

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, October 28, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Randy Bauer
 Commissioner Bruce Anderson
 Commissioner Andrew Dunaway
 Commissioner Cheri Gengler
 Commissioner Eric Peters
 Commissioner Gary VanScoy
 Commissioner Brian Walker

Members Absent: None

Also Present: Senior Planner Chloe McGuire Brigl
 Zoning Code Enforcement Officer Bria Raines
 Planning Technician Brian McCann
 City Council Liaison Matt Woestehoff

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

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

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

5. CONSENT AGENDA

- 5.01: Approve the September 23, 2021 Planning Commission Meeting Minutes**
5.02: ~~Consider Ordinance #21-15 Creating Additional Requirements for Driveways and Parking Pads~~
5.03: Consider Allowing Accessory Dwelling Units on Single-Family Residential Properties
5.04: ~~Review Ordinance Amending Digital Display Billboard Regulations~~

Motion by Commissioner Gengler, seconded by Commissioner Peters, to table Item 5.02 and pull Item 5:04 to be considered as Item 7.01 and approve the consent agenda as amended.

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

6. PUBLIC HEARINGS/COMMISSION BUSINESS

- 6.01: Public Hearing: Consider Resolution #21-309 and Ordinance #21-23 Approving Preliminary Plat for Trott Brook Crossing; Case of Sotarra**

Public Hearing

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

Presentation

Senior Planner McGuire Brigl presented the staff report stating that staff recommends adoption of Resolution #21-309 and Ordinance #21-23 approving Preliminary Plat for Trott Brook Crossing.

Chairperson Bauer asked the current lot size for the different areas of the site.

Senior Planner McGuire Brigl provided details on the different lot sizes. She noted an area that was previously believed to be unbuildable but is actually buildable and zoned for 2.5 acre lots on well and septic.

Commissioner VanScoy commented that there seems to be something above parcel D on the west side identified as an exception and asked for clarification.

Senior Planner McGuire Brigl replied that is a single-family home and will not be platted as part of this project as it is not owned by the applicant.

Commissioner VanScoy asked the zoning of that property.

Senior Planner McGuire Brigl replied that property is zoned MUSA.

Commissioner Gengler asked for clarification on the term as-builts.

Senior Planner McGuire Brigl explained that is an on the ground survey of what was actually built and is provided upon completion. She noted that as-builts are required in different areas, such as near wetlands or along the Mississippi River.

Commissioner VanScoy asked and received confirmation that because the exception property is zoned MUSA, transitioning would not be required.

Citizen Input

Jon and Jake Packer, representing the Makowski family, stated that the land above parcel D is also owned by one of their family members and is choosing to stay in the home with the development being built. He commented that they are present to address any questions someone may have related to the family.

Ben Schmidt, Sotarra Development, stated that they started working on this more than two years ago with an idea for smaller lots and a more mixed community which was denied. He stated that as they went through the process, they were able to make changes and present a plan that fits in the area and is sensitive to existing uses while providing new homes in Ramsey.

Jeff Uecker, 17121 Variolite Street, stated that his family has lived in Ramsey since 1995 and there have been many changes. He believed that this project would be not so good for the neighborhood. He stated that there are ten acre lots that come up by quarter acre lots. He was unsure how the property can go from rural preserve to this type of development. He stated that he never received a letter or opportunity to provide input on the zoning. He believed that people should have had an opportunity to speak about the change in zoning. He did not understand why larger lots were not kept on the outside with smaller lots on the interior of the development. He stated that his neighbor is present but is not comfortable coming forward to speak but noted that his neighbor agrees with his comments.

Chairperson Bauer asked staff to provide details on the rezoning and those that were notified.

Senior Planner McGuire Brigl displayed a copy of the notice for the rezoning public hearing which was held on March 3, 2011 and advised that the topic was also discussed at two City Council meetings. She stated that everything was rezoned properly, although noted that perhaps staff would have done things differently now than they did in the past.

Chairperson Bauer stated that this is legally zoned R-1 for 80-foot lots and this proposal is in compliance with the zoning, therefore the Commission cannot deny the request simply because they do not want 80-foot lots.

Senior Planner McGuire Brigl confirmed that is correct. She noted that there are items in which the Commission has discretion and other times, such as this when the Commission has to determine if a request meets the requirements of the zoning code, ordinances, and Comprehensive Plan. She stated that if a request complies with the requirements, the request would be allowed. She stated that there are things the City can do to make it better, such as road upgrades, park facilities, and

trail connections. She stated that the Commission would have discretion related to the rezoning request tonight.

