

**City of Ramsey**  
**Agenda**  
**Regular Planning Commission**  
**Thursday, October 1, 2020**

**7:00 pm**  
**Council Chambers, 7550 Sunwood Drive NW**

This meeting is being held in accordance with Minnesota Statutes 13D.021. Due to the COVID-19 Pandemic, it is not practical and prudent for all members of this board to attend in person. Current Minnesota law requires certain social distancing standards that impacts the capacity of the Council Chambers. For those at highest risk, it is advised to isolate themselves from the general public. For these reasons, it is not practical and prudent to have this meeting exclusively in person. Members of the public are welcome to attend in person or remotely.

Remote Attendance available at [www.cityoframsey.com/meetings](http://www.cityoframsey.com/meetings). To maximize social distancing due to the COVID-19 Pandemic, those that can join remotely are encouraged to do so. Those joining remotely and requesting to speak are asked to use a webcam when speaking.

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Citizen Input**
- 4. Approve Agenda**
- 5. Consent Agenda**
  1. Approve the September 3, 2020 Planning Commission Meeting Minutes.
- 6. Public Hearing**
  1. PUBLIC HEARING: Consider Request for Variance to Minimum Lot Size and Width at 4944 178th Lane NW (Project No. 20-129); Case of Jack and Sandra Kuhn
- 7. Commission Business**
- 8. Commission/Staff Input**
- 9. Adjournment**

**Regular Planning Commission**

**5. 1.**

**Meeting Date:** 10/01/2020

**By:** JoAnn Shaw, Community Development

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**Information**

**Title:**

Approve the September 3, 2020 Planning Commission Meeting Minutes.

**Purpose/Background:**

n/a

**Notification:**

**Observations/Alternatives:**

**Funding Source:**

**Recommendation:**

**Action:**

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**Attachments**

[Planning Commission Meeting Minutes](#)

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**Form Review**

**Inbox**

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 09/24/2020

**Reviewed By**

Tim Gladhill

**Date**

09/24/2020 10:35 AM

Started On: 09/17/2020 12:26 PM

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, September 3, 2020, 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:                       Senior Planner Chloe McGuire Brigl  
  Deputy City Administrator Tim Gladhill  
  City Planner Chris Anderson  
  Planning Consultant Eric Maass  
  City Council Liaison Debra Musgrove

**1.     CALL TO ORDER**

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

**2.     PLEDGE OF ALLEGIANCE**

Chairperson Bauer led the group in the Pledge of Allegiance.

**3.     CITIZEN INPUT**

None.

**4.     APPROVAL OF AGENDA**

Senior Planner McGuire Brigl stated that there have been a few changes to the agenda, noting that Item 5.03 has been moved from the Consent Agenda and will appear as Item 7.03 under Commission Business. She stated that Item 7.01 was removed from the agenda as it was reviewed at the last Planning Commission meeting and was not intended to be included on this agenda. She stated that the Lennar subdivision request on 167<sup>th</sup> will not be discussed tonight and will appear on the October agenda.

Motion by Commissioner Peters, seconded by Commissioner Johnson, to approve the agenda as amended.

A roll call vote was performed:

Commissioner Johnson	aye
Commissioner Woestehoff	aye
Commissioner Gengler	aye
Commissioner Peters	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion Carried.

## **5. CONSENT AGENDA**

**5.01: Approve the August 6, 2020 Planning Commission Meeting Minutes**

**5.02: Receive Update on O'Reilly Auto Parts Site Concept Plan**

**~~5.03: Review Proposed Site Plan for Storyteller Café, Case of Stories Foundation~~**

Motion by Commissioner Johnson, seconded by Commissioner Peters, to approve the consent agenda as presented.

A roll call vote was performed:

Commissioner Gengler	aye
Commissioner Peters	aye
Commissioner Woestehoff	aye
Commissioner Johnson	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion Carried.

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

**6.01: Public Hearing: Consider Resolution #20-187 Approving Preliminary Plat for Ramsey Villas North, Case of River's Bend Holdings, LLC (Project 20-117)**

### **Public Hearing**

Chairperson Bauer called the public hearing to order at 7:04 p.m.

### **Presentation**

Senior Planner McGuire Brigl presented the staff report stating that staff recommends approval of the project and adoption of Resolution #20-187.

**Citizen Input**

Marlon Glines, Riverside Development, stated that he was present to address any questions.

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

A roll call vote was performed:

Commissioner Johnson	aye
Commissioner Woestehoff	aye
Commissioner Gengler	aye
Commissioner Peters	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion Carried.

Chairperson Bauer closed the public hearing closed at 7:07 p.m.

**Commission Business**

Councilmember Musgrove stated that she visited the property and thanked the developer for working with the earlier comments to reduce the number of homes from four to three. She asked if the Commission is interested in a noise barrier.

Senior Planner McGuire Brigl commented that the noise wall is included in the plan set and was reviewed by Anoka County and the City staff.

Motion by Commissioner Gengler, seconded by Commissioner Peters, to recommend that City Council Adopt Resolution #20-187 Approving Preliminary Plat for Ramsey Villas North.

A roll call vote was performed:

Commissioner Woestehoff	aye
Commissioner Johnson	aye
Commissioner Gengler	aye
Commissioner Peters	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion Carried.

**6.02: Public Hearing: Consider Resolution #20-190 Approving a Conditional Use Permit (CUP) for a Religious Institution, Connections Church (Project 20-125)**

**Public Hearing**

Chairperson Bauer called the public hearing to order at 7:10 p.m.

**Presentation**

Planning Consultant Maass presented the staff report stating that staff recommends approval of the Conditional Use Permit contingent upon further site plan approval within one year.

Commissioner Johnson asked what impact the Highway 10 project could have on this site.

Senior Planner McGuire Brigl stated that Connections Church has been involved in the discussions related to Highway 10 and are aware of the potential to have an exit ramp on the property. She stated that staff is looking at alternate options, but the Church has been a great partner.

Commissioner Johnson asked if the plans for the Church would impact the current Highway 10 proposal.

Senior Planner McGuire Brigl commented that the project as planned would not impact the current Highway 10 plans.

John Kinghorn, applicant, stated that the plan as presented with the building and parking is simply to provide an idea of showing how large that would be. He stated that additional design work has not yet occurred.

Commissioner Johnson noted that the Highway 10 project shows the ramp going across the property and asked if the church is aware of the plan.

Mr. Kinghorn stated that the church is aware of the Highway 10 project. He stated that this is very preliminary, and they are simply attempting to secure an approval from the City related to this use on the property.

**Citizen Input**

No comments.

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

A roll call vote was performed:

Commissioner Peters aye  
Commissioner Gengler aye  
Commissioner Woestehoff aye  
Commissioner Johnson aye  
Commissioner Anderson aye  
Commissioner VanScoy aye  
Chairperson Bauer aye

Motion Carried.

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

### **Commission Business**

Motion by Commissioner Johnson, seconded by Commissioner Peters, to recommend that City Council Adopt Resolution #20-190 Approving a Conditional Use Permit for Connections Church, contingent upon future Site Plan approval within one year.

