

City of Ramsey
Agenda
Regular Planning Commission
Thursday, November 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. Consent Agenda**
 1. Approve the October 3, 2019 Planning Commission Meeting Minutes.
- 6. Public Hearing**
 1. PUBLIC HEARING: Consider Resolution #19-252 Denying a Home Occupation Permit for Garbage Hauling Company at 17030 Baugh St NW; Case of Allen and Joyce Birchem/Birchem Sanitation (Project #19-141)
- 7. Commission Business**
 1. Review Sketch Plan for Odyssey Homes Townhomes on Nowthen Blvd and 146th Avenue
- 8. Commission/Staff Input**
- 9. Adjournment**

Regular Planning Commission

5. 1.

Meeting Date: 11/07/2019

By: JoAnn Shaw, Community Development

Information

Title:

Approve the October 3, 2019 Planning Commission Meeting Minutes.

Purpose/Background:

n/a

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

[10 03 19 Minutes](#)

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 10/31/2019

Reviewed By

Tim Gladhill

Date

10/31/2019 10:51 AM

Started On: 10/28/2019 09:20 AM

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, October 3, 2019, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

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

1. CALL TO ORDER

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

2. CITIZEN INPUT

Commissioner VanScoy stated that he would like to comment as a citizen. He noted that in early September there was a windstorm and one of the boulevard trees on his property was damaged. He stated that he contacted the City and the City staff responded quickly to remove that tree and plant seed once the stump was removed. He commended the public works staff for their excellent and responsive work.

3. APPROVAL OF AGENDA

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

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated September 5, 2019

Motion by Commissioner Gengler, seconded by Commissioner Johnson, to approve the following minutes as presented: Planning Commission Meeting Minutes dated September 5, 2019.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

None.

6. COMMISSION BUSINESS

6.01: Review Sketch Plan for DC Ramsey, LLC Townhomes

Presentation

City Planner Anderson presented the Staff Report and stated that staff recommends that the applicant move forward with preparing a preliminary plat for review. The proposal generally meets all requirements of the R-2 District.

Commission Business

Commissioner VanScoy referenced the site plan and asked for clarification on the location of the wetland and how that would impact the development.

City Planner Anderson identified the location of the wetland, noting that part of the project would require a wetland delineation that would define the boundaries. He commented that the eastern half of the parcel would be unbuildable which provides its own density transitioning to the adjacent residential parcels.

Commissioner VanScoy asked if there would be remaining outlot to the east of the wetland.

City Planner Anderson confirmed there is upland buildable area to the east of the wetland but noted that there would be no building or structures on that area and the proposed use would instead be a ponding facility.

Chair Bauer referenced the development to the north and asked if that development has been completed or whether additional homes would be constructed closer to this parcel.

City Planner Anderson replied that many of those homes are set further north because of wetland locations. He noted that there is a potential for detached accessory structures on a few of the parcels.

Chair Bauer noted that given the distance between the property line and structures, he could see justification to reduce the 40-foot setback.

Community Development Director Gladhill stated that there is a desire to extend Center Street through that area to provide a connection through the neighborhood. He stated that there has been discussion in the past to extend Variolite south and therefore there is a desire to obtain right-of-way in the area.

Erin Carlson, representing the applicant, stated that they are very excited to begin this project and appreciates the positive comments thus far. She provided updated renderings of the elevations. She referenced the issue of landscaping along the buffering area and noted that they would work with staff to find appropriate landscaping. She stated that the focus for this development is sustainability and they will attempt to avoid disturbing natural areas and use natural plantings.

Chair Bauer asked if there is a desired timeline for the project.

Ms. Carlson replied that they would be attempting to begin construction in the spring.

Commissioner Anderson asked the proposed exterior materials.

Ms. Carlson reviewed the mix of exterior materials that would be proposed.

Commissioner Peters referenced the lots that would backup to 147th and asked if the backs of those yards would be fenced.

Ms. Carlson replied that those lots would not be fenced.

Commissioner Peters asked if there would be a homeowner's association that would require specific types of fencing material.

Ms. Carlson replied that their intention would be to have no fencing as this would be a CIC, where the homeowner will own their home but the homeowner's association would maintain all the green areas and common areas.

Commissioner VanScoy stated that typically he would expect to see sidewalks in a development and asked if this development would have that amenity.

Ms. Carlson replied that there would not be sidewalks.

Community Development Director Gladhill explained that the roadway would be a private drive and therefore the City does not always require sidewalks. He stated that there is a preexisting sidewalk along 147th.

Commissioner Peters asked the numbers of cars that driveways would accommodate as there would be no parking allowed on the street.

Ms. Carlson replied that the driveways would accommodate two vehicles in addition to the two car garages.

George Bedor, 14684 Helium Street, stated that this development would abut his home. He commented that these homes would be a higher density than his neighborhood and was unsure that this would be the right location for a higher density housing product. He did not believe that this would transition well to the adjacent single-family neighborhood.

Community Development Director Gladhill stated that staff will work with the resident to ensure that this is the right project and not the project that had been noticed but was not included on tonight's agenda.

Commissioner Anderson stated that after reviewing the sketch plan, he may have an issue with lot one as that looks very close to the wetland. He wanted to ensure that sufficient buffering was provided between the lot and the wetland. He stated that there will need to be buffering of trees and shrubs between the development and existing single-family home development.

Ms. Carlson stated that they would be proposing an average buffering for the wetland.

