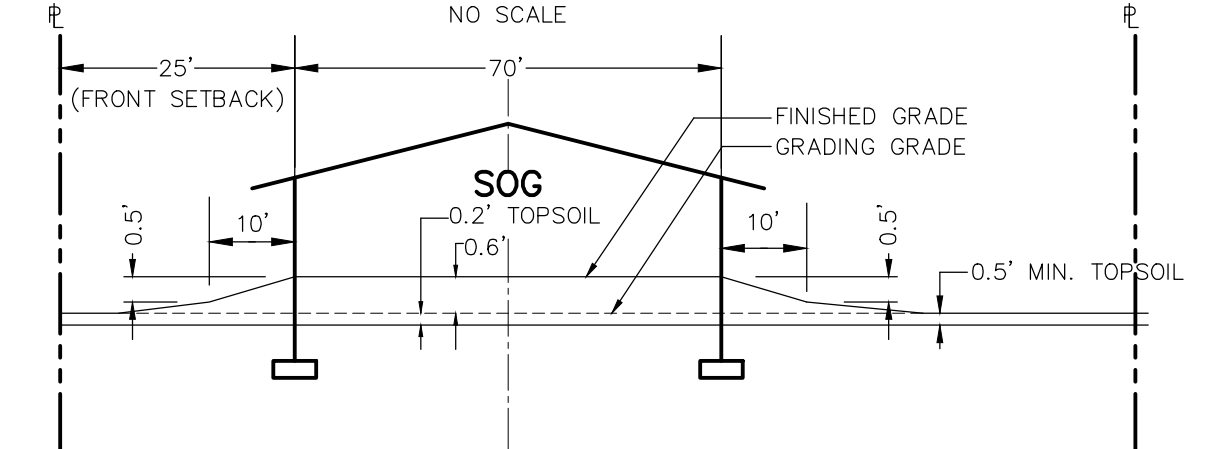
WALKOUT



MODIFIED WALKOUT

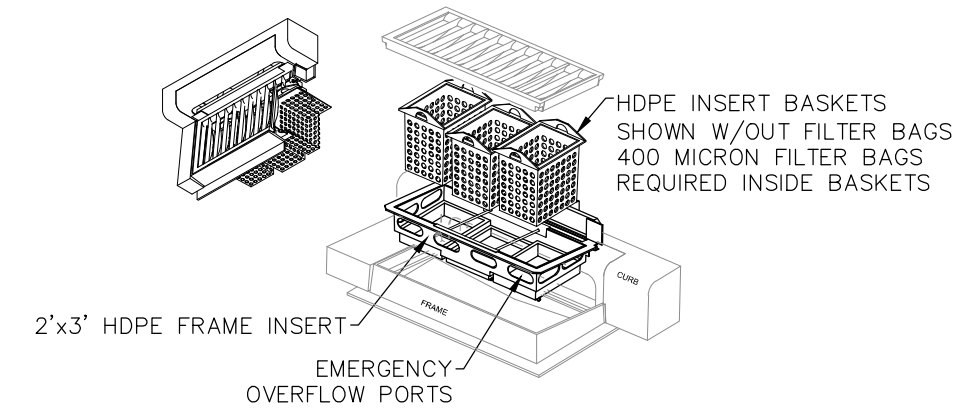


SLAB ON GRADE



INFRASAFE – 2'x3' DEBRIS COLLECTION DEVICE

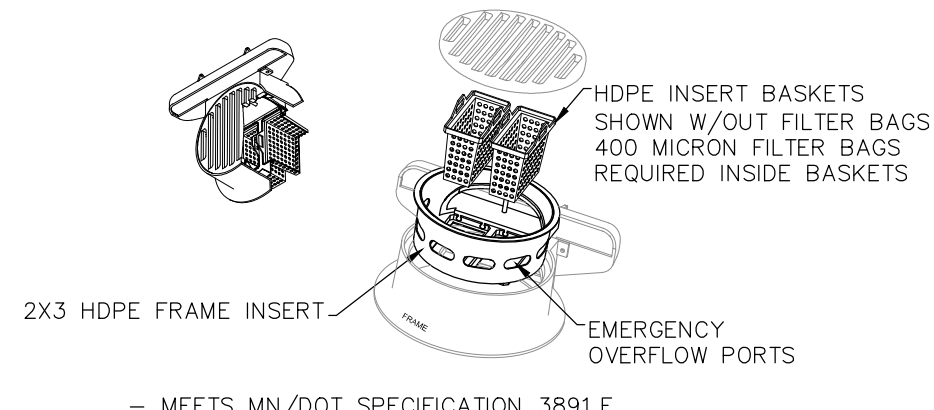
AS MANUFACTURED BY ROYAL ENVIRONMENTAL SYSTEMS



- HDPE INSERT BASKETS SHOWN W/OUT FILTER BAGS 400 MICRON FILTER BAGS REQUIRED INSIDE BASKETS
- MEETS MN/DOT SPECIFICATION 3891.F
- "STORM DRAIN INLET PROTECTION – FILTER BAG INSERT"
- DESIGNED FOR NEENAH R-3067 OR R-3290 SERIES

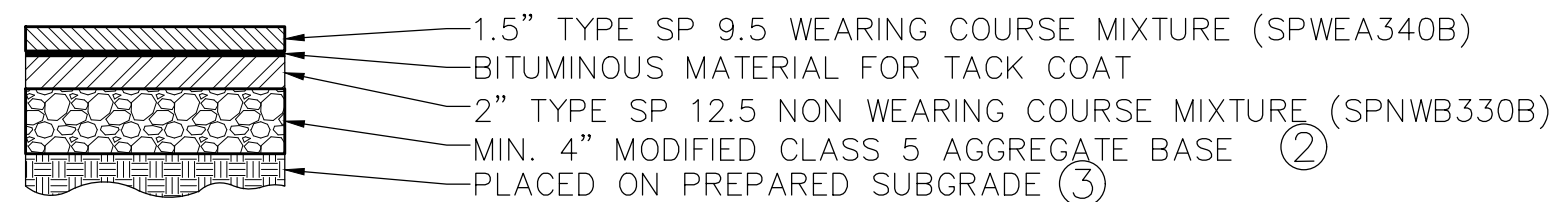
INFRASAFE – 27" DEBRIS COLLECTION DEVICE

AS MANUFACTURED BY ROYAL ENVIRONMENTAL SERVICES



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

INSERT A:

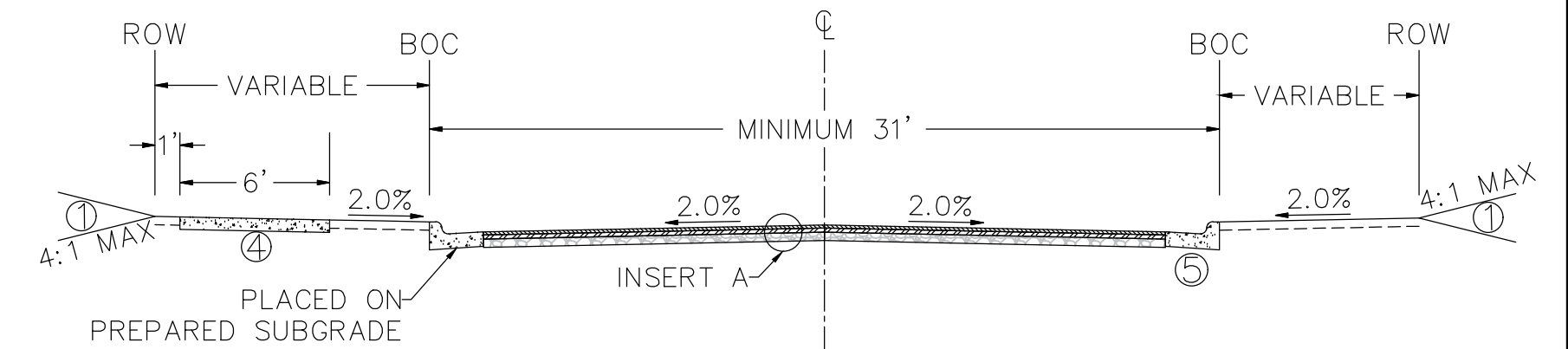


REFERENCE NOTES:

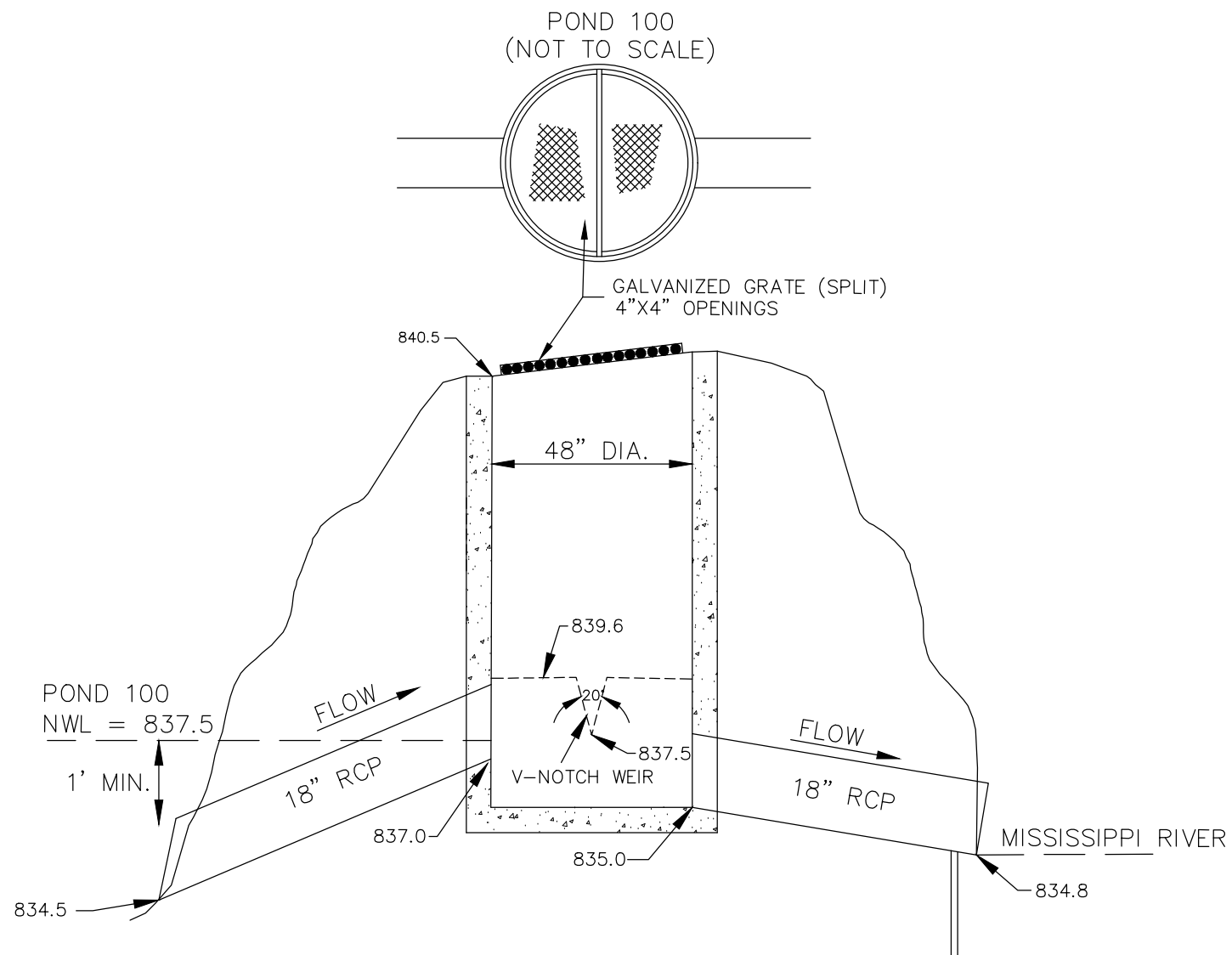
- GRADE TO MATCH EXISTING SURFACE MINIMUM 4" COMMON TOPSOIL BORROW IN BOULEVARDS. SEE CITY PLATE No. ERO-6
- CLASS 5 GRADATION IS MODIFIED PER CITY PLATE No. STR-26
- CONTRACTOR SHALL SCARIFY AND COMPACT, ACCORDING TO THE SPECIFIED DENSITY METHOD, THE TOP 12 INCHES OF MATERIAL PRIOR TO PLACING ANY FILL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