Senior Planner McGuire Brigl confirmed that could be done but was unsure that would be the best planning because of the way the site lays out.

Jeriann Palmer, 8250 154th Lane, stated that on Alpine there is a monstrosity of development where the developer has been allowed to load the outlet for the lake with dirt. She asked when the zoning was put into place for quarter acre lots and how people would remember a letter from ten years ago. She stated that Ramsey already has a lot of homes, overloaded roads and she did not see the purpose of adding more homes. She stated that she is concerned that the rural area she moved into 30 plus years ago has become a land of sirens, traffic, and construction noise. She suggested larger lots on the exterior with smaller lots in the interior of the development. She understands that people want to sell their land but believes there should be different opportunities.

Chairperson Bauer asked if staff is familiar with the project on Alpine.

Senior Planner McGuire Brigl clarified that could be the Riverstone project. She was not aware of any issues with the wetland. She noted that every project requires an approved delineation from the Lower Rum River Water Management Organization (LRRWMO), along with other permitting. She noted that she can have staff follow up on that comment.

Norm Novak, 7041 175th Avenue, stated that he is against this project. He commented that this is rural farmland and he moved to his property 18 years ago to be in farm area. He stated that there are already problems with traffic and the Hunt property development was just approved as well. He commented on the issues with traffic and safety in that area. He stated that he attempted to purchase five acres from his neighbor, but the request was denied by the City. He commented that there are a lot of people out there that are not aware of this request. He stated that he was never made aware of the 2011 request for rezoning. He stated that if the City would have provided letters to everyone in this area, the Chambers would be packed with residents. He stated that he was told that notice was only provided to those within 500 feet, which does not accurately inform residents in the area. He commented on the wetlands and his concern with disturbance. He stated that he opposes the request because this is rural area, and the development should go somewhere else.

Chairperson Bauer asked staff for details on notification for the public hearing.

Senior Planner McGuire Brigl commented that the City is required to send notification to properties within 700 feet of the subject properties, which were mailed. She stated that signage was posted on the site and notice was also published on the bulletin board and City website all of which are not required. She stated that the City meets the required legal public notices and attempts to go above those requirements. She stated that there will also be an open meeting the following week and notice will be sent for the City Council meeting as well. She commented that 195 notices were mailed to residents for this meeting.

Mr. Novak stated that he spoke with two of his neighbors that live directly next door to him, and they were not notified. He believed that several more notices should have been mailed. He stated that he was told by his neighbors about this meeting as he did not receive a letter.

Mr. Uecker stated that if he would have received a letter in 2011, he would have come in to speak as he has done tonight. He stated that there was not a sign placed on the property in 2011, as residents would have come to speak.

Debra Musgrove, 15247 Fluorine Street, commented that as a Councilmember she is also the City representative for the LRRWMO. She stated that she has concern with approval of new lots as it was stated that a full delineation would not be done until spring. She stated that the delineation may cause a difference to the plans.

Kris Nelson, 7630 166th Ave NW, stated that she is not directly in the area and did not receive notification or see a sign placed on the site. She stated that she was present in 2011 and was part of that discussion for the Comprehensive Plan but did not recall a discussion on this property. She commented that this area is rural and believes that this development would ruin the integrity of the area. She believed that more notification should be sent above the requirements. She commented that if she wanted to live in the suburbs, she would have.

Senior Planner McGuire Brigl commented that typically the City doubles the minimum required 350-foot notice area from the State to 700 feet. She stated that the notices are mailed in an envelope, and it is a four-page letter, not a postcard.

Ms. Nelson commented that she is stating that what was sent is not enough and believed the coverage area should be expanded. She stated that the people that will be impacted have not been notified.

Lonnie Gray, 17530 Nowthen Boulevard, stated that he was active one year ago when the Hunt property was mentioned. He commented on the need for traffic studies at that time and asked when it was completed.

Senior Planner McGuire Brigl replied that a traffic study was completed in July.

Mr. Gray asked if that study included this parcel.

Senior Planner McGuire Brigl replied that the study was done by this applicant for this project.

Mr. Gray commented that traffic is astronomical coming down CR 5. He stated that he spoke with residents north of him that were not aware of this project and were aghast when he showed them the letter. He stated that an additional 270 homes are added through this project, that would add more than 540 vehicles onto an already busy roadway. He stated that the City has not addressed what will be done to the roadway system to improve this situation. He invited anyone to visit his home and try to get out of his driveway. He stated that the traffic is fast moving, and it is not safe. He read a written letter from his 87-year-old neighbor at 17591 Nowthen Boulevard who is opposed to the development and submitted it into the record.