A roll call vote was performed:

Commissioner Peters aye  
Commissioner Johnson aye  
Commissioner Woestehoff aye  
Commissioner Gengler aye  
Commissioner Anderson aye  
Commissioner VanScoy aye  
Chairperson Bauer aye

Motion Carried.

### **6.03: Public Hearing: Review Resolution #20-188 and Ordinance #20-17 Considering Allowing Event Center on Residential Property, Case of Blue Cottage Farms (Project 20-122)**

### **Public Hearing**

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

### **Presentation**

Senior Planner McGuire Brigl presented the staff report stating that staff is open to the idea of having event centers on residential properties with strict conditions and items required for approval. Staff is open to modifications to the proposed ordinance amendments and Conditional Use Permit. Staff notes that if the ordinance amendment and Conditional Use Permit are approved, the applicant would still be required to work with the Fire Marshal and Building Official to receive

an update Certificate of Occupancy (CO) and address items onsite such as spacing, sprinkling/fire prevention, and ADA compliance.

Senior Planner McGuire Brigl noted that written comments received from residents were distributed to the Commission and highlighted the key items brought forward from the resident comments. She stated that staff received signatures from neighbors opposing the project. She stated that public notice was required to be sent within 350 feet of the subject property. She noted that ten additional notices were hand delivered one block to the east, which were not legally required but at the request of residents and the Council. She noted that this request was also noticed online, and a sign was placed on the subject property to provide additional notice to the public.

Chairperson Bauer asked if someone can currently receive a special events permit for a wedding on their own property. He asked if the music is required to stop at 10 p.m. or the event.

Senior Planner McGuire Brigl confirmed that someone could get a special events permit for that purpose and the music is required to stop at 10 p.m., but the event can continue later.

Chairperson Bauer stated that under the request the music would stop at 10 p.m. but the event could continue to 11 p.m. and asked what would occur during that hour.

Senior Planner McGuire Brigl replied that the applicant stated that music would end at 10 p.m. and that would leave the last hour for the guests and vendors to pack up and leave.

Chairperson Bauer asked if the bar could remain open until 11 p.m.

Senior Planner McGuire Brigl stated that could occur as written. She noted that the language could be made clearer that the last hour is meant for cleanup.

Commissioner VanScoy asked the number of residents that signed petition.

Senior Planner McGuire Brigl commented that 27 households signed the petition against the request.

Commissioner Gengler asked the restraints that would be placed on liquor sales.

Senior Planner McGuire Brigl stated that a licensed bartender would be needed, or the caterer would be required to hold that license.

Chairperson Bauer asked if weddings/special events are a permitted use in any of the City's zoning districts.

Senior Planner McGuire Brigl commented that she believed they are allowed in commercial districts and are not currently allowed in residential districts.

### **Citizen Input**

Rachel \_\_, 5552 179<sup>th</sup> Lane NW, stated that she appreciates everyone being able to speak their mind and the concerns brought forward by neighbors. She stated that they are flexible and want this to be something good for the community. She stated that they would start small with one or two weddings per month. She commented that she originally proposed for music to end at 10 p.m. but would be willing to end that at 9:00 p.m. She explained that the guests would be required to leave when the music ends and the last hour is meant to provide time for the bridal party to gather their belongings. She stated that she would also propose no smoking because she would not want to have the fire risk. She stated that she would be willing to install a fence on the east side of the property if desired by the neighbors. She stated that they are improving the barn and have held two graduations parties on their property for family/friends. She stated that as things have changed with COVID, this has been something that she would like to offer to people. She noted that she would like to keep it small with only the barn being used and perhaps a future bathroom building and space for the bridal party to get ready in, if allowed. She noted that smaller events could take place in the afternoon, concluding by 6:00 p.m. with the last hour for cleanup ending at 7:00 p.m. and would be held on Saturday or Sunday.

Chairperson Bauer asked if the two events that were held on her property would be considered commercial, specifically whether she charged for the use of her property.

Ms. Massmann replied that they were not, explaining that they held their wedding on their property and alerted the neighbors prior to the event five years ago. She stated that they also held their daughter's graduation party two years ago from 1:00 to 5:00 p.m. with all parking on their own property. She stated that she also hosted a graduation party for a friend's child and followed the same format.

Chairperson Bauer asked the largest event that they have held on the property.

Ms. Massmann, replied that would be their wedding and there were 160 guests, estimating about 50 vehicles. She stated that the graduation parties were open house style with guests coming into the party for an hour or so during the allotted time.

Kathy Westensee, 5420 177<sup>th</sup> Lane NW, stated that she also submitted a written letter. She commented that there are six homes that border this property. She noted that it is a long rectangle property with the barn and home in the middle. She stated that she is opposed to this as they enjoy their yard in the evenings and weekends and enjoy the wildlife. She was concerned that this activity would change the habits of the wildlife. She was also concerned with the traffic and noise that would generate from this use. She stated that her next-door neighbor is 90 years old and commented that she would not feel safe if events were held on this property.

Cindy Peterson, 17745 Fluorine Street, stated that they have heard noise when the property has held events in the past. She stated that she has concern that the vehicles exiting the property would shine their lights onto adjacent homes. She stated that she is also concerned with the safety of the roadway and for vehicles exiting the property attempting to get onto the road.

Jackie Thompson, 17957 Iodine Street NW, stated that the venue would offer alcohol and she would be concerned with drunk driving that could occur. She stated that many people use Iodine

as a cut through rather than using 179<sup>th</sup>. She stated that there are quite a few children in the neighborhood that bike and play in the street that she would be concerned about. She stated that an event could generate 100 vehicles every weekend or every other weekend and she would be concerned with that. She stated that she opposes the request because of the alcohol use and traffic that would be generated.

Zach Bray, 5410 177<sup>th</sup> Lane NW, stated that he and his wife recently had a baby and would be concerned with the noise. He stated that the property does not have a storm shelter and asked where people would go if a storm came.

Dayette O'Brien, 5400 177<sup>th</sup> Lane NW, stated that she submitted an email with 15 key points of concern. She stated that this property is zoned residential and a wedding with alcohol would be the same as a bar. She commented that people do not want to live next to a bar. She stated that they did not move to this location to live next to a bar.

Kevin Dowell, 17937 Germanium, stated that he believes that this is not just impactful for the neighbors but also adjacent properties because of the noise. He stated that this would be an outdoor venue and the sound would carry. He stated that he is also concerned with traffic on 179<sup>th</sup> and the pedestrian traffic as there are no sidewalks. He stated that even though this would be small, businesses grow, and the problems would grow as well.

Ms. Massmann appreciated the comments of the neighbors. She stated that she does not want to cause problems. She stated that she would love to use the property and open it for use for outside events. She noted that with COVID people would prefer to have outdoor events.

Chairperson Bauer stated that the business plan shows a few events in the first few years and then additional events in the future. He asked if there would be a limit of events based on the business plan or whether the larger number of events could occur at any time.

Senior Planner McGuire Brigl stated that as written there would not be a restriction matching the business plan. She stated that the CUP could be drafted in a way that would place a restriction on the number of events per year. She reviewed some of the draft conditions that would be suggested for a CUP of this nature.