31' – URBAN STREET

NOTE: NOT TO SCALE

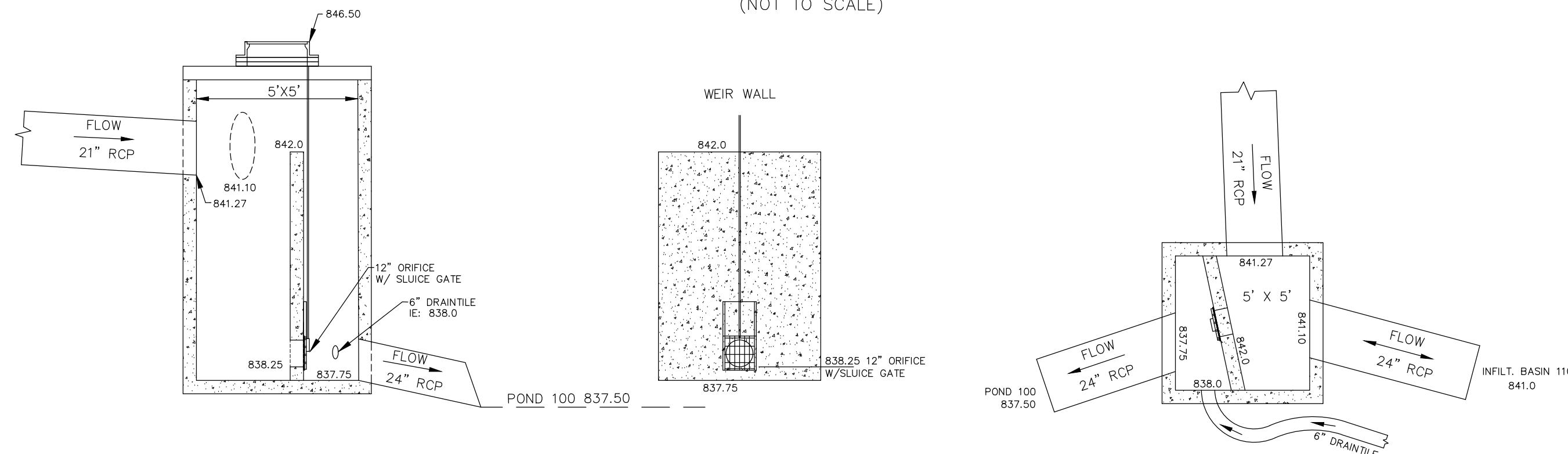


OUTLET CONTROL STRUCTURE



SPLITTER STRUCTURE – STMH 110

(NOT TO SCALE)



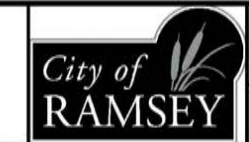
**TABLE A
MODIFIED CLASS 5
SPECIFICATIONS**

% PASSING

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

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

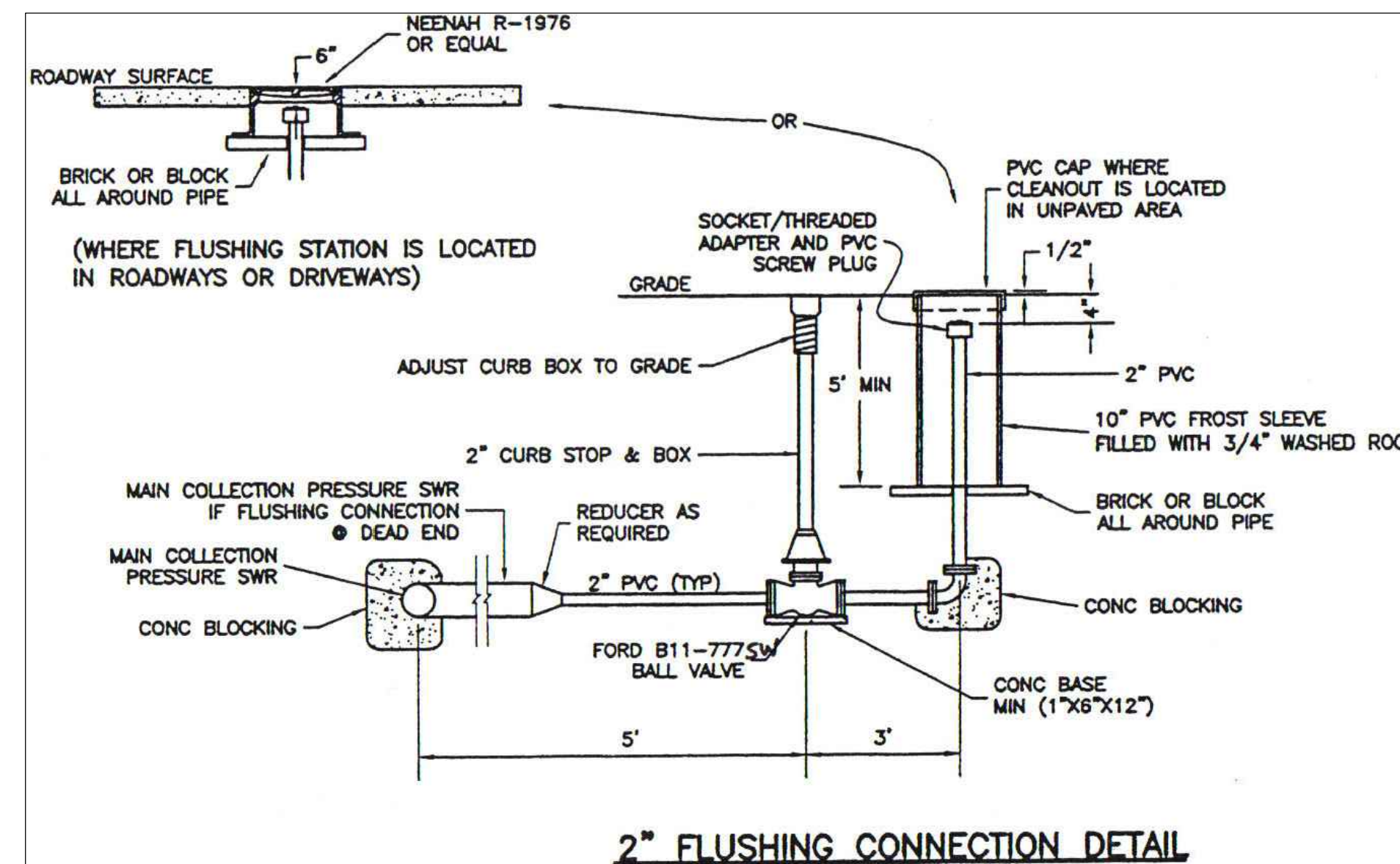
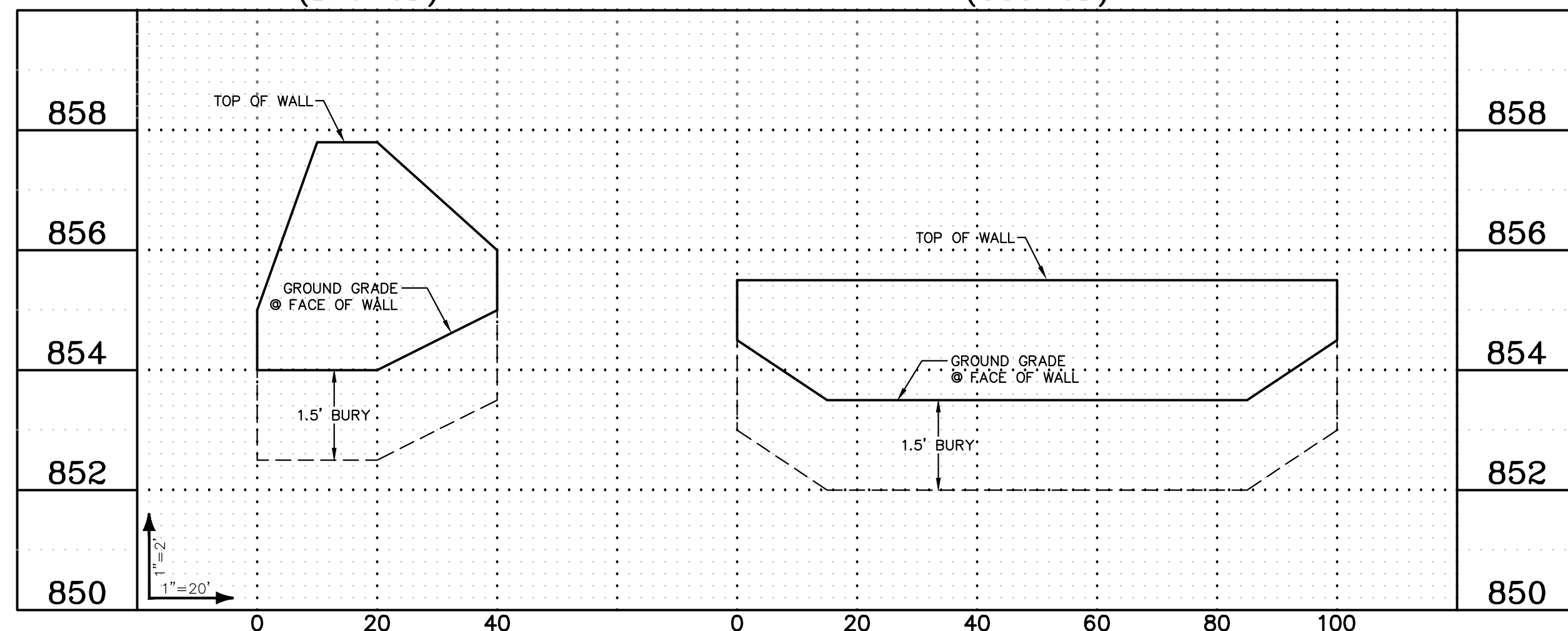
APPROVED:
2 – 2003