Commissioner Anderson commented that there may be an issue with that lot and recommended that the applicant work with staff.

Community Development Director Gladhill stated that staff will help the applicant work through that issue, noting that this is a challenging site because of lot lines and the wetland complex.

Commissioner Gengler asked for details on the backs of the homes.

Ms. Carlson provided rear elevations, noting that they are still working to provide additional variation on the backs of the homes that will abut 147th.

Commissioner VanScoy stated that he does not have an issue with the buffering between this development and adjacent neighborhood as proposed.

Chair Bauer asked if there is a similar development in this area that uses modular homes.

Ms. Carlson commented that there is not a development in this area, noting the closest would be in the Detroit Lakes area.

Community Development Director Gladhill noted that there is a manufactured home ordinance and noted that the intent is that a passerby would not be able to tell the difference.

Ms. Carlson noted that there would be a reduced construction time with the use of the homes that are constructed offsite.

Commissioner VanScoy asked the reasoning between using the slabs and block wall basement.

Ms. Carlson replied that cost would be the difference. She noted that they are attempting to keep the home prices under \$300,000 to hit a very underserved market. She stated that the price for single-family homes continues to rise and this will provide an opportunity for more affordable three-bedroom homes.

Community Development Director Gladhill noted that throughout the recent Comprehensive Plan process there have been a lot of requests for slab on grade one level living.

6.02: Consider Site Selection Option for New Salon Concept

Presentation

Community Development Director Gladhill presented the Staff Report and stated that staff believes this is a worthy project for this parcel and is generally comfortable with either alternative site selection. The intent for this discussion is high level, whether the Commission desires the project to move forward and whether this is a preferred site location.

Commission Business

Commissioner VanScoy asked the if EDA indicated a preference for the hotel location.

Community Development Director Gladhill noted that the EDA discussion was similar to that of the Planning Commission in that there was not a strong preference for either location as the use seemed to fit on either side of the parcel.

Commissioner VanScoy commented that he believed that either site would work for the business. He noted that he spoke with the daycare in regard to the comments related to pickup and drop-off and potential conflicts with the adjacent use. He asked that the EDA consider those pickup and drop-off windows.

Commissioner Anderson commented that he would prefer the salon to be on the corner, as there would be more traffic coming and going from the salon compared to the hotel, and for the hotel to be in the middle.

Community Development Director Gladhill confirmed the consensus of the Commission that this should continue forward with purchase agreement discussions.

7. COMMISSION / STAFF INPUT

7.01: Receive Staff Update

The Staff Update was noted.

Community Development Director Gladhill stated that the newer website is being used more to provide development updates.

Commissioner Johnson asked for details on the sign updates on Highway 10.

Community Development Director Gladhill confirmed that there are two community signs that are being rehabbed and provided an update.

8. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 7:40 p.m.

Respectfully submitted,

Tim Gladhill
Community Development Director

ATTEST:

JoAnn Shaw
Community Development Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

6. 1.

Meeting Date: 11/07/2019

By: Chloe McGuire Brigl, Community
Development

Information

Title:

PUBLIC HEARING: Consider Resolution #19-252 Denying a Home Occupation Permit for Garbage Hauling Company at 17030 Baugh St NW; Case of Allen and Joyce Birchem/Birchem Sanitation (Project #19-141)

Purpose/Background:

The purpose of this case is to consider an application for a Home Occupation Permit to run a garbage hauling company at 17030 Baugh St NW (the "Subject Property"), including a home office, indoor storage and outdoor storage of related items. The Applicants, Allen and Joyce Birchem, applied for the Home Occupation Permit (HOP) recently after staff discovered the business through the code enforcement program.

Notification:

Notifications of this proposal were sent via Standard US Mail to Property Owners within 350 feet of the Subject Property, as reflected by Anoka County Property Records. A notice was also published in the Anoka Union Herald, the City's Official newspaper.

Observations/Alternatives:

General

The Subject Property is located at 17030 Baugh St NW. The Subject Property is zoned R-1 Residential (Rural Developing) and is approximately 1.6 acres in size. All surrounding properties are zoned the same.

Summary of Request

The Applicants seek permission to continue to operate a waste collection business from the Subject Property. On site business operations include: bookkeeping, accounting, billing, as well as providing parking space for 2-5 waste hauling trucks (2 of which are used for waste hauling), the storage of approximately fifty (50) residential waste containers, and five (5) larger commercial waste dumpsters. Waste collection services occur in Sherburne and Wright Counties, with disposal of the collected waste occurring at a waste management facility in Sherburne County. The trucks are cleaned and maintained at this waste management facility. No waste is taken to the Subject Property.

Hours of Operation (Proposed)

The hours of operation begin at 8:00 am (trucks leave the Subject Property) and end at 4:30 pm (trucks return to the Subject Property), Monday through Wednesday. This schedule is consistent barring schedule changes related to holidays or inclement weather.

Outdoor Storage

The request includes continuing the operation as-is, which includes the storage of:

- ~50 residential waste containers (large curb-side garbage cans)
- ~2 - 5 waste hauling trucks (garbage trucks, some kept onsite for parts for running trucks)
- ~5 waste dumpsters (large, e.g. dropped off for construction projects)

Photos of the proposed items to remain onsite are attached to this case, as well as photos of the site today.