Tammy Ruttger, 17944 Germanium Street, stated that her main concerns are related to overflow parking that could park on her street in front of her home. She stated that she is also concerned with what would occur in the case of a fire as there are no hydrants in the area.

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

A roll call vote was performed:

Commissioner Anderson	aye
Commissioner Johnson	aye
Commissioner Woestehoff	aye

Commissioner Gengler        aye  
Commissioner Peters        aye  
Commissioner VanScoy       aye  
Chairperson Bauer         aye

Motion Carried.

Chairperson Bauer closed the public hearing closed at 8:00 p.m.

**Commission Business**

Commissioner Johnson stated that he loves the idea of having a wedding event venue with a barn in Ramsey but did not believe this was the right location because of the close proximity to neighbors, traffic, threats of fire, and that alcohol would be served in a residential area.

Commissioner Woestehoff asked staff for clarification on the suggestion of an Interim Use Permit rather than a Conditional Use Permit, specifically whether the intent was for the permit to be time based rather than location based.

Senior Planner McGuire Brigl confirmed that the intent of that suggestion would be to have the permit be time based. She stated that all of these approvals are reviewed by a development committee that include all City departments, including public safety. She stated that if the use were approved, public safety would work with the property to ensure that the building would be safe in terms of fire protection. She stated that all building permits and property reviews are funded by the applicant and not the taxpayers.

Commissioner Woestehoff stated that he would be in favor of the ordinance but not this CUP. He asked that the actions be considered separately.

Chairperson Bauer stated that the Commission could make a recommendation on the ordinance amendment without making the same recommendation on the CUP.

Senior Planner McGuire Brigl stated that if something is listed as a conditional use in the zoning code, an applicant would receive the permit if the applicable conditions were met. She stated that a denial would not be appropriate if the applicant meets the requirements of the ordinance and findings of fact in the Conditional Use Permit. She stated that if the Commission is open to amending the zoning code, she would recommend that staff review the language again and also work with the applicant to further amend the CUP from the applicant as well.

Chairperson Bauer stated that there were comments on two intersections and asked if public safety has commented on those intersections.

Senior Planner McGuire Brigl stated that she had not heard those concerns prior to this week and would be willing to speak with public safety.

Councilmember Musgrove advised of outdoor wedding venues that other small cities have, including one venue in Ramsey. She stated that perhaps the applicant would be willing to not allow alcohol and have an earlier closing time, perhaps 8:00 p.m. She stated that fencing would also help with noise and keeping people on the property. She stated that she likes the idea of this as it brings people into Ramsey but also has concerns with this location.

Commissioner Gengler stated that she understands the concerns of the neighbors but believes that the applicant seems to be very flexible. She stated that she is surprised that this request has not come before the Commission before because of the popularity of barn/outdoor weddings. She stated that although this is the first request, she does not believe it would be the last.

Senior Planner McGuire Brigl stated that there has been interest from venues in the past but when staff mentions a Code amendment would be necessary, it tends to scare them off.

Commissioner Woestehoff referenced the difference between IUP and CUP and asked if the same guidelines would apply to an IUP. He questioned if an IUP would require an ordinance amendment.

Senior Planner McGuire Brigl explained that a CUP is a more commonly used tool and would run with the property, whereas an IUP would terminate if the property were sold to another party.

Commissioner VanScoy stated that he likes the suggestion that the property owner and neighbors work together as it sounds like there has not been much discussion to this point and it appears the applicant is flexible. He stated that he would like to see the group table this to allow time for that additional discussion. He stated that he is concerned with maintaining the rural character but likes the concept of having events under controlled circumstances that would be accepted by the neighbors.

Motion by Commissioner VanScoy, seconded by Commissioner Johnson, to table the request to allow additional discussion between the property owners and neighbors.

### **Further discussion**

Commissioner Woestehoff asked if both matters should be tabled or whether the ordinance amendment could continue forward. Commissioner VanScoy stated that he agrees that they are separate issues but believes that additional research is needed to determine if this response would come forward with any request. He stated that he would prefer that both items be tabled at this time. He stated that if an agreement cannot be reached at this time, he finds it hard to believe that people would be supportive in any rural area of Ramsey. Chairperson Bauer stated that he would agree that the items should remain together as perhaps the group will decide that the ordinance amendment would not make sense after additional consideration. Commissioner VanScoy commented that this is an excellent way to gather public input on this topic.

A roll call vote was performed:

Commissioner Peters            aye

Commissioner Gengler        aye  
Commissioner Woestehoff    aye  
Commissioner Johnson       aye  
Commissioner Anderson      aye  
Commissioner VanScoy       aye  
Chairperson Bauer            aye

Motion Carried.

**7. COMMISSION BUSINESS**

~~**7.01: Review Sketch Plan for Riverstone South; Case of Capstone Homes**~~

**7.02: Review Revised Sketch Plan for Hunt Addition, Case of Platinum Land (Project 20-105)**

**Presentation**

Senior Planner McGuire Brigl presented the Staff Report stating that staff recommends directing the applicant to develop a preliminary plat incorporating staff comments and working with the adjacent neighbor to allow the neighboring property to develop in the future, per the property owner's request.

**Commission Business**

Councilmember Musgrove stated that she has concerns with Lot 14. She commented that the easement would be close to where a home would sit, and the property owner would assume they own more land than they do. She noted that she also has a concern with Lot 25. She stated that homeowners do not always understand how an easement works.

Senior Planner McGuire Brigl stated that staff is also concerned with Lots 14, 25, 49, 55 and 56. She stated that there are other properties in the city that have similar easements that have caused confusion and multiple calls to City staff. She stated that she would prefer to see 80 feet of buildable area for lots without the easement.

Councilmember Musgrove commented that she believes that the lots would be more saleable in that manner and would create a better product that would benefit the developer in the end.

Chairperson Bauer commended the developer for working with the City and the intent to not rezone the property. He believed that with these modifications the developer could come back with a sketch that would address these issues and continue this moving forward.

Jason Bebeau, applicant, referenced the lots that were mentioned by Councilmember Musgrove and staff and commented that when people are purchasing lots in a development, every single lot is 80 feet wide and they are aware of what they are purchasing. He asked why they would want to lose additional lots when every lot is 80 feet wide and noted that all four corners of the lot are

marked. He stated that each lot as proposed is 80 feet wide and those with an easement would be 80 feet wide without the easement.

Senior Planner McGuire Brigl highlighted Lot 49 and stated that the lot is 81 feet wide which includes half of the 75-foot-wide easement, which equates to 40 feet of buildable space.

Mr. Bebeau commented that the lot meets the 80-foot requirement.

Senior Planner McGuire Brigl explained that would not be 80 buildable feet wide. She stated that the lot dimensions would not be met because of the inclusion of the easement.

Commissioner Woestehoff asked if there has been any movement on the Trott Brook North property that would help to move along the connection to utilities.

Senior Planner McGuire Brigl commented that there is nothing new to report on that property.

Chairperson Bauer stated that he would suggest that the developer work with staff to address the issues mentioned before going to the expense of preliminary plat.

Motion by Commissioner Anderson, seconded by Commissioner Woestehoff, to direct the applicant to develop a preliminary plat application incorporating staff and neighbor comments.