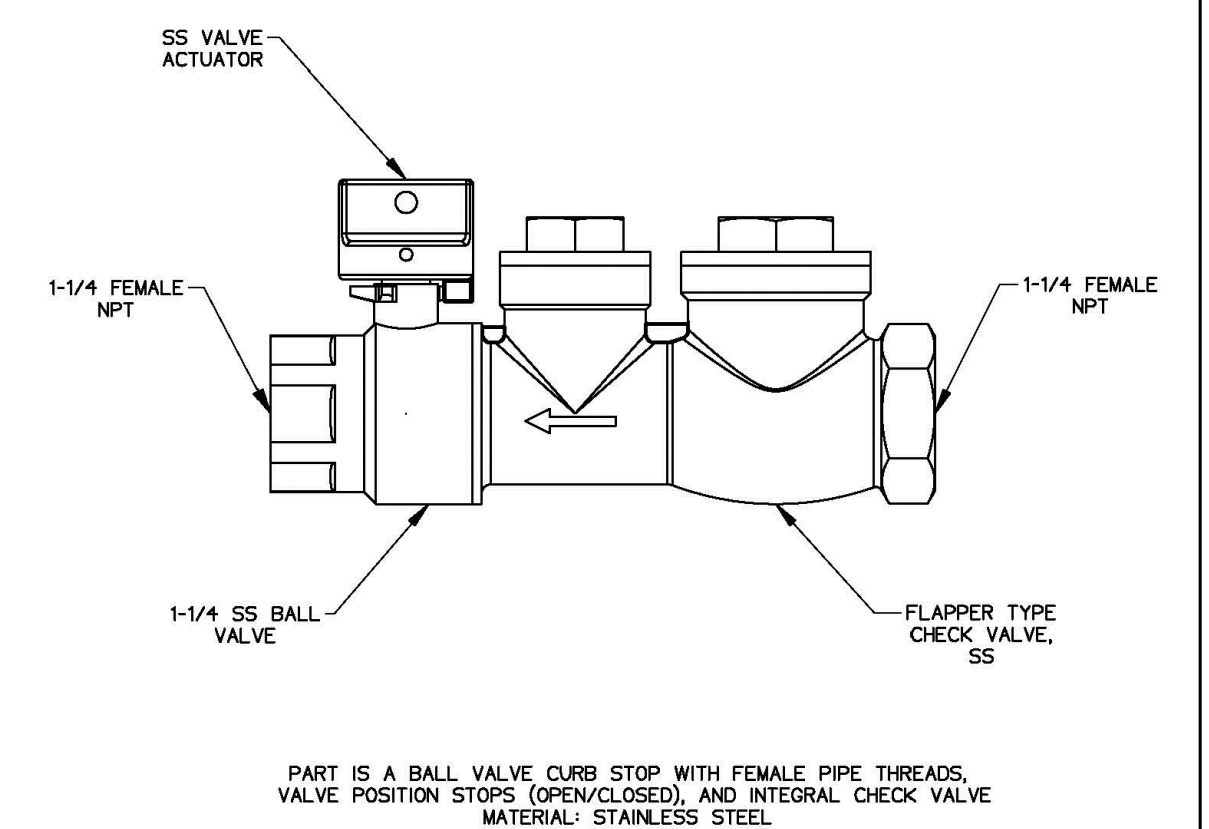
STANDARD DETAILS:
MODIFIED CLASS 5
SPECIFICATIONS
CITY PLATE No. STR-26

**ROCK RETAINING WALL #1
(170 SF)**

**ROCK RETAINING WALL #2
(335 SF)**



**STAINLESS STEEL
LATERAL ASSEMBLY
NO FITTINGS**



PRESSURE RATING: 235 PSI
TO ORDER SS LATERAL NO FITTINGS
USE PART NUMBER NB0184P01

SSS	DN	09/20/11	-	3/16
DR BY	CHK'D	DATE	ISSUE	SCALE
eone SEWER SYSTEMS				
STAINLESS STEEL LATERAL ASSEMBLY NO FITTINGS				
NA0330P05				



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

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

Print Name: Brian J. Krystofak, P.E.
Signature: *Brian J. Krystofak*
Date: 1/25/19 License #: 25063

Drawn: ADB
Designed: BJK
Date: 1/25/19

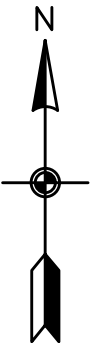
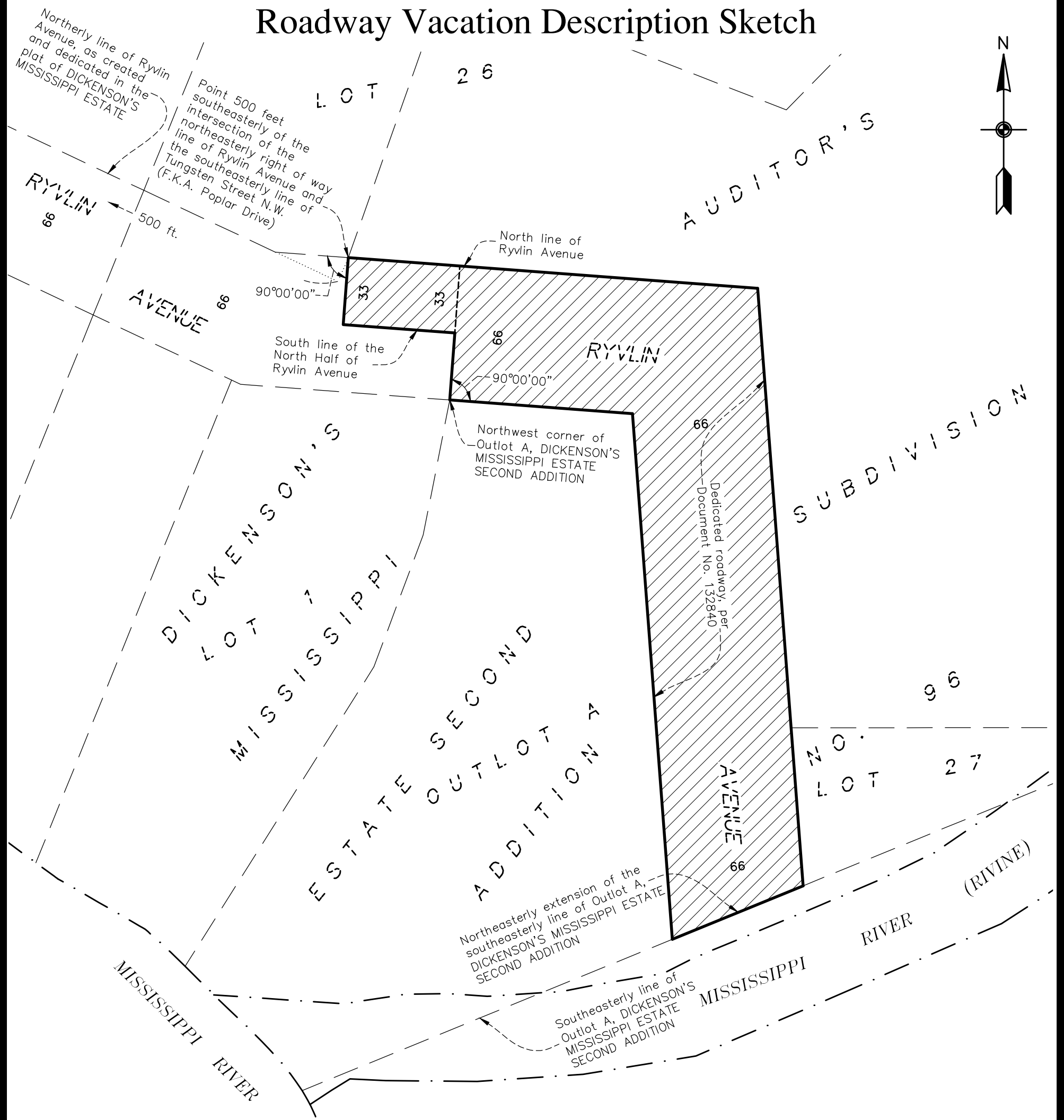
Revisions:

VILLAGE BANK
9298 Central Avenue NE
Blaine, MN 55434

ITASCA ESTATES
Ramsey, Minnesota

DETAILS

Roadway Vacation Description Sketch



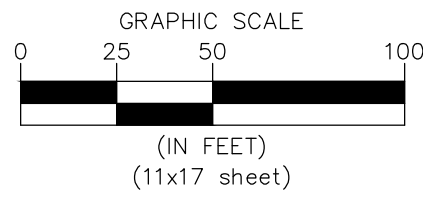
ROADWAY VACATION DESCRIPTION:

That part of the dedicated roadway, now known as Ryvlin Avenue, as described in Document No. 132840, lying northwesterly of the northeasterly extension of the southeasterly line of Outlot A, DICKENSON'S MISSISSIPPI ESTATE SECOND ADDITION, and lying easterly of a line drawn from the northwest corner of said Outlot A, perpendicular to the North line of said Outlot A, to the North line of said roadway described in Document No. 132840 and said line there terminating.

Together with

That part of the North half of said dedicated roadway, now known as Ryvlin Avenue, as described in Document No. 132840, lying westerly of the above described parcel, and lying easterly of a line drawn from a point on the northerly line of said dedicated roadway, distant 500.00 feet southeasterly of the intersection of the northeasterly right of way line of Ryvlin Avenue and the southeasterly right of way line of Tungsten Street NW, formerly known as Poplar Drive, perpendicular to said North line of the dedicated roadway, now known as Ryvlin Avenue, as described in Document No. 132840, to the South line of said North half of said dedicated roadway, as described in Document No. 132840 and said line there terminating.

Said roadway vacation area contains ±27,886 sq. ft.



 Denotes Roadway Vacation Area

**Carlson
McCain**
ENVIRONMENTAL • ENGINEERING • SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-7959

Save Date: 01/25/19 | F:\Jobs\7801 - 7820\7802 - highway 10 ramsey\cad\3d\survey\7802_vacation sketch.dwg

Sec. 117-112. - R-2 Residential District.

(a) *Intent.* The intent of the R-2 Residential District is to accommodate multiple dwellings at a density of three to seven dwelling units per acre and multiple-dwelling complexes within the 2002 MUSA. All lots created by subdivision located within the 2020 MUSA shall be serviced by sanitary sewer and municipal water.

(b) *Permitted uses.*

- (1) Multiple-dwelling structures which include duplexes, twinhomes, townhomes, and apartment buildings, containing no more than ten units.
- (2) Detached townhomes, including villas or cottage homes.
- (3) State licensed group homes in accordance with state statutes.
- (4) Licensed home daycares in accordance with state statutes.
- (5) Home occupations as permitted by section 117-351.
- (6) Accessory uses as permitted by section 117-349.

(c) *Uses permitted by conditional use permit.*

- (1) Religious Institutions.
- (2) Keeping of wild animals in accordance with chapter 10, article IV.
- (3) Increased accessory structure height/size.
- (4) Oversizing of signs.
- (5) Expansion or enlargement of lawful nonconforming uses.
- (6) Micro-scale WECS.

(d) *R-2 bulk standards.*

Miscellaneous Standards	Duplex	Twinhome or Quad
Lot size	14,000 square feet per structure	7,000 square feet per dwelling unit
Minimum density (net)	3.0	3.0
Maximum density (net)	7.0	7.0
Lot width	100 feet	50 feet

Front yard setback	30 feet	30 feet
Side yard setback	10 feet	10 feet
Side yard setback corner lot	30 feet	30 feet
Side yard interior wall setback	N/A	0
Rear yard setback	30 feet	30 feet
Maximum lot coverage for all principal and accessory buildings (excludes impervious or prepared surface)	35%	35%
Maximum building height (measured from mean ground level to mean ground gable)	35 feet	35 feet
Accessory structure setbacks:		
Front	30 feet or same as principal structure, which ever is greater	30 feet or same as principal structure, which ever is greater
Rear	5 feet	5 feet
Side	6 feet	6 feet
Side corner	30 feet	30 feet
Maximum number of units per structure	2	2 (4 for quad)

Miscellaneous Standards	Attached and Detached Townhomes	Multifamily
Lot size	None	None
Minimum density (net)	3.0	3.0
Maximum density (net)	7.0	7.0
Lot width	None	100 feet
Building setback from public street right-of-way	25 feet	25 feet
Building setback from private street measured from back of curb	25 feet	25 feet
Building setback from exterior development	30 feet	30 feet
	25 feet (detached)	
boundary line Minimum separation between	20 feet	20 feet

buildings, including any appurtenances thereto (i.e., patios, decks)	15 feet (detached)	
Parking node setback from exterior development boundary line	30 feet	30 feet
Parking node setback from structure	15 feet	15 feet
Maximum lot coverage	35%	35%
Maximum building height (measured from mean ground level to mean gable)	35 feet	35 feet

Accessory structure setback (measured from the development boundary line)	30 feet	30 feet
Maximum number of units per structure	81 (detached)	10
Open space required	40% general open space 10% of which must be identifiable community space	40% general open space 10% of which must be identifiable community space

(e) *General R-2 residential performance standards.*

(1) *Miscellaneous standards.*

Miscellaneous Standards	
Townhouse with garage	1 bedroom - 700 square feet
	2 bedrooms - 800 square feet
	3 bedrooms - 960 square feet
	Each additional bedroom - 125 square feet

	Efficiency unit - 400 square feet
Duplex dwelling	800 square feet per unit
Twinhome dwelling	912 square feet per unit
Multifamily dwellings	1 bedroom - 700 square feet
	2 bedrooms - 800 square feet
	3 bedrooms - 960 square feet
	Each additional bedroom - 125 square feet
	Efficiency unit - 400 square feet
No. of required off-street parking spaces	Duplex - 2 enclosed
	Twinhome - 2 enclosed
	Townhome - 2 off-street, 1 of which must be enclosed.
	Multifamily - 2½ off-street spaces per unit, 1 parking space must be enclosed, the remaining required parking spaces must be located within the development
Maximum building lot	35%
Maximum driveway width	20 feet
Side yard setback for driveways	5 feet

Required driveway surface	Bituminous or concrete
---------------------------	------------------------

(2) *Parking.*

- a. The surfaces of parking stalls, aisles, and access driveways shall be constructed with blacktop or concrete and properly maintained. The term "properly maintained" includes keeping the blacktop or concrete in good condition and free from chuckholes and other types of surface cracks and breakage.
- b. The entire perimeter of the parking stalls, aisles and access driveways shall be curbed with six-inch-high curbing of poured concrete.
- c. All required parking stalls shall be located on the premises of the principal building.
- d. A parking stall shall not be less than 180 square feet in area, with a minimum width of nine feet.
- e. Additional parking spaces may be required by the city.