Code Enforcement

Staff became aware of the home-based business through the City's Code Enforcement Program. The Subject

Property has significant storage of items related to the business, including the storage listed above as well as off-street parking violations and nuisance violations. Staff has received complaints related to the parking on the grass, number of items stored outside, vermin onsite (rats, mice, etc.), and inoperable vehicles. Staff does not feel that allowing the business to operate as-is would serve the community.

Permits

The Applicants have stated they have permits with Wright and Sherburne County but do not have a permit with Anoka County. Anoka County has stated a permit would be required. The Applicants have never received a business license from the City.

History

The Applicant and their attorney has stated that the business has operated onsite for approximately 37 years. The City Code has had nuisance violations outlined in the City Code since the City's incorporation, prior to 37 years ago. While the Business may have been operating for some years, it has not been operating as a permitted business by the City, nor has Staff been aware of the business until 2019. Additional information from the Applicant's attorney is attached.

Funding Source:

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

Recommendation:

Staff recommends denying the request for a Home Occupation Permit for a Garbage Hauling Company at 17030 Baugh St NW.

This would be consistent with other recent home occupation denials in similar residential settings. There is no lawful, nonconforming protection for this use.

Action:

Motion to Recommend tht the City Council adopt Resolution #19-252 denying a Home Occupation Permit for a Garbage Hauling Company at 17030 Baugh St NW.

Attachments

Site Location

Aerial Photos

July 2019 Photos

Road View Photos

Application and Letter from Attorney

Resolution #19-252

Form Review

Inbox

Chris Anderson

Tim Gladhill

Form Started By: Chloe McGuire Brigl

Final Approval Date: 10/31/2019

Reviewed By

Chris Anderson

Tim Gladhill

Date

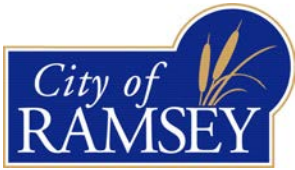
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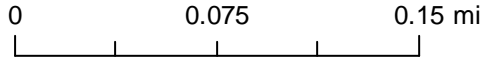


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, LOGIS

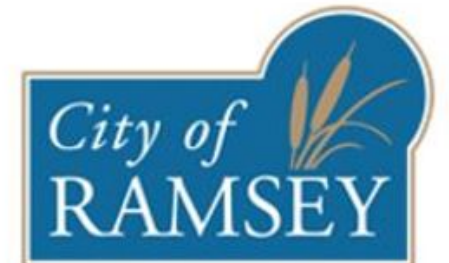


Site Location Map

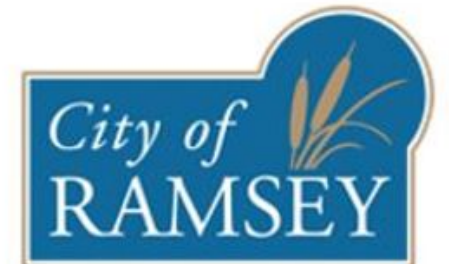
- Legend**
- Site
 - Parcels



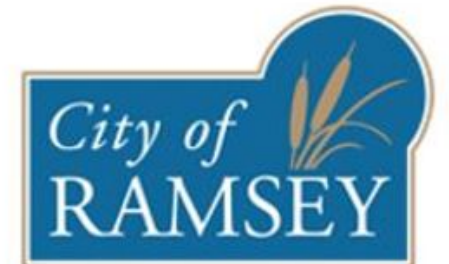
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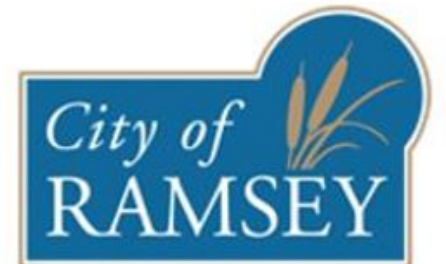
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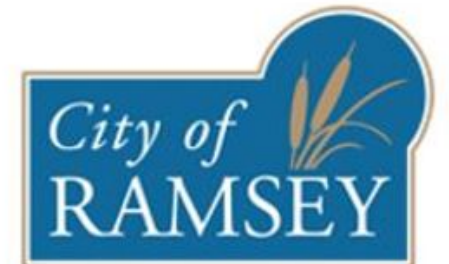
BIRCHEM SANITATION



BIRCHEM SANITATION



BIRCHEM SANITATION





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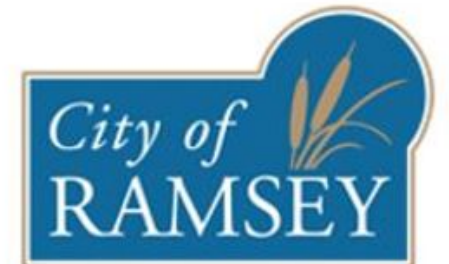


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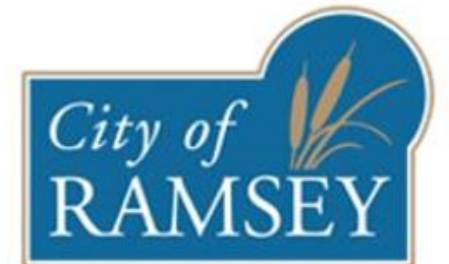