### **7.03: Review Proposed Site Plan for Storyteller Café; Case of Stories Foundation**

#### **Presentation**

Planning Consultant Maass presented the Staff Report and stated that staff is looking for generation direction from the Commission as to whether or not the applicant should move forward with completing a formal application for review. The Planning Commission should indicate general support or lack of support for the proposed project to provide both the applicant and staff as to how to proceed.

Senior Planner McGuire Brigl commented that this is a unique property that is skinny, abuts a road and a daycare and believes that this is a good fit for the property. She stated that this project seems to fulfill goals of the City, bringing additional restaurants to the community.

#### **Commission Business**

Chairperson Bauer stated that there was concern in the past with what could fit on that narrow strip and commented that this appears to be an excellent fit for the property.

Commissioner Anderson asked the type of apartments, whether they would be market rate, and stated that he would also be interested in the foundation proposing this project.

Stephanie Page, Executive Director of Stories Foundation, stated that they are a nonprofit organization that creates social impact businesses to help fight human trafficking. She stated that

their goal would be that the café would be a presence in the community that would serve good food and educate about the social justice issues that exist. She stated that she believes that social impact businesses are underused in the community. She stated that people can know that eating their lunch or having their coffee helps to fight the issue of human trafficking. She stated that one of the three apartments would be occupied by her parents, who would then manage the property and the other two apartments would either be market rate apartments to help cover the costs or would be available for women coming out of situations where they need a next step. She stated that they would partner with local programs for safe housing that would provide a steppingstone for women that are in a position where they need assistance until they are able to get a market rate apartment. She stated that the café would also create job opportunities for those that need that support.

Commissioner Gengler commented that the drawings are impressive, this is a beautiful design and it seems that this would be a good fit for the space and a great addition to the business community.

Councilmember Musgrove asked if the applicant's parents are local to the area and asked for more details on the length of stay for the other two apartments.

Ms. Page confirmed that her parents are local. She stated that the apartments would not be turning over constantly. She explained that these apartments would be a next step for those that have already come out of an unsafe situation and have been in a one to two-year program. She explained that the apartments would be available on a sliding scale with rents increasing over time to prepare that tenant for their next step into a market rate apartment. She stated that if there is not anyone that needs those apartments for that use, the apartments could be rented at market rate to contribute to the cause. She stated that the apartments would be leased on one-year terms.

Councilmember Musgrove commented that sex trafficking is a serious issue and stated that she would be more in agreement to supporting the apartments if it was used for that space. She stated that she would be concerned with having market rate apartments, simply to have them in a business area.

Ms. Page noted that she has not thought through the apartments completely, noting that they intent to use those apartments as a next step for women in their journey of healing.

Commissioner VanScoy stated that having apartments in a commercial building would be a permitted use and therefore that could not be denied for that purpose. He referenced the parking which was mentioned as somewhat deficient in the staff report and asked for additional details.

Planning Consultant Maass reviewed the different parking requirements with The COR and how the calculation could be made. He stated that 20 stalls would be proposed. He stated that because this is not a true restaurant and is more of a cafe with a drive-thru, the same parking may not be needed. He stated that there is a proposed training area that could bring in larger groups with a higher parking demand.

Commissioner VanScoy asked how on-street parking would apply.

Planning Consultant Maass stated that street parking was not taken into account when reviewing the request but confirmed that on-street parking would be available on Sunwood and Veterans Drive. He noted that perhaps there is also an opportunity for shared parking with the daycare and at the parking ramp.

Commissioner Anderson asked if there would be two to three employees and whether those would be the people occupying the apartments.

Ms. Page stated that there will be a combination of people that live onsite and offsite for employees and noted that volunteers would also work at the business.

Chairperson Bauer stated that this looks like an interesting project and a good use of the odd shaped parcel. He stated that even though parking would be restricted because of the size of the parcel, there are opportunities for off-site parking as well.

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

Senior Planner McGuire Brigl highlighted some items that will come forward to the Commission for review in October. She stated that there is a lot of building within Ramsey and advised of the new staff member the department will be gaining to provide assistance.

City Planner Anderson reported that the City is intending to hold a fall recycling event on September 26<sup>th</sup> from 8:00 a.m. to noon at the public works campus.

Senior Planner McGuire Brigl stated that the City will also be hosting a series of *Happy Daze* events and noted that more information can be found on the City website.

## **9. ADJOURNMENT**

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

A roll call vote was performed:

Commissioner Anderson	aye
Commissioner Peters	aye
Commissioner Gengler	aye
Commissioner Woestehoff	aye
Commissioner Johnson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

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

The regular meeting of the Planning Commission adjourned at 9:00 p.m.

Respectfully submitted,

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Chloe McGuire Brigl  
Senior Planner

ATTEST:

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JoAnn Shaw  
Planning Division Secretary

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*

## Regular Planning Commission

6. 1.

**Meeting Date:** 10/01/2020

**By:** Chris Anderson, Community  
Development

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### Information

**Title:**

PUBLIC HEARING: Consider Request for Variance to Minimum Lot Size and Width at 4944 178th Lane NW (Project No. 20-129); Case of Jack and Sandra Kuhn

**Purpose/Background:**

The City has received an application from Jack and Sandra Kuhn (the "Applicant") for a variance to minimum lot size on their property located at 4944 178th Lane NW (the "Subject Property"). The neighbor to the west of the Applicant has applied for an Administrative Subdivision to realign the common lot line along the eastern boundary of the Subject Property (the Applicant was a part of that application as well) to correct an encroachment issue. The realignment of the common lot line will reduce the size and width of the Subject Property, resulting in the need for a variance.

**Notification:**

The City attempted to notify Property Owners, as reflected in the Anoka County Property Records, within 350 feet of the Subject Property of the request.

**Observations/Alternatives:**

The Applicant's neighbor (17840 Tonto Street NW) has applied for an Administrative Subdivision to realign two common lot lines, one with the Subject Property and the other involves 5022 179th Avenue NW. The purpose of the Administrative Subdivision is to correct two encroachment issues involving detached accessory buildings (one belonging to 17840 Tonto St. and one belonging to 5022 179th Ave).

The property owner of 17840 Tonto Street (west of the Subject Property) is selling their home and as part of that process, it was discovered that their detached garage is entirely on the Applicant's property. Additionally, it was also discovered that a detached accessory building belonging to 5022 179th Avenue was just slightly encroaching over the common lot line with 17840 Tonto Street. Thus, the property owner of 17840 Tonto Street has applied for an Administrative Subdivision to realign two lot lines and by doing so, will completely address both encroachment issues.

All three properties are in the R-1 Residential (Rural Developing) District, which requires a minimum lot size of 2.5 acres and a minimum lot width of 200 feet. The Subject Property is currently 1.7 acres in size (considered lawful, nonconforming) and has a width of approximately 232 feet. The proposed Administrative Subdivision would reduce the lot size to approximately 1.4 acres and the lot width to approximately 168 feet.

When considering a Variance, the Planning Commission shall consider the following factors:

1. Will the variance allow the property owner to use the property in a reasonable manner?
2. Is the plight of the landowner is due to circumstances unique to the property and not created by the landowner?
3. Will the variance, if granted, alter the essential character of the locality?