(3) *Streets.*

- a. *Public streets.* Residential developments in this district must provide one main thoroughfare through the development and main thoroughfares must be dedicated as public streets.
- b. *Private streets.* Private streets or driveway collectors are permitted if they serve as access driveways from dwelling units to public streets and meet the city engineer's street standards together with the dimension standards described below:
 - 1. Minimum private street width with no parking permitted: 24 feet.
 - 2. Minimum private street width with parking permitted on one side of street: 28 feet.
 - 3. Minimum private street width with parking permitted without restriction: 32 feet.
 - 4. Maximum private street length without a turnaround provided: 200 feet.

5. Maximum private street length with a turning provision provided: 300 feet.
6. Maximum private street length with a cul-de-sac provided: 600 feet, except that when exceeding 300 feet, the entire length of the private street must be 32 feet wide.
7. Minimum access road width at street frontage: 24 feet.
8. Minimum parking aisle width: 24 feet.
9. Maximum driveway width at road frontage: 20 feet.
10. Edge of curb opening shall not be closer to nearest portion of a street right-of-way intersection than 27 feet or two-thirds of the lot width, whichever is smaller (where a "T" intersection exists, a drive may be located opposite the end of the intercepted street).
11. Minimum access drive angle to the street: 75 degrees.
12. Building setback from private street, measured from back of curb: 25 feet.
13. Minimum radius at intersections: 20 feet.

(4) *Fences.*

- a. Fencing or walls (except retaining walls) located in the front yard shall not exceed four feet height. Fencing or walls located in the side or rear yard shall not exceed six feet in height. Fences outside the 2020 MUSA are allowed up to eight feet in height in any yard but must be set back a minimum of 100 feet from the front property line unless they have at least 75 percent clear visible opening. Fences may be constructed of barbed wire to accommodate agricultural activities and the raising of livestock and animals as defined by chapter 10, Animals. Lots of record as of July 1, 2002, within the MUSA that are currently used for agricultural activities or the raising of livestock and animals also qualifies under this provision.
- b. Fencing material shall consist only of wood or chain link. No other types of materials will be permitted.
- c. Fence framing must face inward on the fence owner's lot.
- d. Fencing must be located 100 percent on the fence owner's lot.

(5)

Garbage receptacle storage. Outdoor garbage receptacles serving multifamily units must be in either the rear or side yard and must be screened from public view and adjacent lots.

(6) *Lot landscaping.*

- a. *Minimum landscaping requirements.* All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the lot. A reasonable attempt should be made to preserve as many existing trees as practicable in order to incorporate the trees into the development.
- b. *Minimum planting requirements.* The minimum number of plantings required shall be determined based on crown or canopy cover. To fulfill the planting requirements, a combination of trees and shrubs shall meet or exceed the minimum required canopy cover square footage. The minimum canopy cover shall be calculated as follows:
 - 1. Determine ratio of impervious area to entire site area.
 - 2. Multiply the impervious area/site area ratio by the square footage of the pervious area to calculate the required canopy cover square footage for the project area.
 - 3. The following formula shall be utilized to determine the average canopy cover of a species:

$$[(\text{Minimum} + \text{Maximum Spread}) \div 4]^2 \times \pi \times (0.65 \text{ for preferred species or } 0.50 \text{ for acceptable species, as identified in the Ramsey Tree Book}).$$
- c. *Minimum size of plantings.* Required trees shall be of the following minimum planting size:

Planting Type	Size
Deciduous trees	1-inch diameter as measured six inches above ground
Coniferous trees	5 feet in height

Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height or 2 feet in width, whichever applies
Ornamental trees	1-inch diameter as measured six inches above ground

- d. *Planting types.* Acceptable and preferred plantings shall be identified in the Ramsey Tree Book. The compliment of trees fulfilling the landscaping requirements shall not be less than 25 percent deciduous and not less than 25 percent coniferous. No more than 25 percent of the canopy cover requirements shall be fulfilled with the use of shrubs and ornamental trees.
- e. *Irrigation.* If a landscape irrigation system is provided, the system shall be equipped with the following:
 - 1. Technology that inhibits or interrupts operation of the irrigation system during periods of sufficient moisture (rain sensor).
 - 2. One or more water efficient technologies. This could include, but is not limited to, WasterSense labeled weather-based irrigation controllers, soil moisture sensors, and/or evapotranspiration (ET) sensors.
- f. *Open space.* Each townhouse development shall have at a minimum, 40 percent open space for the enjoyment of its residents that may be held as private lots or in common areas. Qualifying areas include grassed lawns, landscape areas, gardens, natural areas, landscape rock, mulch, wetlands, and ponding areas. Of the 40 percent open space, ten percent is to be dedicated as an identifiable common area for use by residents of the development.

(7) *Screening.*

- a. *Bufferyards.* The table below establishes the minimum bufferyard and additional plantings required when a higher density zoning district is adjacent to a lower density zoning district. The screening requirements are applicable when any portion of a lot with a higher zoning

designation shares a property line with a lot of a lower zoning designation. Within that bufferyard, an additional percentage of landscaping is also required based on the minimum landscape plantings. The additional percentage of plantings required, are to be planted within the bufferyard.

		Adjacent Existing Development	
Proposed Development		R-1	R-2
	R-1	-	-
	R-2	30 ft.	-
	% increase required	10%	-
	R-3	40 ft.	30 ft.
	% increase required	20%	10%

- b. The additional landscaping materials shall be in addition to the number of plantings required in the site landscaping section of this district and shall be located within the required bufferyard.
 - c. Screening shall be installed in accordance with section 117-356.
- (8) *Lighting.* Lighting used to illuminate an off-street parking area, sign or structure, shall be arranged to deflect light away from adjacent residential districts or public streets. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be directed so that the bulb is not visible from off the property where the light source is located.
- (9) *Architectural standards.* The purpose of this section is to encourage the development of high-quality, diverse multiple-dwelling structures in the city while permitting flexibility in the development process.
- a.

General standards. The requirements in this section apply to the front facade of all multiple-dwelling structures, as defined under permitted uses in this section.

1. The type of building materials used on exterior walls of all structures in the R-2 Residential District shall be face brick; natural stone; stucco; aluminum, steel, or vinyl siding; wood; masonite products; or other compatible residential materials that may be approved by the city. Exterior Insulation and Finish Systems (EIFS) material is prohibited. The front exterior building finish of multiple-family buildings shall consist of a minimum of 35 percent face brick, natural stone, or stucco (excluding window and door area in the calculation). This requirement shall also apply to the side of a building when it faces a public street.
 2. Multiple-dwelling developments that face county highways, state highways, or MSA roads shall vary structure orientation.
 3. A minimum of three colors shall be used for each multiple-dwelling building. Elements that may count towards this requirement include siding, trim, doors, and garage doors. A color palette shall be included as a part of the building elevation submittal at the time of preliminary plat review.
 4. All multiple-dwelling structures shall include at least two of the following architectural elements:
 - (i) Articulated/cantilevered facade.
 - (ii) Dormers.
 - (iii) Articulated roofline.
 - (iv) Projected or inset windows.
 - (v) Balconies, porches, or decks.
 - (vi) Window treatments, such as shutters and window boxes.
 - (vii) Other elements as approved by the city council.
- b. The 35 percent masonry requirement (under subsection (e)(9)a.1 of this section) may be waived in whole or in part based on inclusion of one or more of the following criteria:
1. Two additional architectural elements from the list in subsection

(e)(9)a.4 of this section are included.

2. Two additional colors are included in the overall color palette, for a total of five colors.
3. Decorative sidewalks (brick, stone inlays, etc.).
4. Other aesthetic enhancements deemed to be appropriate by the city council.

(Code 1978, § 9.20.12; Ord. No. 73-9, 6-1-1973; Ord. No. 86-2, 8-25-1986; Ord. No. 93-13, 8-30-1993; Ord. No. 96-17, 10-28-1996; Ord. No. 96-23, 1-13-1997; Ord. No. 02-17, 7-15-2002; Ord. No. 03-21, 8-25-2003; Ord. No. 04-08, 5-17-2004; Ord. No. 06-24, § 2, 8-8-2006; Ord. No. 09-06, § 2, 4-28-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 17-04, § 2, 5-9-2017)

State Law reference— Permitted single-family uses, Minn. Stats. § 462.357, subd. 7; permitted multifamily uses, Minn. Stats. § 462.357, subd. 8.

Changemarks Report

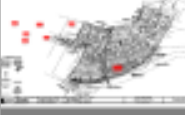





Project Name: 18-163 6080 Highway 10 NW

Workflow Started: 02/01/2019 9:56 AM

Report Generated: 03/01/2019 02:13 PM

Cycle	Complete?	Status	Department	Snapshot	File	Markup Name	Changemark Subject	Changemark Details	Markup Date	Updated By	Applicant Response
1	False	Unresolved	Civil Engineer		7_6080 Hwy 10_Details.pdf	LL	Revise Elevation	Revise top of splitter to 842.5 as noted in comments on Stormwater Managemnt Plan.	02/27/2019 12:11 PM	Len Linton	
1	False	Unresolved	Civil Engineer		7_6080 Hwy 10_Details.pdf	LL	Remove Detail	Remove detail as notes on sheet 6.	02/27/2019 12:11 PM	Len Linton	
1	False	Unresolved	Civil Engineer		6_6080 Hwy 10_Details.pdf	LL	Remove draintile	The LRRWMO does not give infiltration credit for ponds with an underdrain.	02/27/2019 12:09 PM	Len Linton	
1	False	Unresolved	Civil Engineer		_SWPPP.pdf	LL	SWPPP Text	SWPPP language must meet requirements of 2018 General Construction Stormwater Permit. Revise SWPPP accordingly.	02/27/2019 1:01 PM	Len Linton	
1	False	Unresolved	Civil Engineer		_SWPPP.pdf	LL	Street Sweeping	Street sweeping must take place within 3 hours after notification by City that sweeping is required.	02/27/2019 1:01 PM	Len Linton	
1	False	Unresolved	Civil Engineer		_SWPPP.pdf	LL	NOT approval	The City must approve the Notice of Termination before it is submitted to the MPCA.	02/27/2019 1:01 PM	Len Linton	
1	False	Unresolved	Civil Engineer		_SWPPP.pdf	LL	Inspection results	Inspection must be emailed to the City weekly. The full record of inspections must be submitted to the City prior to project closeout.	02/27/2019 1:01 PM	Len Linton	