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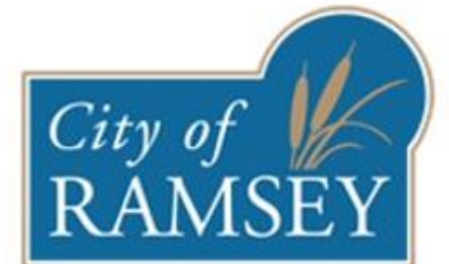
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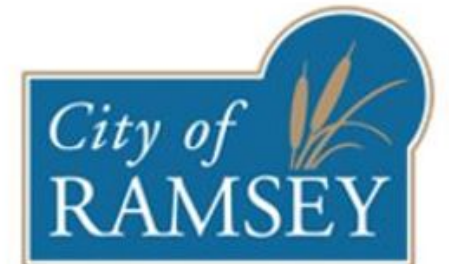
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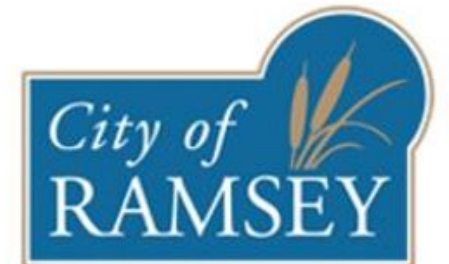
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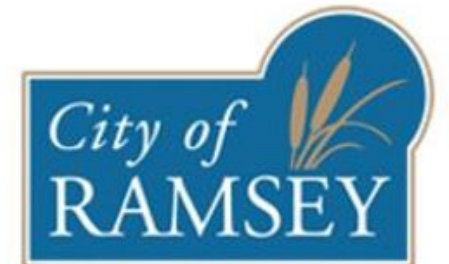
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BIRCHEM SANITATION



BIRCHEM SANITATION



BERGLUND & BERGLUND, LTD.

ATTORNEYS AT LAW

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JOHN J. BERGLUND
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TELEPHONE (763) 427-5950
FACSIMILE (763) 427-7136

Writer's E-Mail:
markberglund@berglund-law.net

October 3, 2019

Tim Gladhill
City of Ramsey – Community Development
7550 Sunwood Drive NW
Ramsey, MN 55303

Re: Allen and Joyce Birchem
Land Use Application for 17030 Baugh St. NW

Dear Mr. Gladhill:

Please be advised our office represents Allen and Joyce Birchem in the above matter. I understand that the City has taken action on a Resolution regarding my clients' use of their property located in Ramsey. As part of that action, the City is requiring the Birchems complete a Land Use Application seeking a Home Occupation Permit for operation of their home-based business by October 8, 2019.

Enclosed herewith for your review, please find my clients' executed Land Use Application with the attached exhibits. Also attached is a site location map for 17030 Baugh St. NW as well as the Home Application Supplemental Questionnaire, which the City already has in its possession. Finally, also enclosed you will find a check payable to the City of Ramsey in the amount of \$1000.00, representing the Application Fee of \$200.00 and the minimum escrow for a Level 2 Home Occupation Permit of \$800.00.

As you are aware, the Birchems have been operating their waste-hauling business from their property for approximately 37 years. This Application seeks permission to continue to operate that business in the same fashion as it has been. No changes to business operations are being sought.

Further, the City's Resolution requires my clients to remove any and all additional junk/garbage not associated with their home-based business from their property. They have already begun to do this and intend to fully comply with the City in that regard. However, my clients would request to have until Friday, December 27, 2019 to remove all necessary items from their property. Apparently, this timeline, ending on December 27, 2019, had been discussed between City Staff and the Birchems prior to the Resolution being drafted and

Re: Allen and Joyce Birchem
October 3, 2019
Page Two

approved. It is my understanding that this extension is something the City is agreeable to. However, please advise if that is the case as the Birchems do want to remain compliant with the City and its Resolution.

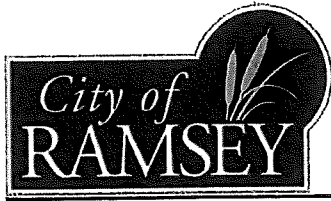
Should you need anything further from the Birchems, please do not hesitate to contact me as necessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'MEB', with a long horizontal flourish extending to the right.

Mark E. Berglund

MEB:gmb
Enclosures
cc: Clients



Land Use Application

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

Applicant Contact Information

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

Name:		Al and Joyce Bircham	
Street Address:		17030 Baugh Street NW	
City, State, ZIP:		Ramsey, MN 55303	
Home Phone:	763-441-3572	Work Phone:	
Email:	markberglund@berglundlaw.net	Fax Number:	
Name of Business (if applicable):		Birchem Sanitation	
Business Address (if applicable)			
Business City, State, ZIP			
Business Phone:		Business Fax:	

Subject Property Information

(Location of Application)

Address	17030 Baugh Street NW, Ramsey, MN 55303
PIN	07-32-25-24-0017
Legal Description	See Exhibit A
Zoning District	R1 Residential (Rural Developing)

Contact the Planning Division at 763-433-9824 or planning@cityoframsey.com to request a Zoning Verification

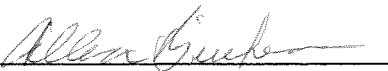

Property Owner Information
(If different than Applicant)

Name:	Allen Birchem and Joyce Birchem		
Street Address:	17030 Bawn Street NW, Ramsey, MN 55303		
City, State, ZIP:			
Home Phone:		Work Phone:	
Email:	markberglund@berglund-law.net	Fax Number:	