The Subject Property will continue to be used as a single family residence, a reasonable use in the R-1 Residential (Rural Developing) District. The Applicant did not create this circumstance as it was the result of an adjoining property owner errantly constructing an accessory structure on the Subject Property. The surrounding parcels to the east and north are all approximately 1 acre or so in size so the reduction in lot size of the Subject Property would

not be inconsistent with the general character of the neighborhood. Furthermore, based on how the properties have been used (driveway location and detached garage), the reduction in width would be inconspicuous as well. The result of the Administrative Subdivision, should the variance be approved, would also correct two existing encroachments and ensure that the existing buildings meet current setbacks.

As a reminder, when addressing variances, the Planning Commission is acting in a quasi-judicial capacity rather than in an advisory capacity.

### **Alternatives**

Alternative 1: Approve the variance to lot size and width as requested. The lot size will be consistent with many of the surrounding properties. From the public's perspective, the reduced width would not be noticeable due to the location of the adjacent property's detached accessory building and driveway. The variance, if approved, would allow for the completion of an Administrative Subdivision that would correct multiple, existing encroachments impacting three properties.

Alternative 2: Deny the variance. Should the variance be denied, it would result in necessary modifications and/or removals of certain improvements owned by the neighboring property. More specifically, the existing concrete driveway would need to be relocated and/or reconfigured to eliminate the encroachment onto the Subject Property. Furthermore, the neighbor's detached accessory building, which encroaches onto the Subject Property, would also need to be either relocated or removed entirely. The variance would result in the Subject Property being out of character for the neighborhood.

### **Funding Source:**

The Applicant is responsible for all costs incurred while processing this request.

### **Recommendation:**

Staff recommends adopting Resolution #20-222 granting a variance to lot size and width for the Subject Property, which will allow an Administrative Subdivision to be completed to correct multiple, existing structure encroachments.

### **Action:**

Motion to adopt Resolution #20-222, granting a variance to lot size and width for the Subject Property.

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### **Attachments**

[Site Location Map](#)

[Survey for Administrative Subdivision](#)

[Aerial Image of the Three Properties](#)

[Resolution #20-222](#)

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### **Form Review**

#### **Inbox**

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 09/24/2020

#### **Reviewed By**

Tim Gladhill

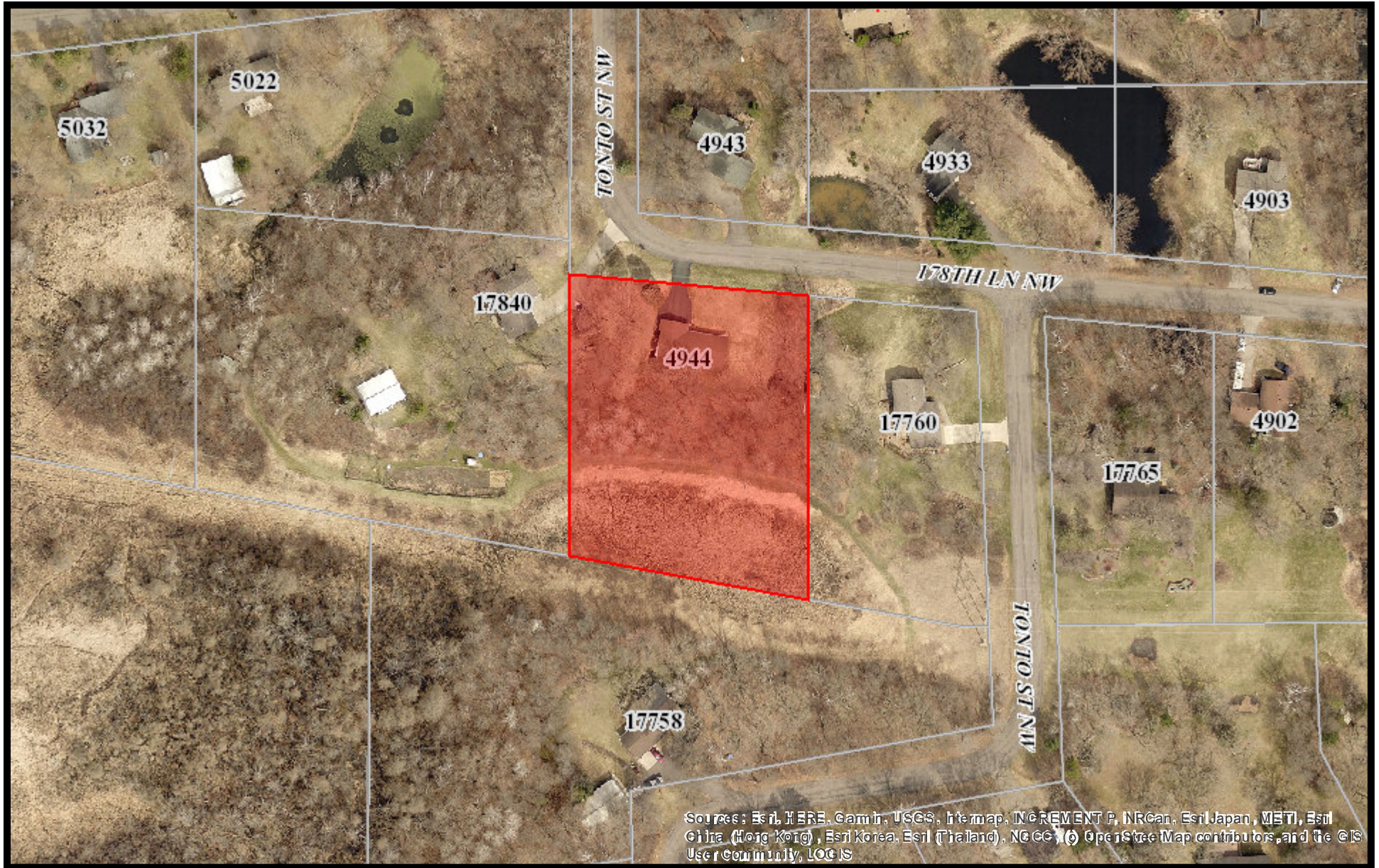
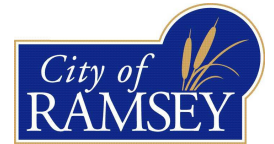
#### **Date**

09/24/2020 04:34 PM

Started On: 09/22/2020 08:47 AM

# 4944 178th Lane NW

Site Location Map



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

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# CERTIFICATE OF SURVEY

**EXISTING LEGAL DESCRIPTION OF PID NO 01-32-25-13-0005 (Wilson)**

That part of the Southwest Quarter of the Northeast Quarter and Government Lot 1, Section 1, Township 32, Range 25 in Anoka County Minnesota described as follows: Commencing at the intersection of the East line of the Northeast Quarter of said Section 1 and the center line of County State Aid Highway No. 7 as it is now laid out and traveled; thence South 82° 39' 54" West on said center line a distance of 600 feet; thence South (assumed bearing) and parallel with the East line of said Northeast Quarter of the Northeast Quarter and said Government Lot 1 a distance of 435.6 feet; thence South 82° 39' 54" West a distance of 600 feet; thence South and parallel with the East line of said Government Lot 1 a distance of 287.66 feet to the point of beginning of land to be described; thence North 85° 00' West a distance of 389.27 feet; thence South and parallel with the East line of said Northeast Quarter of the Northeast Quarter and said Government Lot 1 a distance of 273.12 feet; thence South 79° 55' 48" East a distance of 389.44 feet; thence North and parallel with the East line of said Northeast Quarter of the Northeast Quarter and said Government Lot 1 a distance of 272.76 feet; thence North 47° 30' East a distance of 44.77 feet to the point of beginning.