Changemarks Report

1	False	Unresolved	Civil Engineer		5_6080 Hwy 10_Grade.pdf	LL	Lot and Block Tabulation required	A lot and block tabulation is required showing the floor elevation, lowest floor elevation, 100 year flood elevation and emergency overflow elevation (if applicable).	02/27/2019 1:54 PM	Len Linton	
1	False	Unresolved	Civil Engineer		5_6080 Hwy 10_Grade.pdf	LL	Minimum floor elevation	The minimum floor elevation must meet Lower Rum River Watershed Management organizations rules as noted below: The lowest floor elevation of all development, including basements, must be at least 3 feet above the highest anticipated ground water table, 2 feet above the designated or designed 100-year flood elevation, or 1 foot above the emergency overflow, whichever is higher.	02/27/2019 1:54 PM	Len Linton	
1	False	Unresolved	Civil Engineer		5_6080 Hwy 10_Grade.pdf	LL	Minimum slope	The minimum slope is 2% on all pervious surfaces. Spot elevations must be added at all lot corners.	02/27/2019 1:54 PM	Len Linton	
1	False	Unresolved	Civil Engineer		5_6080 Hwy 10_Grade.pdf	LL	Notes must reference the SWPPP	The SWPPP was submitted in letter format. It must be referenced on the plan sheets.	02/27/2019 1:54 PM	Len Linton	
1	False	Unresolved	Civil Engineer		5_6080 Hwy 10_Grade.pdf	LL	Street Sweeping	Add a note that a sweeper must be on site or available within 3 hours notification from City that street sweeping is required.	02/27/2019 1:54 PM	Len Linton	
1	False	Unresolved	Civil Engineer		5_6080 Hwy 10_Grade.pdf	LL	Buffer	The SWPPP states a 100 foot buffer from the river is required. The buffer must be shown on the plans and added to the legend.	02/27/2019 1:54 PM	Len Linton	




Partial Review

Changemarks Report

1	False	Unresolved	Civil Engineer		5_6080 Hwy 10_Grade.pdf	LL	Soil Boring	<p>Provide soil boring in infiltration area showing soil types and depth to groundwater.</p> <p>Report for the boring must be submitted with final plans. Infiltration basin design must be revised to match report recommendations.</p>	02/27/2019 1:54 PM	Len Linton	
1	False	Unresolved	Civil Engineer		4_6080 Hwy 10_Site.pdf	LL	Separate Sheets Required	<p>All demolition must be shown on its own sheet. New improvements are not shown on the demolition sheet.</p> <p>Sewer and water with profiles are on a separate sheet. Removed items are not shown on this sheet.</p> <p>Street and Storm Sewer with profiles are on a separate sheet. Removed items are not shown on this sheet. Revise the splitter detail as noted in the SWPPP comments.</p>	02/27/2019 11:36 AM	Len Linton	




Partial Review

Changemarks Report

1	False	Unresolved	Civil Engineer		_SWMP.pdf	LL	Revise Infiltration Calculations	<p>The HydroCAD proposed condition shows 4.69 acres of pervious and 2.21 acres of impervious. This differs from the information presented above. The HydroCAD information along with the infiltration basin elevation information was input into the MIDS3 calculator. An infiltration rate of 0.8in/hr (SP soils) was used.</p> <p>The basin with the overflow set at 1 foot provides 88% Volume reduction, TP and TSS. Interpolating the area difference from 1 foot to 3 feet and using an overflow depth of 1.5 feet, the pond will provide 100% volume reduction and 96% TP and TSS reduction.</p> <p>Please revise the elevation of the splitter wier.</p>	02/27/2019 11:28 AM	Len Linton	
1	False	Unresolved	City Planner		4_6080 Hwy 10_Site.pdf	Chloe	Sidewalk Required	<p>Sidewalk required on one side of road; staff recommends south side of Rivlyn.</p>	02/25/2019 12:02 PM	Chloe McGuire Brigl	
1	False	Unresolved	Environmental Review		6_6080 Hwy 10_Details.pdf	CA	Tree Planting Detail	<p>Add detail for tree planting either on this sheet or with the Landscape Plan.</p>	02/21/2019 12:02 PM	Chris Anderson	

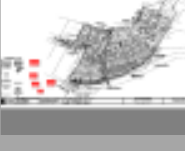
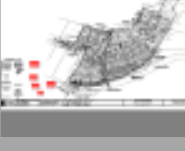
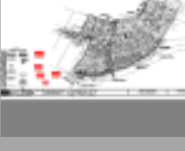
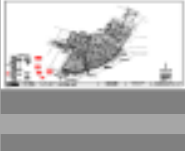

Partial Review

Changemarks Report

1	False	Unresolved	Environmental Review		2_6080 Hwy 10_Excon.pdf	CA	Tree Inventory and Preservation Plan	A Tree Inventory and Preservation Plan is required. All significant trees, defined as all oaks and evergreens 4 inches or greater in DBH and all other trees 8 inches or greater in DBH, must be inventoried. The following data shall be provided: species, DBH, condition, status (saved or removed), reason for removal (e.g. storm water pond, trail, general grading, etc.). At least 40% of the significant tree DBH inches must be retained on site or replaced at a 1.25 inch to 1 inch ratio.	02/21/2019 10:50 AM	Chris Anderson
1	False	Unresolved	Environmental Review		5_6080 Hwy 10_Grade.pdf	CA	FEMA Flood Plain	This does not appear to be shown on this plan sheet (or any plan sheet). Flood fringe and Floodway are both present on this property. These boundaries must be clearly identified on the Existing Conditions, Grading, and Site Plan sheets at a minimum.	02/21/2019 12:00 PM	Chris Anderson
1	False	Unresolved	Environmental Review		5_6080 Hwy 10_Grade.pdf	CA	Fill	If more than 1,000 cubic yards of fill are proposed within the Flood Fringe for purposes other than elevating structures above the Regulatory Flood Protection Elevation, a Conditional Use Permit is required. Please identify the proposed quantity of fill being brought onto the site.	02/21/2019 12:00 PM	Chris Anderson

Partial Review

Changemarks Report






1	False	Unresolved	Environmental Review		5_6080 Hwy 10_Grade.pdf	CA	Lowest Floor Elevation	The lowest floor of all structures in Blocks 2 and 3 must be at or above the Regulatory Flood Protection Elevation.	02/21/2019 12:00 PM	Chris Anderson	
1	False	Unresolved	Environmental Review		5_6080 Hwy 10_Grade.pdf	CA	Elevation Certificate	Elevation Certificates will be required for each home on Blocks 2 and 3 to verify compliance with Regulatory Flood Protection Elevation.	02/21/2019 12:00 PM	Chris Anderson	
1	False	Unresolved	Environmental Review		5_6080 Hwy 10_Grade.pdf	CA	Tree Inventory	A Tree Inventory and Preservation Plan is required. All significant trees, which include oaks and evergreens 4 inches or greater DBH and all other trees 8 inch or greater DBH, must be inventoried, including species, DBH, condition, status (saved/removed), and if removed, why (e.g. general grading, storm water pond, trail, etc.). At least 40% of significant trees shall be retained on site.	02/21/2019 12:00 PM	Chris Anderson	
1	False	Unresolved	Environmental Review		5_6080 Hwy 10_Grade.pdf	CA	Fill to Elevate Structures	Finished fill elevation shall not be lower than 1 foot below the RFPE and shall extend out at least 15 feet from each structure.	02/21/2019 12:01 PM	Chris Anderson	
1	False	Unresolved	Environmental Review		1_6080 Hwy 10_Cover.pdf	CA	Flood Plain Information	The Floodway and Flood Fringe district boundaries, the Regulatory Flood Protection Elevation, and the required elevation of all access roads (cannot be more than 2 feet lower than the Regulatory Flood Protection Elevation) must be clearly identified and labeled on all sheets.	02/21/2019 10:42 AM	Chris Anderson	

Partial Review

Changemarks Report




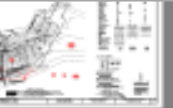




1	False	Unresolved	Environmental Review		1_6080 Hwy 10_Cover.pdf	CA	Landscape Plan	There does not appear to be a Sheet L1 with this submittal. A Landscape Plan is required.	02/21/2019 10:42 AM	Chris Anderson	
1	False	Unresolved	Environmental Review		1_6080 Hwy 10_Cover.pdf	CA	Density Transitioning	Density Transitioning will be required between the existing residential neighborhood and the proposed new lots. If landscaping will be proposed to acheive this, please review City Code Section 117-110 for minimum standards.	02/21/2019 10:42 AM	Chris Anderson	
1	False	Unresolved	Community Development Director		4_6080 Hwy 10_Site.pdf	Tim Gladhill	Lot Depth Requirement	Lot does not meet minimum lot depth requirement. Dwelling is turned sideways. Delete this lot.	02/20/2019 12:24 PM	Tim Gladhill	
1	False	Unresolved	Community Development Director		4_6080 Hwy 10_Site.pdf	Tim Gladhill	Federal Approval	Mississippi River Trail (MRT) received Federal funding. May require Federal Approval to reconstruct.	02/20/2019 12:24 PM	Tim Gladhill	
1	False	Unresolved	City Planner		1_6080 Hwy 10_Cover.pdf	Chloe	Variance required	Variance required for proposed cul-de-sac length	02/19/2019 11:15 AM	Chloe McGuire Brigl	
1	False	Unresolved	City Planner		3_6080 Hwy 10_PRP.pdf	Chloe	Density Transitioning	The City requires density transitioning from R-1 to denser projects. With preliminary plat submittal, the landscape plan should reflect the City's requirements found in Section 117-110.	02/19/2019 11:15 AM	Chloe McGuire Brigl	
1	False	Unresolved	Engineering Tech - Plan Review		5_6080 Hwy 10_Grade.pdf	JJF	Lots 5 & 6, Block 1	Verify the emergency overflows for lots 5 & 6. From grading it looks like the EOF is 853.3, the lowest floor must be 1 foot above the EOF.	02/13/2019 9:37 AM	Joe Feriancek	

Changemarks Report



1	False	Unresolved	Engineering Tech - Plan Review		4_6080 Hwy 10_Site.pdf	JJF	CDS Diameter	CDS must be 50 foot radius - 100 foot diameter back of curb to back of curb.	02/13/2019 9:23 AM	Joe Feriancek	
1	False	Unresolved	Engineering Tech - Inspections		6_6080 Hwy 10_Details.pdf	mm	Details	provide city details: hydrant storm manhole sanitary manhole street tie in curb construction trail construction water service connection sanitary casting mail box cluster trash guard silt fence rip-rap construction entrance floating silt curtain a detail for the cleanout	02/05/2019 9:02 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		5_6080 Hwy 10_Grade.pdf	mm	Debri	Show the limits of the debri provide plan on how all the debri is going to be removed and verified from the road right-of-way and the building pads	02/05/2019 7:44 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	street tie	show city detail for street tie in	02/05/2019 8:52 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	private drive	provide access plan to get resident into house during construction	02/05/2019 8:52 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	trail	provide detail for trail construction with ped ramp at Rivlyn city detail for ped ramp show dedicated on street only trail route	02/05/2019 8:52 AM	Mike McDowall	