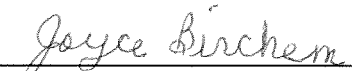
Please provide a detailed description of your request and attached a copy of a scaled site plan

Sec Exhibit B

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

Applicant Signature		Co-Applicant Signature	
Printed Name	Allen Birchem	Printed Name	Joyce Birchem
Title	owner/President	Title	Owner/Vice President
Date	10-1-19	Date	10-1-19

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

Property Owner Signature		Property Owner Signature	
Printed Name	Allen Birchem	Printed Name	Joyce Birchem
Title	owner	Title	Owner
Date	10-1-19	Date	10-1-19

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

Exhibit A

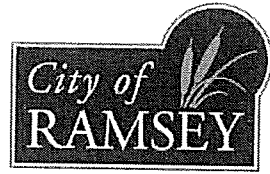
UNPLATTED RAMSEY TWP THE S 200 FT OF THE N 1633 FT OF THE E 416 FT OF THE E1/2 OF THE NW1/4 OF SEC 7-32-25 IN ANOKA CNTY, MN AS MEAS ALONG THE E & N LINES OF SD E 1/2 OF THE NW1/4 (SUBJ TO AN EASE FOR RDPURP OVER THE E 66 FT THEREOF)(SUBJ TO EASE FOR RD & UTIL TO RAMSEY TWP)

Exhibit B

This request is made to seek permission to continue to operate a waste collection business from the Subject Property that has been in existence for 37 years. On site business operations include: bookkeeping, accounting, billing, as well as providing parking space for 2-3 waste hauling trucks, storage of approximately 50 residential waste containers, and 5 waste dumpsters.

The waste collection services occur in Sherburne and Wright Counties, with disposal of the collected waste at a waste management facility in Sherburne County. The trucks are cleaned at the waste management facility upon being emptied. No waste of any kind is taken to the Subject Property at any time. Maintenance of the waste hauling trucks is also done off site.

The waste hauling trucks leave the Subject Property at approximately 8:00 am and return at approximately 4:30 pm Monday through Wednesday. This schedule is consistent unless there is a necessary schedule change related to a holiday or inclement weather.



Site Location Map for 17030 Baugh St NW



Address: 17030 Baugh St. NW

Home Occupation Supplemental Questionnaire

Does the home occupation owner live in the home on the property? Yes -or- No

Does the home occupation owner rent or own the property? Yes -or- No

Will any part of the occupation be conducted in the home? Yes -or- No

If so, what activities will be conducted in the home and in which room(s)?

Billing

What is the gross living area of the home? 3,000 sq. ft.

How much of that area will be used for the occupation? 132 sq. ft. room

Will an attached garage or any detached accessory building or garage be used for the occupation? Yes (X) -or- No ()

If so, explain:

1500 sq. ft. building

Will there be at least 400 square feet of garage space reserved for indoor residential parking and storage related to the residential use on the property? Yes -or- No

Will any structural additions or alterations to home or garages be required for this occupation?

Yes -or- No

If so, explain:

Will you employ persons that do not live in the home on the property? Yes -or- No

VIA ANOKA COUNTY

If yes, how many non-resident employees will work on the site? None

How many non-resident employees will work off-site? None

Will it be necessary employees working off-site to come to the home? No

If so, explain:

Will customers or clients come to the property? Yes -or- No

How many vehicle trips per day do you anticipate entering and leaving the property in a typical 24 hour period? (this includes employees, customers, deliveries, etc.)?

<u>None</u>

Will any vehicles, other than your private car(s), be used in connection with the home occupation? Yes (x) -or- No ()

If so, provide number, size and type of vehicles:

<u>2 Trucks - 3 times Per Week</u>

Do you intend to store supplies and/or materials on the site? Yes -or- No

Please describe items to be stored and where?

<u>5 garbage trucks (2 used, 1 standby, 2 old)</u>
<u>50 garbage cans w/ 7 dumpsters</u>

Are any of the home occupation processes or materials subject to review and permitting by Anoka County Environmental Services? Yes -or- No

If so, explain and/or provide necessary documents.

Homeowner's Name: Allen + Joyce Bischoff Date: 9-3-19

Homeowner's Signature: Allen Bischoff

Email: _____ Phone: 763-441-3572

Brief Description of Home Occupation: Route in Wright + Sherburne Counties

- 2 garbage trucks - allen, shannon drive 3/wk. pick up residential rubbish + drop off in Elk River waste management. Leave 8:00 am, come back 4:30 pm - typically Mon-Wed., Thurs. if holiday
- 37 years
- Barrels onsite need to remain
- Licensed in Wright and Sherburne County
- For HOP, would agree to store 1 truck in pole barn, remove 2, and 2 parked outside. Cans stored in pole barn, 6 or 7 dumpsters stored outside.