Subject to restrictions, reservations and easements of record, if any.

**EXISTING LEGAL DESCRIPTION OF PID NO 01-32-25-14-0013 (Kuhn)**

That part of Government Lot 1, Section 1, Township 32, Range 25, in Anoka County, Minnesota, described as follows: Commencing at the intersection of the East line of the Northeast Quarter of the Northeast Quarter of said Section and the center line of County State Aid Highway No. 7 as it is now laid out and traveled; thence South 82 degrees, 39 minutes, 54 seconds West on said center line a distance of 600.00 feet; thence South (assumed bearing) and parallel with the East line of said Northeast Quarter of the Northeast Quarter and said Government Lot 1 a distance of 435.6 feet; thence South 82 degrees, 39 minutes, 54 seconds West a distance of 600 feet; thence South and parallel with the East line of said Government Lot 1 a distance of 287.66 feet to the point of beginning of land to be described; thence North 85 degrees, 00 minutes East a distance of 389.27 feet; thence South and parallel with the East line of said Government Lot 1 a distance of 273.12 feet; thence North 79 degrees, 55 minutes, 48 seconds West a distance of 234.99 feet; thence North and parallel with the East line of said Government Lot 1 a distance of 272.76 feet; thence North 47 degrees, 30 minutes East a distance of 44.77 feet to the point of beginning.

**EXISTING LEGAL DESCRIPTION OF PID NO 01-32-25-13-0010 (Snavely)**

That part of Government Lot 1 and the Southwest Quarter of the Northeast Quarter of Section 1, Township 32, Range 25, described as follows: Commencing at the intersection of the East line of the Northeast Quarter of the Northeast Quarter of said Section 1 and the center line of County State Aid Highway No. 7 as it is now laid out and traveled; thence south 82 degrees 39 minutes 54 seconds West on said center line a distance of 600.00 feet; thence South (assumed bearing) and parallel with the East line of said Northeast Quarter of the Northeast Quarter and said Government Lot 1 a distance of 435.6 feet; thence South 82 degrees, 39 minutes, 54 seconds West a distance of 600 feet to the point of beginning of land to be described; thence North 85 degrees, 00 minutes East a distance of 389.27 feet; thence South and parallel with the East line of said Government Lot 1 a distance of 273.12 feet; thence North 79 degrees, 55 minutes, 48 seconds West a distance of 234.99 feet; thence North and parallel with the East line of said Government Lot 1 a distance of 272.76 feet; thence North 47 degrees, 30 minutes East a distance of 44.77 feet to the point of beginning, according to the United States Government Survey thereof and situate in Anoka County, Minnesota.

**NOTES:**

1) This survey was performed without the benefit of a title commitment. There may or may not be easements encumbering or benefiting the subject property. The legal description as shown thereon was provided by the client.

2) AREAS:

PID NO 01-32-25-13-0005 (Wilson)	Existing Area = 105854 SqFt	2.4 Acres
	Proposed Area = 116268 SqFt	2.7 Acres
PID NO 01-32-25-14-0013 (Kuhn)	Existing Area = 72639 SqFt	1.7 Acres
	Proposed Area = 62225 SqFt	1.4 Acres
PID NO 01-32-25-13-0010 (Snavely)	Existing Area = 97123 SqFt	2.2 Acres
	Proposed Area = 97123 SqFt	2.2 Acres

**PROPOSED LEGAL DESCRIPTION PARCELA (Snavely to Wilson)**

That part of the following described property which lies southeasterly of the hereinafter described "Line A":  
That part of Government Lot 1 and the Southwest Quarter of the Northeast Quarter of Section 1, Township 32, Range 25, described as follows: Commencing at the intersection of the East line of the Northeast Quarter of the Northeast Quarter of said Section 1 and the center line of County State Aid Highway No. 7 as it is now laid out and traveled; thence South 82 degrees 39 minutes 54 seconds West on said center line a distance of 600.00 feet; thence South (assumed bearing) and parallel with the East line of said Northeast Quarter of the Northeast Quarter and said Government Lot 1 a distance of 435.6 feet; thence South 82 degrees, 39 minutes, 54 seconds West a distance of 600 feet to the point of beginning of land to be described; thence North 85 degrees, 00 minutes East a distance of 389.27 feet; thence South and parallel with the East line of said Government Lot 1 a distance of 273.12 feet; thence North 79 degrees, 55 minutes, 48 seconds West a distance of 234.99 feet; thence North and parallel with the East line of said Government Lot 1 a distance of 272.76 feet; thence North 47 degrees, 30 minutes East a distance of 44.77 feet to the point of beginning, according to the United States Government Survey thereof and situate in Anoka County, Minnesota.