Partial Review

Changemarks Report

1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	utilities	provide plan and profile label all structures and pipe size, grade and type provide pages location to locate storm sewer plan and profile provide design detail and maintance plan for lots hooked to the forcemain	02/05/2019 8:52 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	see detail information	provide page numbers where to find the detail	02/05/2019 8:52 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	curb removal	saw cut curb at next joint	02/05/2019 8:52 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	Utility plan sheet	watermain and sanitary with plan and profile on a sheet seperate sheet for street and storm plan and profile seperate sheet for removals	02/05/2019 8:52 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	Legend	symbol missing from the legend	02/05/2019 8:52 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	watermain	show and label all bend and valves	02/05/2019 8:53 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	Stage area	Provide an area for staging for all construction vehicles, equipment and material on the site during all phases of construction	02/05/2019 8:53 AM	Mike McDowall	
1	False	Unresolved	Engineering Tech - Inspections		4_6080 Hwy 10_Site.pdf	mm	Storm outlet	show rip-rap at outlets	02/05/2019 8:53 AM	Mike McDowall	

Changemarks Report

1	False	Unresolved	Engineering Tech - Inspections		1_6080 Hwy 10_Cover.pdf	mm	removal plan	page 3 is not the removal plan provide the removal plan	02/05/2019 7:02 AM	Mike McDowall	
1	False	Unresolved	Police		3_6080 Hwy 10_PRP.pdf	PD	Changemark #01	The police department would like to see an emergency access into the development from the north. Possibly a trail with breakaway barriers.	02/04/2019 8:54 AM	Tim Frankfurth	

Partial Review

CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE

DATE	2/25/2019	PROJECT SITE	PID: 35-32-25-31-0034 AND 35-32-25-31-0036
PROJECT TITLE	6080 HIGHWAY 10 SKETCH PLAN REVIEW		
ESCROW #	116168		
DEPARTMENT:	Community Development: Planning Division (Zoning Code)		
TECHNICAL REVIEWER:	Name: Chloe McGuire, City Planner Phone: (763) 433-9821 Email: CMcGuire@ci.ramsey.mn.us		

Sketch Plan Review

We offer the following comments regarding the Sketch Plan for 6080 Highway 10 as it relates to the City's Zoning Code.

Summary:

1. All review and approvals will require/be contingent upon:
 - a. Rezoning and comprehensive plan amendment to rezone the subject property(s) to R-2 Residential (processed with preliminary plat)
 - b. Variance required for cul-de-sac length (processed with preliminary plat)
 - c. Ordinance required for right-of-way vacation (processed with preliminary plat)

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

General: The site is located at PID 35-32-25-31-0034 and PID 35-32-25-31-0036 and is currently vacant. The site is approximately 5.55 acres with .75 acres of right-of-way.

Zoning: PID 35-32-25-31-0034 is currently zoned E-1 Employment District and PID 35-32-25-31-0036 is zoned R-1 MUSA (Detached Single Family Home), and is adjacent to Highway 10, the Mississippi River, another E-1 property, and R-1 MUSA properties. Staff will bring forward a rezoning with the preliminary plat application, and this project is being reviewed under R-1 MUSA regulations.

Critical Area: A small portion of the southwest corner of the Subject Property is located within the Mississippi River Corridor Critical Area (MRCCA). This review will be subject to Section 117-148 regulations.

Setbacks and Dimensional Standards.

R-2 – Detached Villa Regulations	Required	Proposed	Meets Requirement?
Lot Size (see below)	.15 Acres	See below	Yes
Lot Width	50 Feet	50 Feet	Yes

Density	4 – 7 units per acre	To Be Review – Net Buildable Area	To Be Review – Net Buildable Area
Front yard setback	25 feet	25 feet	Yes
Rear yard setback	20 feet	30 feet	Yes
Side yard setback	5 feet	7.5 feet	Yes
Max lot coverage	35%	<24%	Yes

Lot Sizes:

Required (sq ft)	Proposed (sq ft)	Meets Requirement?
6534	8003	Yes
6534	6876	Yes
6534	8237	Yes
6534	14,184	Yes
6534	8503	Yes
6534	7273	Yes
6534	7497	Yes
6534	7444	Yes
6534	7378	Yes
6534	7349	Yes
6534	6647	Yes
6534	10,196	Yes
6534	8062	Yes
6534	8960	Yes

Floodplains: The site is in the Flood Fringe and 500 year floodplain, which do not restrict development.

Wetlands: The site does not appear to have wetlands in the National Wetland Inventory.

Landscaping: See landscape and environmental technical review for specific comments about landscaping and tree removal.

Density Transitioning: As proposed, the development is subject to the density transitioning standards based on the zoning of the adjacent properties.

Full requirements and options can be found in City Code Section 117-110 Residential Development Transitioning

See Landscape Memo.

Streets and Access: The existing cul-de-sac is approximately 560 feet from Tungsten St NW. The additional cul-de-sac is proposed at approximately 400 feet to the middle of the cul-de-sac. The total cul-de-sac could be approximately 950-960 feet.

The applicant has also requested vacation of road right-of-way as part of this project. This will be processed via Ordinance during the preliminary plat application.

Sidewalks: City Code does require sidewalks on at least one side of every public street in new urban subdivisions. However, adjacent neighborhoods lack sidewalks, so a viable connection is a challenge. Staff will forward this request to the Parks and Recreation Commission for recommendation.

Utilities and Municipal Services: All new lots will be serviced with City sewer and water.

Grading and Drainage Plans: See Engineering Comments.

Parks and Trails: Park and Trail fees will be determined with preliminary plat.

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

Development Agreement: An executed Development Agreement will be required prior to releasing the plat for recording. City Staff will need an engineering estimate submitted with the preliminary plat in order to draft the development agreement.

Next Steps:

- If Planning Commission recommends moving forward, preliminary plat submittal
- Requires a landscape and tree preservation plan
- Meet with staff prior to submission to walk through comments on sketch plan

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

DATE	FEBRUARY 25, 2019	PROJECT ADDRESS	6080 HIGHWAY 10
PROJECT. TITLE	6080 HIGHWAY 10		
ESCROW #	116795		
DEPARTMENT:	Community Development: Planning Division (Landscape Plan & Natural Resources)		
TECHNICAL REVIEWER:	Name: Chris Anderson Phone: 763-433-9817 Email: canderson@cityoframsey.com		

We offer the following comments regarding the civil engineering plans prepared by Carlson McCain and dated January 25, 2019:

Sheet 1 (Cover)

- The following data must be identified and labeled on all applicable sheets: Floodway and Flood Fringe district boundaries, Regulatory Flood Protection Elevation (RFPE) (in Minnesota, this is considered the Base Flood Elevation plus any stage increase from Floodway plus 1 foot of bounce), and the elevation of all access roads and driveways (cannot be more than 2 feet lower than the RFPE).
- Under Sheet Index, Sheet L1 (Landscape Plan) is listed. However, there was no Sheet L1 included with the submitted plan set. Note that a Landscape Plan is required and is subject to review and approval by the City.
- Due to the increased density adjacent to an existing residential development, Density Transitioning will be required. Please refer to City Code [Section 117-110](#) for **minimum standards**.

Sheet 2 (Existing Conditions)

- A Tree Inventory and Preservation Plan is required. All significant trees, defined as all oaks and evergreens 4 inches or greater in DBH and all other trees 8 inches or greater in DBH, must be inventoried. The following data shall be provided: species, DBH, condition, status (saved or removed), reason for removal (e.g. storm water pond, trail, general grading, etc.). At least 40% of the significant tree DBH inches must be retained on site or replaced at a 1.25 inch to 1-inch ratio.
- Inventory shall provide a tally of total significant DBH inches on site, a tally of inches removed, and a tally of inches saved.

Sheet 5 (Grading & Erosion Control)

- Tree Save Fencing must be included on this sheet.
- Tree Save Fencing shall be installed at the dripline or beyond of any tree or group of trees being protected.
- Silt Fence shall be installed no closer than 16.5 feet from the normal water level of the stormwater pond and infiltration basin. Existing vegetation within this required setback area shall be left undisturbed throughout grading, construction, and landscaping aspects of the project.

Review File:

6080 Highway 10: Landscaping and Natural Resources

Page 2 of 2

- The lowest floor of all structures in Blocks 2 & 3 must be at or above the RFPE.
- Finished fill elevation shall not be lower than one (1) foot below the RFPE and must extend out at least fifteen (15) feet from each structure.
- Elevation Certificates (as-built elevations) will be required for all new homes on Blocks 2 & 3 to confirm compliance with RFPE. This will be addressed in the Development Agreement.
- If more than 1,000 cubic yards of fill are used within the floodplain for any reason other than elevating a structure to comply with the RFPE, then a Conditional Use Permit will be required. Plan shall note the total proposed fill for the project within the floodplain and shall indicate quantities used to elevate structures separately from any other use of fill.

Sheet 6 (Details)

- Add detail for tree planting.

The City's Environmental Policy Board (EPB) also reviewed the Sketch Plan as it relates to landscaping, tree preservation, and natural resources at their February 25, 2019 meeting. The EPB reiterated the importance of compliance with the density transitioning standards along the western boundaries of Lot 1, Block 1 and Lot 1, Block 2. If landscaping is proposed to satisfy this requirement, it may result in the need to eliminate one or more lots and/or reconfigure the layout to provide the requisite width for plantings. Additionally, the EPB also made the following recommendations:

- A landscape buffer should be added along the northern boundary of Block 1 (including the western boundary of Lot 5, Block 1) to provide some buffering between the existing industrial use(s) and the new lots.
- Explore the potential of relocating the stormwater ponding outside of the Flood Fringe boundary.

Regular Planning Commission

8. 1.

Meeting Date: 03/07/2019

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: 03/01/2019

Reviewed By

Tim Gladhill

Date

03/01/2019 02:03 PM

Started On: 02/28/2019 03:42 PM

Zoning Bulletin

in this issue:

Subdivision—Property owner proposes, and town approves, lot line revisions	1
Proceedings/Jurisdiction—Local environmental groups argue that developer's exemption from state's Highlands Water Protection and Planning Act expired for failure to commence construction within three years of receiving final approvals	3
Referendum—City rejects petitions for referendum of zoning resolutions, finding the resolutions were administrative in nature	4
Exhaustion of Administrative Remedies/Jurisdiction—City argues developer's Land Use Petition Act action should be dismissed for failure to exhaust administrative remedies	6
Zoning News from Around the Nation	8

Subdivision—Property owner proposes, and town approves, lot line revisions

Abutting neighbor argues lot line revisions constitute a subdivision with resultant lots too small to satisfy the minimum lot area requirements for lots created by subdivision

Citation: *Cady v. Zoning Board of Appeals of Town of Burlington*, 330 Conn. 502, 196 A.3d 315 (2018)

CONNECTICUT (12/11/18)—This case addressed the issue of whether a landowner's proposed map of his property that included revised boundary lines between adjacent lots constituted a subdivision.

The Background/Facts: In 2013, GM Retirement, LLC ("GM") purchased a lot (the "Claire Hill Lot") in the Town of Burlington (the "Town"). In 2014, GM purchased two more lots (the "Wark and Legowski Lots"), which were adjacent to the Claire Hill Lot. In 1959, those three lots had been four lots, which were affected when the state widened a bordering road. The state road project made one of those four lots non-conforming in size, leaving three conforming lots. In 1986, the non-conforming lot was combined with the Claire Hill Lot. Thus, as of 2014, GM's property consisted of three lots, totaling 1.63 acres.

After GM's purchase of the lots, GM submitted to the Town zoning enforcement officer (the "ZO") for approval a map of the three lots with revised property boundaries. GM proposed lot line revisions which reconfigured the three lots on its property. The ZO determined that there had been three preexisting lots which could be "reconfigured as needed to comply with current minimum bulk requirements of the R-15 zoning district for purposes of lot improvement and that no subdivision was required in order to proceed to do so." The ZO also concluded that the lot line revision map, reconfiguring the lots into conforming R-15 zone lots, permitted development.

GM's abutting neighbor, Bruce A. Cady ("Cady") appealed the ZO's decision to the Town's Zoning Board of Appeals ("ZBA"). The ZBA denied the appeal and upheld the ZO's decision.