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

RESOLUTION #19-252

**A RESOLUTION DENYING THE REQUEST FOR A HOME OCCUPATION PERMIT
TO OPERATE A GARBAGE HAULING BUSINESS
ON THE PROPERTY LOCATED AT 17030 BAUGH STREET NW**

RECITALS

1. The City of Ramsey received an application from Allen and Joyce Birchem requesting a home occupation permit to operate a garbage hauling business on the property generally known as 17030 Baugh Street NW and legally described as follows:

UNPLATTED RAMSEY TWP THE S 200 FT OF THE N 1633 FT OF THE E 416 FT OF THE E1/2 OF THENW1/4 OF SEC 7-32-25 IN ANOKA CNTY, MN AS MEAS ALONG THE E & N LINES OF SD E1/2 OF THE NW1/4(SUBJ TO AN EASE FOR RDPURP OVER THE E 66 FT THEREOF)(SUBJ TO EASE FOR RD & UTIL TO RAMSEY TWP)

(the “Subject Property”)

2. That on October 3, 2019, Allen and Joyce Birchem (the “Applicants”), owners of the Subject Property, submitted an application for a Home Occupation Permit to operate a garbage hauling business (the “Home Occupation”) on the Subject Property.
3. That the City Council passed Resolution 19-228 related to Code Enforcement on the Subject Property which required the Applicants stop all business use onsite, or apply for a home occupation permit.
4. That the Applicant appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 of the City Code on November 7, 2019, and that said public hearing was properly advertised.
5. That the Subject Property is zoned R-1 Residential (Rural Developing) and the surrounding parcels are zoned R-1 Residential (Rural Developing).
6. That the Subject Property is approximately 1.6 acres and is surrounded by lots of similar size.
7. That the Subject Property is guided for Rural Developing (residential) in the City’s Future Land Use Map.
8. That the Applicant owns the dwelling unit on the Subject Property (non-homesteaded) and occupies the dwelling Monday through Wednesday while conducting business, and then lives on a homesteaded property in the Brainerd area the rest of the time.
9. That the Subject Property includes an approximately 2,400 square foot dwelling unit and an approximately 1,200 square foot detached accessory building.
10. That the Home Occupation is proposed to be based out of both the detached accessory building, the dwelling unit, and the outdoor areas of the property.

11. That the Applicants have stated there will be approximately 400 square feet of garage space reserved for indoor residential parking and storage related to residential use on the Subject Property, as established in City Code Section 117-351 (Home Occupation).
12. That the Applicant has stated there is not business signage on the Subject Property.
13. That the Applicants have stated there will be no more than eight (8) vehicle trips per standard eight (8) hour day.
14. That the Home Occupation employs one other person, other than the Applicants, that lives on the Subject Property and is related to the Applicants.
15. That there are activities related to loading or unloading equipment at the Subject Property including approximately 5 residential dumpsters stored onsite and delivered to customers, and 50 residential garbage cans stored onsite and delivered to customers, and 5 garbage trucks – including inoperable trucks kept for parts.
16. That the Home Occupation does involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the Subject Property via phone call and email in an office inside the home.
17. That the Applicants have proposed business house from 8:00 a.m. to 4:30 p.m., Monday through Wednesday.
18. That the Applicants have proposed bookkeeping, accounting, billing, as well as the storage of five (5) waste hauling trucks, approximately fifty (50) residential waste containers, and five (5) waste dumpsters as onsite business operations on the Subject Property.
19. That the items listed above are currently stored outside on the Subject Property, on both pavement, dirt, and grass, and are not in compliance with outdoor storage regulations or nuisance regulations.
20. That the Applicants operate waste collection services in Sherburne and Wright Counties, with disposal of the collected waste occurring at a waste management facility in Sherburne County.
21. That the Applicants do not have a license with Anoka County, though Anoka County stated a business license (base license) is required for the use.
22. That the Applicants have stated that the garbage hauling trucks will be cleaned at the waste management facility upon being emptied and that no waste of any kind will be taken to the Subject Property at any time.
23. That the City finds the Home Occupation operates beyond the parameters of general and administrative home occupation permit requirements (City Code Section 117-351) and therefore requires Planning Commission and City Council review and approval.
24. That the City of Ramsey received complaint(s) about the home-based business in relation to the traffic of garbage trucks on a residential street, garbage trucks parked on a residential property, the volume of exterior evidence related to the home-based business, and other code violations related to exterior storage, junk, nuisance regulations, and vermin onsite.

25. The property is not in compliance with City Code requirements related to home-based businesses, outdoor storage of inoperable vehicles, number of items stored outside, off-street parking violations, and nuisance violations.

FINDINGS OF FACT

1. That the proposed use **will** adversely impact traffic in the area.
2. That the proposed use **will not** be compatible with the residential neighborhood due to (in part) density, lot size and use of the surrounding lots.
3. That the proposed use **will** be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or the public welfare.
4. That the proposed use **will** substantially or adversely impair the use, enjoyment, or market value of neighboring properties.
5. That the proposed use **will** be hazardous or disturbing to existing or future neighboring uses.
6. That the proposed use **will not** be served adequately by public facilities and services such as highways and streets.
7. That the proposed use **will** create excessive additional requirements at public cost for public facilities and services, and it **will** be detrimental to the economic welfare of the community.
8. That the proposed use **will** involve activities and uses that would be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
9. That the operation of a waste hauling company with outdoor storage of multiple commercial vehicles and commercial equipment is not consistent with the intent of the R-1 Residential (Rural Developing) District (the "District") which is to accommodate single-family dwellings.
10. That the outdoor storage of multiple waste containers is declared a public nuisance to surrounding properties.
11. That the traffic generated by commercial vehicles is not consistent with the design of the residential road section known as Baugh Street NW.
12. That the salvage of inoperable commercial vehicles for purposes of parts for other operable commercial vehicles is not a permitted use within the District and is declared a public nuisance.

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

That the request for a Home Occupation Permit for the operation of Birchem Sanitation on the Subject Property is hereby denied pursuant to Sections 117-51 and 117-351 of the Ramsey City Code.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly denied and adopted by the Ramsey City Council this _____ the day of _____, 2019.