**PROPOSED LEGAL DESCRIPTION FOR PARCEL B (Wilson to Snavely)**

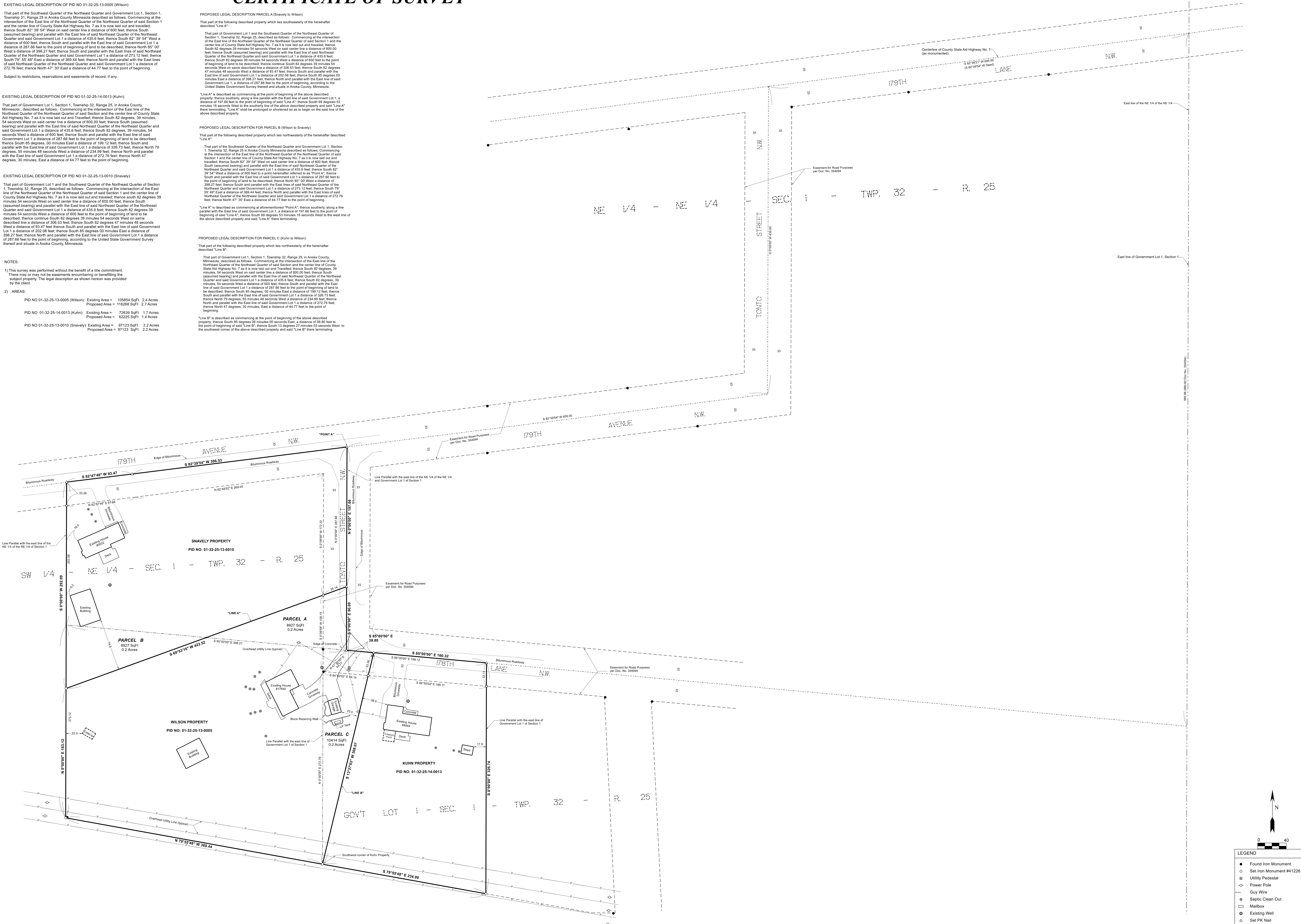
That part of the following described property which lies northwesterly of the hereinafter described "Line A":  
That part of the Southwest Quarter of the Northeast Quarter and Government Lot 1, Section 1, Township 32, Range 25 in Anoka County Minnesota described as follows: Commencing at the intersection of the East line of the Northeast Quarter of the Northeast Quarter of said Section 1 and the center line of County State Aid Highway No. 7 as it is now laid out and traveled; thence South 82° 39' 54" West on said center line a distance of 600 feet; thence South (assumed bearing) and parallel with the East line of said Northeast Quarter of the Northeast Quarter and said Government Lot 1 a distance of 435.6 feet; thence South 82° 39' 54" West a distance of 600 feet; thence South and parallel with the East line of said Government Lot 1 a distance of 287.66 feet to the point of beginning of land to be described; thence North 85° 00' West a distance of 389.27 feet; thence South and parallel with the East line of said Government Lot 1 a distance of 273.12 feet; thence North 79° 55' 48" East a distance of 389.44 feet; thence North and parallel with the East line of said Government Lot 1 a distance of 272.76 feet; thence North 47° 30' East a distance of 44.77 feet to the point of beginning.

"Line A" is described as commencing at an aforementioned "Point A", thence southerly, along a line parallel with the East line of said Government Lot 1, a distance of 197.66 feet to the point of beginning of said "Line A"; thence South 89 degrees 53 minutes 16 seconds West to the southerly line of the above described property and said "Line A" there terminating. "Line A" shall be prolonged or shortened as to begin on the east line of the above described property.

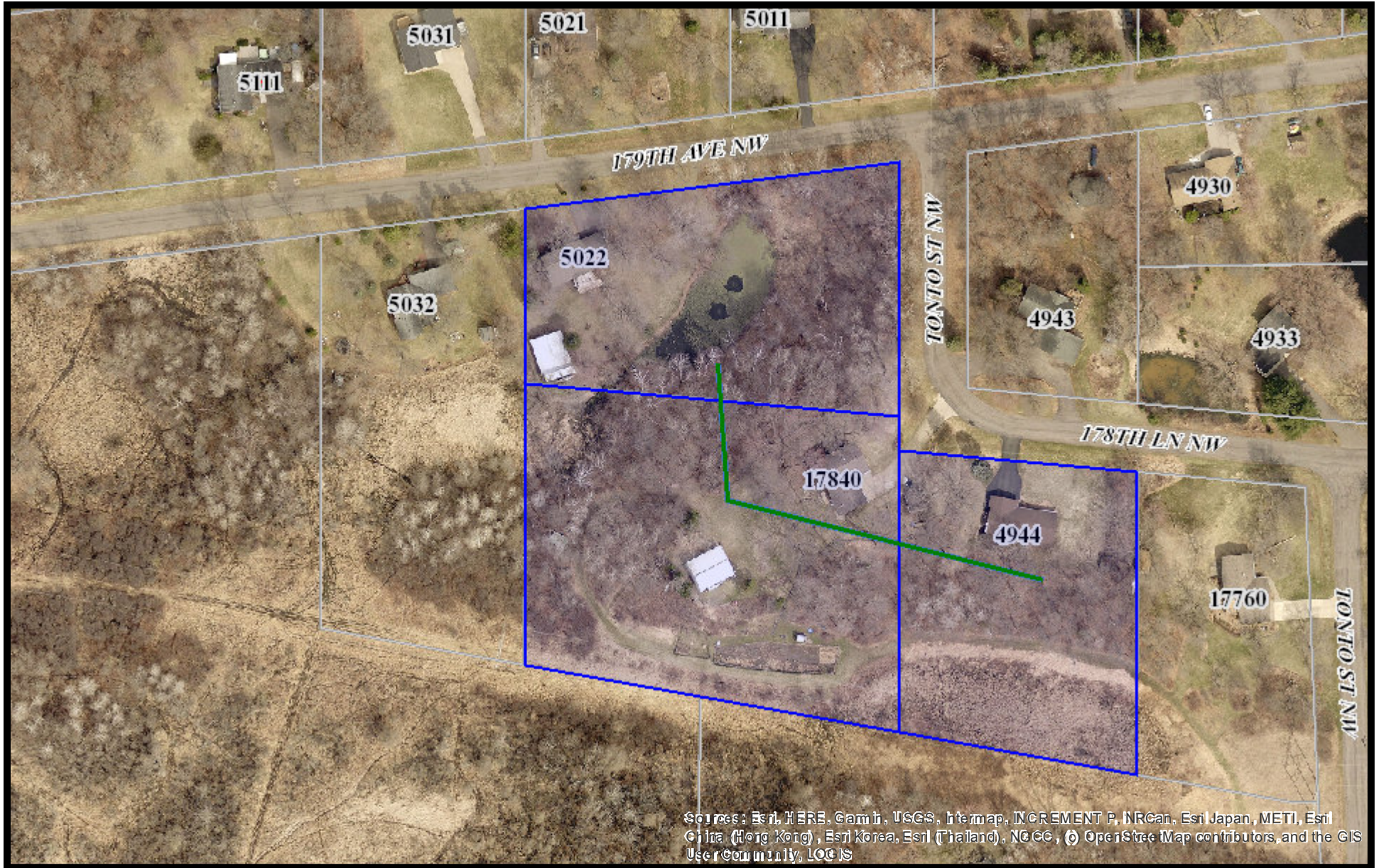
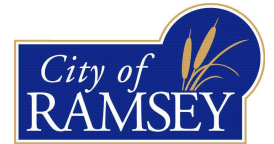
**PROPOSED LEGAL DESCRIPTION FOR PARCEL C (Kuhn to Wilson)**