Cady then appealed to the trial court. Among other things, Cady argued

that “the proposed realignment of boundary lines for the three lots constituted a subdivision under [Conn. Gen. Stat.] § 8-18 and that the resultant lots were too small to satisfy the minimum lot area requirements for lots created by subdivision after October 1, 1983.” Section IV.B.5 of the Town’s Zoning Regulations—which were adopted on October 1, 1983—required a minimum lot area of 43,560 square feet for “any lot created by subdivision and recorded after October 1, 1983,” and a minimum lot area of 15,000 square feet for any “lot in existence as of October 1, 1983.” The sizes of GM’s reconfigured lots were 30,261 square feet, 16,866 square feet, and 24,057 square feet.

The trial court agreed with Cady and reversed the decision of the ZBA. The trial court determined that GM’s proposed lot line revision did constitute a subdivision because “any change other than a ‘minor lot line adjust-

ment . . . whereby no new lot is created’ constitutes a subdivision.” More specifically, the trial court concluded that, here, the change proposed by GM was not a “minor lot line adjustment but was a subdivision” because a new lot was created and that lot failed to meet the greater area requirements of the Town’s Zoning Regulations.

GM appealed. Among other things, on appeal, GM argued that its revisions of the lot lines did not constitute a “subdivision,” and thus, the Town Zoning Regulation requiring a minimum lot area for certain construction did not apply to the proposed lots.

DECISION: Judgment of Superior Court reversed, and matter remanded with instructions.

Agreeing with GM, the Supreme Court of Connecticut concluded that substantial evidence supported the ZBA’s determination that GM’s lot line revisions did not constitute a subdivision.

In so concluding, the court looked to the statutory definition of “subdivision” found in Conn. Gen. Stat. § 8-18. The statute defines “subdivision” as “the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations . . . for the purpose . . . of sale or building development” (Conn. Gen. L. § 8-18.) Based on that definition, the court explained that in order to constitute a subdivision, two requirements must be met: “(1) [t]he division of a tract or parcel of land into three or more parts or lots, and (2) for the purpose, whether immediate or future, of sale or building development.” With that definition of “subdivision” in mind, the court found that GM’s line revision here did not constitute a subdivision “because one lot was not divided into three.” The court found that the evidence showed that “three conforming lots simply were reconfigured into three differently shaped, yet still conforming, lots.”

The court further concluded that because GM’s lots were in existence prior to the adoption of the Town’s Zoning Regulations, the proposed lots met the minimum size requirements of the R-15 zone.

See also: *McCraan v. Town Plan and Zoning Commission of Town of Bloomfield*, 161 Conn. 65, 282 A.2d 900 (1971).

Case Note:

In its decision, the appellate court addressed the trial court’s determination that GM’s revised lot lines constituted a subdivision because it was more than a “minor lot adjustment.” The appellate court noted that nothing in the language of § 8-18 indicated that the determination of whether a particular proposal constitutes a subdivision “depends on the degree of the lot line adjustment.” “Indeed, § 8-18 does not address a lot line adjustment or the size of an adjustment at all; instead, it addresses ‘the division of a tract or parcel of land’ ” said the court. Similarly, the court

Contributors

Corey E. Burnham-Howard

For authorization to photocopy, please contact the **West’s Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400; fax (978) 646-8600 or **West’s Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, fax (651) 687-7551. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

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



610 Opperman Drive
 P.O. Box 64526
 St. Paul, MN 55164-0526
 1-800-229-2084
 email: west.customerservice@thomsonreuters.com
 ISSN 0514-7905
 ©2019 Thomson Reuters
 All Rights Reserved
 Quinlan™ is a Thomson Reuters brand

noted that, under § 8-18 “subdivision” definition, “division of a tract or parcel of land into three or more parts or lots” demonstrates that the creation of one new lot does not constitute a subdivision. Accordingly, the appellate court concluded that the plain language of § 8-18 did not support the interpretation of the statute adopted by the trial court.

Proceedings/ Jurisdiction—Local environmental groups argue that developer’s exemption from state’s Highlands Water Protection and Planning Act expired for failure to commence construction within three years of receiving final approvals

Developer and state Department of Environmental Protection contend exemption did not expire because conditions in planning board’s final approval requiring additional approvals remained unsatisfied

Citation: N.J. Highlands Coalition v. New Jersey Department of Environmental Protection, 2018 WL 6539897 (N.J. 2018)

NEW JERSEY (12/13/18)—This case addressed the issue of whether Exemption 17—an exemption from New Jersey’s Highlands Water Protection and Planning Act for the construction of affordable housing projects—had expired for failure to commence construction within three years after receiving all final approvals required pursuant to New Jersey’s Municipal Land Use Law. Specifically, the case addressed the meaning of “all final approvals” under the Highlands Water Protection and Planning Act.

The Background/Facts: Bi-County Development Corporation (“BDC”) owned property in the Borough of Oakland (the “Borough”). BDC sought to develop its property as an affordable housing project. In furtherance of the development project, BDC sought and

obtained both preliminary and final site plan approval from the Borough’s Planning Board (the “Board”). Notably, that approval came with 57 conditions.

As an affordable housing project, BDC’s development project was eligible to qualify for exemption from New Jersey’s Highlands Water Protection and Planning Act (the “Highlands Act” or the “Act”). Pursuant to Exemption 17 of the Act, development projects that meet certain, specified criteria are exempt from the Act’s requirements. The exemption, however, “shall expire if construction beyond site preparation does not commence within three years after receiving all final approvals required pursuant to the ‘Municipal Land Use Law’ [the ‘MLUL’]” (N.J. Stat. Ann. §§ 13:20-28(a)(17), 40:55D-4.) BDC’s project qualified for Exemption 17.

Eventually, N.J. Highlands Coalition and the Sierra Club, NJ (the “Petitioners”) petitioned the State Department of Environmental Protection (“DEP”), arguing that Exemption 17 had expired for BDC because construction of BDC’s project failed to commence within three years after receiving all final approvals required pursuant to the MLUL.

The DEP concluded that BDC’s project could proceed under Exemption 17 because its qualifications had not expired. In so concluding, the DEP noted that several of the 57 conditions associated with the final site plan approval remained unsatisfied. Two of those unsatisfied conditions required BDC to obtain additional approvals from the Board and from DEP. Accordingly, the DEP determined that the Board’s preliminary and site plan approvals were “not a ‘final approval’” in reasoning that BDC had not obtained “all final approvals required pursuant to the MLUL” as Exemption 17 prescribed.

The Petitioners appealed. The Superior Court, Appellate Division, affirmed the DEP’s determination.

The Petitioners again appealed. On appeal, the Petitioners argued that Exemption 17 incorporated the MLUL definition of “final approval.” That definition provides that “final approval” “means the official action of the planning board taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.” (N.J.S.A. 40:55D-4.)

The DEP and BDC responded, arguing that this case did not involve an interpretation of the MLUL but instead involved an interpretation of the phrase “all final approvals required” contained in Exemption 17 of the Highlands Act.

DECISION: Judgment of the Superior Court, Appellate Division, affirmed.

The Supreme Court of New Jersey affirmed the deci-

sion of the DEP and the Appellate Division that BDC's project could proceed under Exemption 17 because its qualification had not expired.

In so affirming, the court emphasized that "the operative phrase to be applied" when examining whether Exemption 17 had expired for BDC's development project was the phrase "all final approvals" in the Highlands Act. The court noted that phrase used the plural form when referencing "approvals." The court found evidence that the Legislature intended there to be "not just one 'final approval' for purposes of Exemption 17" in its addition of the word "all" in the phrase, to underscore that point. Rejecting Petitioner's argument, the court noted that Exemption 17 had a "distinctly different language" than the singular "final approval" in the MLUL, and concluded that the legislative intent was not to import the MLUL definition of "final approval."

With this interpretation of the language, the court affirmed the determinations of the DEP and Appellate Division that because two conditions of the Board's final site plan approval required additional approvals that were not yet satisfied, "all final approvals" had not yet been met so as to trigger the three-year limitations period for Exemption 17 application to BDC's development project. Accordingly, the court affirmed that Exemption 17 had not expired here.

Case Note:

In its decision, the Supreme Court of New Jersey emphasized that its interpretation of the Highlands Act's language "should not be exported to MLUL controversies." The court said that its finding of a clear distinction between the Highlands Act's language of "all final approvals" and the MLUL's language of "final approval" "should prevent this decision from having an impact on application of the defined term 'final approval,' in the MLUL context." To be clear, the court further stated: "We make no findings about the finality of approval for purposes of the MLUL when conditions are imposed on a project by a planning board."

Referendum—City rejects petitions for referendum of zoning resolutions, finding the resolutions were administrative in nature

Petitioners argue the resolutions were legislative in nature and therefore referable

Citation: *Baker v. Carlson*, 2018 UT 59, 2018 WL 6239919 (Utah 2018)

UTAH (11/28/18)—This case addressed the issue of whether resolutions approving a developer's proposal to amend a site development master plan and approving a developer's proposal to amend an agreement for development of land were referable such that referendums on the resolutions could be placed on the ballot.

The Background/Facts: In the mid-2000s, the Cottonwood Mall in the City of Holladay (the "City") closed. In 2007, the owner of the Cottonwood Mall site (the "Site"), Cottonwood Mall, LLC ("CM"), asked the City to rezone the Site to permit mixed uses. The City then approved the creation of a new zoning district for the Site—a Regional/Mixed-Use ("R/M-U") zone. The City also developed regulations related to development in an R/M-U zone. Under those regulations, any developer wishing to build in an R/M-U zone was required to submit a site development master plan ("SDMP") to the City for approval. The SDMP would control the development of all property within an R/M-U zone and was meant to serve as a guide for the overall development of the entire site (similar to a City's general plan for a community). The City regulations also required that, once an SDMP was approved, the City and developer must enter into an Agreement for the Development of Land ("ADL"), which would grant specific rights pursuant to the SDMP and address additional development-related issues.

Under that framework, CM submitted and the City approved an SDMP (the 2007 SDMP) and an ADL (the 2008 ADL). However, CM ultimately abandoned the project. Then, in 2016, CM began negotiating with Ivory Development, LLC ("Ivory") for purchase of the Site and CM's rights in the redevelopment project. Ivory proposed to the City amendments to the SDMP and the ADL. In May 2018, the City passed Resolutions 2018-16 and 2018-17, which, respectively, approved Ivory's amended SDMP (the "2018 SDMP") and Ivory's amended ADL (the "2018 ADL").

A group of citizens from the City (the “Petitioners”) petitioned to subject the Resolutions to a public vote by referendum. Upon receiving their petitions, the City determined that the Resolutions were administrative in nature and therefore not referable. The City declined to place the referenda on the ballot.

The Petitioners then initiated a judicial action. They asked the district court to order: (1) that the Resolutions were legislative in nature and therefore referable; and (2) the City to place the referenda regarding the Resolutions on the ballot.

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the district court held that: (1) Petitioners were entitled to summary judgment as to the claims related to Resolution 2018-16 (approval of the 2018 SDMP) because Resolution 2018-16 was legislative in nature and therefore referable; and (2) Ivory and the City were entitled to summary judgment as to the claims related to Resolution 2018-17 (approval of the 2018 ADL) because Resolution 2018-17 was administrative in nature and therefore not referable. Accordingly, the district court ordered that the City place the referendum petition on Resolution 2018-16 on the ballot, putting the City’s approval of the 2018 SDMP to a public vote.

All parties appealed.

DECISION: Judgment of Third District Court affirmed.

Agreeing with the district court, the Supreme Court of Utah held that Resolution 2018-16 (approval of the 2018 SDMP) was referable because it was legislative in nature, and Resolution 2018-17 was not referable because it was administrative in nature.