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

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

Notary Public

The document drafted by:
The City of Ramsey
7550 Sunwood Dr NW
Ramsey, Minnesota 55303

This document reviewed by:
Ratwik, Roszak & Maloney, P.A.
300 U.S. Trust Building
730 Second Avenue South
Minneapolis, MN 55402

Regular Planning Commission

7. 1.

Meeting Date: 11/07/2019

By: Chloe McGuire Brigl, Community
Development

Information

Title:

Review Sketch Plan for Odyssey Homes Townhomes on Nowthen Blvd and 146th Avenue

Purpose/Background:

The purpose of this case is to review an application from Odyssey Homes (the "Applicant") for an eight (8) unit attached townhome project on the property generally known as 14600 Nowthen Blvd NW (the "Subject Property"), on the southwestern corner of 146th Avenue NW and Nowthen Boulevard NW. The Applicant has proposed eight (8), slab-on-grade, 2-story, attached townhomes.

Notification:

No notification is required for Sketch Plan. However, Staff attempted to send a notice of this meeting via Standard US Mail to property owners, as noted in the Anoka County Property Records, within 700 feet of the Subject Property.

Observations/Alternatives:

General

The Subject Property is generally located at 14600 Nowthen Blvd NW. The Subject Property is approximately 1.44 acres and fronts both 146th Avenue NW and Nowthen Boulevard NW. There is currently one detached accessory building (pole barn) on the Subject Property, which is proposed to be removed with the project. The Applicant is proposing 8 attached townhome units on the site. The site is currently zoned as R-2 Medium Density Residential. The properties to the north, west, and east are zoned R-1 MUSA (detached single family homes with city utilities) and the properties to the south are also zoned R-2 Medium Density Residential.

Zoning and Setbacks

As previously noted, the Subject Property is zoned R-2 Medium Density Residential. Attached townhomes are required to have a thirty foot (30') setback from the exterior development boundary line, as well as from the front, side, and rear lot lines. The proposed Sketch Plan does meet the minimum required setback from all property lines and has provided what appears to be adequate space for the required density transitioning, though a full tree inventory and landscape plan will be required with preliminary plat. (See below for more information.)

Streets and Access

The Applicant has proposed a 24 foot wide private street running north-south through the site. As the properties to the south are also zoned R-2 Residential, the City will require that the property is set up for a future road connection. The Developer is proposing a private road. This shall be encumbered by access easements to benefit the properties to the south.

Density Transitioning

Under the City Code, density transitioning is typically required for R-2 to R-1 MUSA, which would apply along the western boundary. No density transitioning will be required on the southern or eastern lot boundary. If landscaping is used to satisfy the density transitioning requirements, than six (6) trees (two overstory, two understory, and two ornamental trees) for every 100 feet of common boundary line would be required along the western boundary. There are existing trees along this common boundary line that may satisfy the transitioning requirements; however, until a Tree Inventory and Preservation Plan is prepared and submitted (requirement of the Preliminary Plat stage), it is unknown whether those trees will or could be preserved.

Storm Water Management

As with most new development, storm water management (ponding) will be required. While detailed plans are not available at this phase, it has been noted that there may be difficulty meeting the required ponding onsite, as Staff has seen previous proposals for the site unable to meet requirements. However, the Applicant has indicated proposed ponding locations on the Sketch Plan.

Summary

Overall, the Sketch Plan appears to meet most of the R-2 Medium Density Residential requirements. Staff has worked with the Applicant to revise the Sketch Plan to meet these requirements, and does feel it appropriate for the Applicant to proceed to the Preliminary Plat phase.

Staff will need policy direction on the separation between buildings. This separation is deficient by five feet. Does the City believe that the lot layout presents a practical difficulty in conforming to the plain language of the regulation? The City does not need to act on this at this time, but provide broad policy direction. A decision on the need for a Variance will be heard by the Planning Commission along with the Preliminary Plat.

Funding Source:

The Applicant is responsible for all costs associated with this project and review.

Recommendation:

City Staff recommends that the Applicant proceed to the Preliminary Plat phase.

Action:

No formal action required. Provide Applicant feedback on Sketch Plan and preparation of a preliminary plat for the proposed project.

Attachments

Site Location Map

Sketch Plan (Updated)

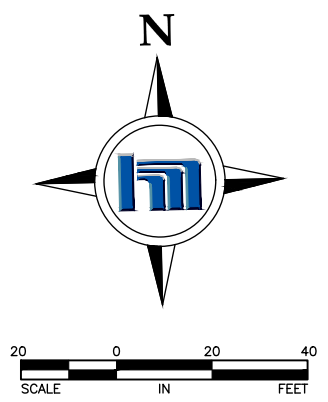
Planning Review Memo

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	09/26/2019 12:32 PM
Tim Gladhill	Chloe McGuire Brigl	10/21/2019 10:27 AM
Chris Anderson	Chris Anderson	10/21/2019 12:23 PM
Tim Gladhill	Tim Gladhill	10/31/2019 02:54 PM
Form Started By: Chloe McGuire Brigl		Started On: 09/17/2019 01:54 PM
Final Approval Date: 10/31/2019		