That part of the following described property which lies northwesterly of the hereinafter described "Line B":  
That part of Government Lot 1, Section 1, Township 32, Range 25, in Anoka County, Minnesota, described as follows: Commencing at the intersection of the East line of the Northeast Quarter of the Northeast Quarter of said Section and the center line of County State Aid Highway No. 7 as it is now laid out and traveled; thence South 82 degrees, 39 minutes, 54 seconds West on said center line a distance of 600.00 feet; thence South (assumed bearing) and parallel with the East line of said Northeast Quarter of the Northeast Quarter and said Government Lot 1 a distance of 435.6 feet; thence South 82 degrees, 39 minutes, 54 seconds West a distance of 600 feet to the point of beginning of land to be described; thence North 85 degrees, 00 minutes East a distance of 389.27 feet; thence South and parallel with the East line of said Government Lot 1 a distance of 273.12 feet; thence North 79 degrees, 55 minutes, 48 seconds West a distance of 234.99 feet; thence North and parallel with the East line of said Government Lot 1 a distance of 272.76 feet; thence North 47 degrees, 30 minutes East a distance of 44.77 feet to the point of beginning.

"Line B" is described as commencing at an aforementioned "Point A", thence southerly, along a line parallel with the East line of said Government Lot 1, a distance of 197.66 feet to the point of beginning of said "Line B"; thence South 89 degrees 53 minutes 16 seconds West to the west line of the above described property and said "Line B" there terminating.



Properties Involved



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

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

**RESOLUTION #20-222**

**A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO MINIMUM LOT SIZE AND WIDTH IN THE R-1 RESIDENTIAL (RURAL DEVELOPING) DISTRICT AND DECLARING TERMS OF PERMIT**

**RECITALS**

1. The City of Ramsey received an application from Jack and Sandra Kuhn (the "Permittee") requesting a Variance to Section 117-111 (R-1 Residential District) of the Ramsey City Code with regard to the minimum lot size and width requirements on the property generally known as 4944 178<sup>th</sup> Lane NW and legally described as follows:

That part of government lot 1 Section 1 Township 32 Range 25 described as follows: commencing at intersection of east line of NE ¼ of NE ¼ of said Section and centerline of CSAH No. 7, also known as 179<sup>th</sup> Lane NW, thence south 82 degrees 39 minutes 54 seconds west along said centerline 600 feet, thence south parallel with said line 435.6 feet, thence south 82 degrees 39 minutes 54 seconds west 600 feet, thence south parallel with said east line 287.66 feet to point of beginning, thence south 85 degrees east 199.12 feet, thence south parallel with said east line 326.73 feet, thence north 79 degrees 55 minutes 48 seconds west 234.99 feet, thence north parallel with said east line 272.76 feet, thence north 47 degrees 30 minutes east 44.77 feet to point of beginning, except road, subject to easement of record.

(the "Subject Property")

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 (Variances) of the Ramsey City Code on October 1, 2020, and that said public hearing was properly advertised and that the minutes of said public hearing are available.
3. That the Subject Property is approximately 1.7 acres in size and is zoned R-1 Residential (Rural Developing).
4. That the Subject Property is approximately 232 feet wide along 178<sup>th</sup> Lane NW.
5. That the surrounding parcels range in size from about 0.93 acres to about 3.13 acres and are also zoned R-1 Residential (Rural Developing).
6. That the Subject Property is guided as Rural Developing on the City's Future Land Use Map as are all of the surrounding parcels.
7. That an existing accessory building belonging to the parcel west of the Subject Property was errantly constructed on the Subject Property.

8. That while there is no building permit on file for said accessory building, based on aerial photos, it appears the accessory building has been in place for approximately 35 years (first seen on aerial image dated 1985).
9. That the owners of the parcel to the west of the Subject Property have applied for an Administrative Subdivision to realign multiple property lines, including one with the Subject Property, to correct existing structure encroachments.
10. That to complete the Administrative Subdivision, a variance is required for the Subject Property as it will result in deficient lot size and lot width.
11. That the Subject Property is currently considered lawful nonconforming with regard to lot size (1.7 acres) but if the Administrative Subdivision is completed, the Subject Property would be approximately 1.4 acres in size.
12. That City Code Section 117-111 (R-1 Residential District) states that lots shall have a minimum lot size of 2.5 acres and a minimum frontage of 200 feet along a road.
13. That upon completion of the Administrative Subdivision, the Subject Property would have approximately 168 feet of frontage along 178<sup>th</sup> Lane NW.

#### **FINDINGS OF FACT**

1. That the reduced lot area and width of the Subject Property will not impair an adequate supply of light and air to adjacent property.
2. That the reduced lot area and width of the Subject Property will not unreasonably increase the congestion on the public street.
3. That the reduced lot area and width of the Subject Property will not have the effect of allowing any use prohibited in the R-1 Residential (Rural Developing) District.
4. That the reduced lot area and width of the Subject Property will not permit a lesser degree of public health, safety, and general welfare protection than established by Chapter 117 of the Ramsey City Code, or permit standards which are lower than those required by state law.
5. That the reduced lot area and width of the Subject Property will not increase the danger of fire or endanger public safety.
6. That the reduced lot area and width of the Subject Property will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of Chapter 117 of the Ramsey City Code.
7. That the reduced lot area and width of the Subject Property will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the area.

8. That the reduced lot area and width of the Subject Property will not violate the intent and purpose of the Comprehensive Plan.
9. That the reduced lot area and width of the Subject Property will be in accordance with the objectives of the intent of Section 117-53 (Variances) of the Ramsey City Code.
10. That the reduced lot area and width of the Subject Property is the minimum necessary to accomplish the Permittee's intended purpose.

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

That the Ramsey Planning Commission hereby grants approval of a variance (the "Variance") to the minimum lot size and width requirement on the **Subject Property**, subject to review and approval as to legal form and contingent upon the following conditions:

**CONDITIONS**

1. That this **Variance** shall allow the lot size and width of the **Subject Property** to be 1.4 acres and 168 feet, respectively, upon completion of an Administrative Subdivision to realign its western lot line to eliminate an existing structure encroachment.
2. That this **Variance** shall be perpetual in duration as long as the terms are herein complied with.
3. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
4. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.
5. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the **Permittee**.
6. That this **Variance** shall automatically expire if the use is not initiated by October 1, 2021, and initiation shall be considered recording of the deed transfer with Anoka County to complete the Administrative Subdivision.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey Planning Commission this the 1<sup>st</sup> day of October, 2020.

\_\_\_\_\_  
Chairperson

ATTEST:

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