In so holding, the court explained that, in determining whether a municipality’s action is legislative or administrative in nature, the court looks to whether the action has “two ‘key hallmarks’ of legislative power”: (1) it involves the “promulgation of laws of general applicability”; and (2) it is “based on the weighing of broad, competing policy considerations.” In comparison, the court noted that an “administrative power” would involve “applying the law to particular individuals or groups based on individual facts and circumstances.”

Here, the court concluded that the City was exercising its legislative powers when it approved Resolution 2018-16 because the 2018 SDMP “promulgated a law of general applicability and its approval required the weighing of broad, competing policy considerations.” Even though the site-specific rezoning here only affected one piece of property, the court found it was “generally applicable because all present and future owners of the [S]ite would be bound by the decision to rezone the property.” Similarly, the court found that the 2018 SDMP applied to “all parties, present and future, that meet its terms by executing a corresponding ADL

with the City.” Moreover, the court found that in issuing Resolution 2018-16, approving the 2018 SDMP, the City “considered broad, competing policy considerations” including “everything from traffic impact in the area surrounding the Site to the City’s economic stability as a whole.”

The court also concluded that the City was exercising its administrative powers when it approved Resolution 2018-17 because the 2018 ADL “applie[d] only to the contracting parties and its approval involved the application of law to specific facts.” The court found that the 2018 ADL was not generally applicable, but rather had “very limited and specific applicability in that it applie[d] only to those parties that negotiated its terms.” Moreover, the court found that in approving Resolution 2018-17, the City did not weigh broad, competing policy considerations, but rather applied the 2018 SDMP to the specific circumstances of the parties negotiating the 2018 ADL.

See also: *Carter v. Lehi City*, 2012 UT 2, 269 P.3d 141 (Utah 2012).

Case Note:

In reaching its conclusion regarding the legislative nature of the SDMP, the court emphasized that it did “not mean to suggest that every site development plan approved pursuant to a zoning ordinance will be legislative in nature.” Rather, the nature of a site development plan depends entirely on how the municipality reaches its decision, said the court. An “open-ended” municipal decision made without reference to “fixed criteria” may be legislative, while a municipal decision involving “application of existing law to the facts presented by an individual applicant” or that is “limited to the evaluation of specific criteria fixed by law” would be administrative, said the court.

Exhaustion of Administrative Remedies/Jurisdiction—City argues developer’s Land Use Petition Act action should be dismissed for failure to exhaust administrative remedies

Developer maintains it did exhaust administrative remedies before bringing judicial action

Citation: *Aho Construction I, Inc. v. City of Moxee*, 430 P.3d 1131 (Wash. Ct. App. Div. 3 2018)

WASHINGTON (12/06/18)—This case addressed the issue of whether an applicant seeking rezone and subdivision of property took steps necessary to exhaust administrative remedies as required before it could bring a Land Use Petition Act action in court. More accurately, as described by the court, this case addressed the issue of “how loud, listing, learned, legally lucid, and longwinded a party’s presentation of an issue or legal argument must be before an administrative agency in order to exhaust remedies.”

The Background/Facts: Aho Construction I, Inc. (“Aho”) owned a 22-acre tract of property (the “Property”) in an R-1 single-family zone in the City of Moxee (the “City”). Aho sought to rezone and subdivide the Property. Aho submitted applications to the City to rezone and subdivide the Property. Pursuant to Washington’s State Environmental Policy Act of 1971, chapter 43.21C RCW (“SEPA”), Aho also filed an environmental checklist with the City. It also submitted to the City a preliminary plat for approval. Of importance here, Aho’s proposed plat map did not extend an existing City street, Chelan Avenue, through the proposed subdivision.

The City conducted a review of the preliminary plat application under SEPA and issued a preliminary mitigated determination of nonsignificance (“MDNS”). The preliminary MDNS was issued for “purposes of additional comments from the public, government entities, and Aho.” The preliminary MDNS required Aho implement various mitigation measures, including extending Chelan Avenue across the entirety of the subdivision.

Aho requested from the City relief from the mitiga-

tion requirement of extending Chelan Avenue. Along with that request, Aho forwarded to the City a report by Aho’s engineer, which disputed the need to extend Chelan Avenue. Aho’s general counsel also wrote City officials, complaining about the lack of justification for extending Chelan Avenue across the plat.

Despite those requests, when the City issued its final MDNS, it retained the condition to the subdivision plat approval that Aho extend Chelan Avenue across the entire plant.

Aho appealed to a City hearing examiner the City’s final SEPA MDNS, as well as the condition of the grant of the rezone and the subdivision plat approval on extending Chelan Avenue. Before the hearing examiner, Aho representatives argued about the “propriety of conditioning approval of the project on the extension of Chelan Avenue.”

Eventually, the hearing examiner reversed the City’s MDNS condition of extension of Chelan Avenue in that the avenue lacked an environmental impact. However, the hearing examiner upheld the condition of extension of Chelan Avenue on other grounds when reviewing the rezone application approval and the preliminary plat approval.

Neither Aho nor the City appealed the hearing examiner’s SEPA determination. Pursuant to the City’s Municipal Code (the “Code”), the City Council automatically conducted a closed record hearing to consider the hearing examiner’s recommendations with regard to the conditions imposed on the rezone application and the preliminary plat. Aho’s representatives appeared and made objections at that City Council hearing.

The City Council voted to approve the hearing examiner’s recommendation to require extension of Chelan Avenue as part of the rezone application and the preliminary plat application approval.

Subsequently, Aho filed suit against the City in superior court. Among other things, Aho brought a petition under Washington’s Land Use Petition Act (“LUPA”) (RCW chapter 36.70C). In its LUPA claim, Aho contended that the City “adopted erroneous interpretations of the law and violated Aho’s constitutional right against the taking of its property without just compensation.” Aho also argued that the requirement of extending Chelan Avenue across the proposed subdivision constituted “an unreasonable exaction that lacks proportionality to the impact of [the] proposed [subdivision] and that fails an essential nexus between a legitimate state interest and the exaction imposed.”

The City filed a motion to dismiss, asking the court to dismiss Aho’s causes of action based on an argument that Aho failed to exhaust its administrative remedies before bringing the judicial action. More specifically, the City argued that Aho had failed to raise before the City Council the arguments that it was now making in court.

RCW 36.70C.060 addresses standing under LUPA and incorporates an exhaustion of remedies requirement for standing. The statute declares that standing to bring a land use petition under LUPA is limited to petitioners who have exhausted their administrative remedies “to the extent required by law.” Thus, under LUPA, a superior court lacks jurisdiction over a LUPA petition if the petitioner has failed to exhaust his or her administrative remedies.

Here, the superior court agreed with the City that Aho had failed to exhaust its administrative remedies, necessitating dismissal of its land use petition under LUPA.

Aho appealed.

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

The Court of Appeals of Washington, Division 3, held that Aho took the steps necessary to exhaust its administrative remedies and advance its position before the City Council such that it could bring a LUPA action against the City in superior court.

In so holding, the court noted that Washington’s Administrative Procedure Act (RCW 34.05.554(1)) also requires exhaustion of remedies before challenging agency action in superior court. The court noted that the “same exhaustion principles” are applied “regardless of whether the exhaustion requirement arises from the Administrative Procedure Act, LUPA, or some other source.” The court further explained that in order for a litigant (such as Aho, here) to establish exhaustion of administrative remedies, the litigant must first raise the appropriate issues before the agency. Thus, here, the court had to determine whether Aho apprised the City Council of the issues Aho then sought to litigate in its LUPA action.

The court explained that “[i]n order for an issue to be properly raised before an administrative agency, there must be more than simply a hint or a slight reference to the issue in the record.” The court thus concluded that “the Washington test for exhaustion of remedies imposes a minimal burden on the challenger of the administrative agency action,” that cannot be mathematically measured. Still, the court listed factors “germane to determining sufficiency of exhaustion,” which include (but are not limited to):

the number of sentences devoted to an issue in any written brief given to the administrative agency; the amount of language devoted to the argument compared to the amount of language devoted to other arguments; the clarity of the presentation before the administrative agency; citations to statutes and case law and the accuracy of the citations; if the party asserts numerous issues in a brief, whether the issue on appeal was separated in the brief or introduced with a heading; and whether the challenger’s presentation to the administrative agency applied facts to the law.

Analyzing those factors to the evidence here, the court found that Aho “repeatedly asserted to the [C]ity

that the [C]ity’s demand for an extension of Chelan Avenue lacked proportionality and a nexus to a public interest and constituted a taking of property without just compensation.” The court noted that Aho did this in its submission to the City of: (a) its engineer’s report disputing the need to extend Chelan Avenue; (b) its general counsel’s letter to City officials complaining about the lack of justification for extending Chelan Avenue; and (c) its arguments before the hearing examiner concerning the propriety of condition approval of the project on the extension of Chelan Avenue.

The City argued, however, that Aho failed to exhaust administrative remedies before the City Council because it failed to specifically raise the Chelan Avenue extension issue before it. The court rejected this argument, holding that “[n]evertheless, exhaustion of remedies before the hearing examiner should extend to exhaustion of remedies before the [C]ity [C]ouncil since the [C]ity [C]ouncil merely reviewed the hearing examiner’s record and decision in a closed record meeting.” “If the [C]ity [C]ouncil did not understand that it was reviewing Aho’s arguments of a missing nexus, a lack of proportionality, and a taking, one wonders what the [C]ity [C]ouncil believed itself to be reviewing,” noted the court. The court concluded that “[n]otice to the [C]ity [C]ouncil of those issues by the hearing examiner’s record fulfill[ed] the purpose of the doctrine of exhaustion of remedies.”

Accordingly, the court reversed the dismissal of Aho’s LUPA petition, and remanded the proceedings.

See also: *King County v. Washington State Boundary Review Bd. for King County*, 122 Wash. 2d 648, 860 P.2d 1024 (1993).

See also: *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wash. 2d 861, 947 P.2d 1208 (1997).

See also: *Wells v. Western Washington Growth Management Hearings Bd.*, 100 Wash. App. 657, 997 P.2d 405 (Div. 1 2000).

See also: *Kitsap Alliance of Property Owners v. Central Puget Sound Growth Management Hearings Bd.*, 160 Wash. App. 250, 255 P.3d 696 (Div. 2 2011).

See also: *Washington Attorney General’s Office, Public Counsel Unit v. Washington Utilities and Transportation Commission*, 4 Wash. App. 2d 657, 423 P.3d 861 (Div. 2 2018).

Case Note:

In its decision, the court also concluded that, “[b]ased on Washington case law . . . if a party fails to cite a statute or ordinance before the administrative agency, the party may not rely on the statute or ordinance in the superior court suit challenging the agency action.” The party, however, may still rely on other statutes or constitutional clauses, said the court.

Zoning News from Around the Nation

NEW YORK

The Woodstock Town Board has drafted a “series of regulations” governing short-term rentals. Among other things, the proposed regulations would prohibit short-term rentals in multi-family dwellings of three or more units. They would also require annual fire and safety inspections in all registered short-term rentals. And, they would allow non-owner-occupied short-term rentals, limited to one unit per owner and 180 days per year. The regulations now await Town Planning Board review.

Source: *Hudson Valley One*; <https://hudsonvalleyone.com>

OKLAHOMA

In early December 2018, State Sen. Roger Thompson

filed a bill that would give counties more authority over land use. More specifically, Senate Bill 10 would allow county commissioners to “create boards of adjustment with a resolution.” Those boards of adjustment could then adopt zoning regulations.

Source: *The Journal Record*; <http://journalrecord.com>

PENNSYLVANIA

Dallas Township supervisors recently approved a new zoning law that “limits where natural gas companies can operate and requires them to appear at public hearings prior to getting approval for any work.” The new zoning law reportedly shrinks to less than 20% the area of land in the township classified for natural gas operations.

Source: *The Citizens Voice*; www.citizensvoice.com