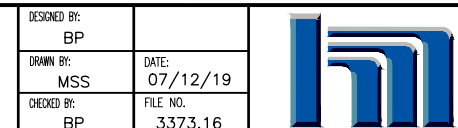


Total Area of Property = 87,120 sq. ft. or 2.00 acres



DATE	REVISION

DESIGNED BY: BP	DATE: 07/12/19
DRAWN BY: MSS	FILE NO. 3373.16
CHECKED BY: BP	



Hakanson Anderson
 Civil Engineers and Land Surveyors
 3601 Thurston Ave., Anoka, Minnesota 55303
 763-427-5860 FAX 763-427-0520
 www.haa-inc.com

SKETCH PLAN

SHEET
1
OF
1
SHEETS

Sep 26, 2019 - 2:37pm
 K:\cad_surv\Land Desktop 2008\3373.16 Ramsey Sketch Plan\dwg\3373.16 SKETCH NORTH PARCEL ONLY.dwg

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

Date	9/26/2019 Updated 10/21/19	Project Site	PID: 25-32-25-23-0006 Address: 14600 Nowthen Blvd
Project Title	19-140 Odyssey Homes Townhome Development (146 th /Nowthen)		
Escrow #	117171		
Department:	Community Development: Planning Division		
Technical Reviewer:	Name: Chloe McGuire Phone: 763-433-9821 Email: cmcguire@cityoframsey.com		

Required Steps

1. Sketch Plan – Planning Commission
2. Site Plan – Planning Commission + City Council
3. Final Plat – City Council

Site Plan Review

Notes:

- Maximum driveway width at street is 20 feet
- At least one enclosed parking space must be provided per townhome
- City Code requires 20 foot separation between buildings
- City Code requires 10% open community space

General: The property is currently unplatted and is addressed as 14600 Nowthen Blvd NW. The PID is 25-32-25-23-0006. The site is approximately 1.44 acres and fronts both 146th Ave NW and Nowthen Blvd NW. There is currently one detached accessory building (pole barn) that is proposed to be removed with the project. The Applicant is proposing 8 detached townhome units on the site.

Zoning: The site is currently zoned as R-2 Medium Density Residential. The properties to the north, west, and east are zoned R-1 MUSA (Detached Single Family Homes with City Utilities) and the properties to the south are also zoned R-2 Medium Density Residential.

Product: The Applicant has proposed 8 slab-on-grade 2 story, attached townhomes.

Intent: The intent of the R-2 Residential District is to accommodate multiple dwellings at a density of four to seven dwelling units per acre and multiple-dwelling complexes within the 2040 MUSA. All lots created by subdivision located within the 2040 MUSA shall be serviced by sanitary sewer and municipal water.

R-2 Townhome (Attached) Standards		
<i>Standard</i>	<i>Required</i>	<i>Proposed</i>
Minimum Lot Size	None	1.44 Acres (Total Site)
Density Range	4 – 7 Units/Acre	4 Units/Acre
Minimum Lot Width	N/A	
<i>Building Setbacks</i>		
Front, Side Corner	30 Feet	30 Feet (North) 60 Feet (East)
Rear	30 Feet	30 Feet (South)
Side	30 Feet	50 Feet (West)
From Development Boundary	30 Feet	30 Feet (noted on all lot lines)
From Private Street (Back of Curb)	25 Feet	25 feet
Density Transitioning	Level 1 25 Feet of Buffer with Plantings	30 Feet of Buffer, No Plantings Noted (However there is a significant tree stand shown on aerial photos)
Maximum Lot Coverage (All Buildings, Excludes Paving)	35%	~20%
Minimum Building Size for Townhouse with Garage	1 Bedroom – 700 sq ft 2 Bedroom – 800 sq ft 3 Bedroom – 960 sq ft Each additional bedroom – 125 sq ft	Not noted. Each Building Approx 1800 sq ft.
Required Parking Stalls	2 off-street, 1 must be enclosed	2 enclosed
Maximum Driveway Width at Street	20 feet	Not noted.
Driveway Surface	Bituminous or Concrete	Paved
Minimum Driveway Length	25 feet	25 feet
Wetland Setback	16.5 feet	N/A
Minimum Private Street Width (With No Parking)	24 feet	24 feet
Maximum Height	35 Feet	2 Story Slab On-Grade
Separation Between Buildings	20 Feet	15 Feet
Open Space Required	40% general open space 10% must be community space	Not noted.
Accessory Structures	Not Allowed	N/A

Floodplains: The property is not within the Ramsey Floodplain.

Wetlands: There do not appear to be any wetlands onsite, though they would be required to be identified during the preliminary plat process via survey and delineation.

Streets and Access: The Applicant has proposed a 24 foot wide private street running north-south through the site. As the properties to the south are also zoned R-2, the City will require that the property is set up for a future road connection.

Parking: The City will require no parking signs on the private road.

Lighting: The applicant should submit a lighting plan as part of site plan review with preliminary plat for any street lighting.

Utilities and Municipal Services: The property will be connected to City Utilities. A Grading and Utility Plan should be submitted with preliminary plat.

Density Transitioning: Under the City Code, density transitioning is typically required for R-2 to R-1 MUSA. No density transitioning will be required on the southern or eastern lot boundary. Level 1, Vegetative Buffer “A” will be required for the western property line which includes:

- A minimum 25 feet width in common ownership with the following planting schedule per 100 feet of property boundary adjacent to an impacted use:
 - o 2 overstory trees
 - o 2 evergreen trees
 - o 2 understory trees