Carl Biederman, 7050 175th Avenue, stated that the comment that the notice was not provided well in the past is an understatement. He asked when the City is going to start listening to residents. He stated that the developer does not care what happens after they are done. He shamed staff and the Commission if this is allowed to pass. He believed the City should make the choice to start over and do things right rather than pass this. He stated that they never received a notice, and the City did something wrong.

Chairperson Bauer commented that he does not believe that the current Commission members and staff were in position in 2011 and therefore cannot provide those answers. He commented that the City has learned and continues to do more than is required. He stated that the property is zoned for 80-foot lots and the request is in compliance, therefore it is a legal request, and the City cannot deny something allowed.

Ms. Palmer asked if the City would be liable to a lawsuit from the developer if they deny the request because of the zoning change in 2011.

Chairperson Bauer commented that if an applicant proposes something that meets the zoning requirements it cannot be denied. He stated that there is an active request on the property.

Ms. Palmer asked what would happen if a second developer came forward with a plan for the property and whether only one plan is studied at a time.

Senior Planner McGuire Brigl replied that only one plan is reviewed at one time.

Ms. Palmer asked if the citizens could sue the City. She commented that if enough residents do not want a development, something should be allowed to be changed.

Chairperson Bauer commented that the Commission receives information from the country with planning related cases and there are numerous instances where cities are sued for denying requests that meet the ordinance requirements and, in those cases, the developer wins.

Councilmember Woestehoff stated that this is not the developer versus the residents. He stated that the current property owners still own the property and have the right to develop the property. He stated that if the zoning restrictions are changed on an active parcel attempting to be sold, the City could be liable. He commented that zoning can change with time, through the appropriate processes as it did on this property. He commented that there are three Councilmembers present tonight in Chambers and they are very cognizant that the rural character is changing in this area of the city and will keep that in mind when developing the next iteration of the Comprehensive Plan. He stated that the property owner has the right to sell their property with the appropriate price that this zoning provides. He stated that if that right is taken away, that is where the liability would come.

Ms. Palmer commented that instance takes away the opportunity for a regular person to come and purchase part of the property. She asked the distance 700 feet would be from the subject property.

Senior Planner McGuire Brigl provided a map identifying the properties that were mailed notice.

Matt Look, Anoka County Commissioner, thanked the Commission for their hard work and appreciated the hard decisions they have to make. He stated that each home has about 2.5 vehicles per household which would add 500 to 600 vehicles onto CR 5, which has already had an increase of traffic since the school was put in. He stated that CR 5 is becoming a road that will require a median. He stated that at that time 173rd would become a right-in/right-out. He stated that perhaps in combination between this property and the Hunt property there could be a solution such as directly traffic to 175th where perhaps a roundabout could be installed to slow traffic in the area. He stated that if 175th is already dysfunctional and a second dysfunctional intersection is placed at 173rd that will only make the problem worse and bring about the median. He stated that the last thing they want to do is see people get hurt from traffic accidents on CR 5. He stated that he did not see this ending well with the traffic that would be added from this development and the Hunt property.

Chairperson Bauer asked if the County has long range plans for improvements to CR 5.

County Commissioner Look commented that the long-range plans would be relative to traffic. He stated that if traffic increases to a certain level, the improvements would be triggered.

Commissioner Gengler asked if there is anything that could be done to the speed limit.

County Commissioner Look commented that the speed limit is established by MnDOT. He noted that sometimes after the required speed study, the speed limit can actually be raised. He commented that traffic is already moving fast and perhaps that would be an issue of enforcement.

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

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

Chairperson Bauer closed the public hearing closed at 8:06 p.m.

Commission Business

Commissioner Walker asked why the traffic study was not included in the case file.

Senior Planner McGuire Brigl commented that it is linked on the website within the packet but acknowledged it was not listed as an attachment.

Commissioner Walker asked why the City allows the developer to choose the consultant that will complete the traffic study.

Senior Planner McGuire Brigl commented that the City is not allowed to recommend or require specific consultants to be used. She stated that the City could complete its own study and choose its own consultant for that.

Commissioner Walker commented that the consultant that completed the traffic study is now an inactive company as of October. He stated that this report was also used for the Hunt project, but specifically states it is for 270 single family homes. He stated that when you add both developments, there will be a 28 percent increase in homes. He stated that the study was done the week of July 25th during COVID when school is not in session and only during certain times. He stated that he spoke with other consultants that observe for two hours rather than one hour in order to obtain better information. He stated that these two developments will have an impact on an intersection that is already dangerous, CR 5 and Ramsey Boulevard. He stated that until that safety issue can be solved, he did not believe additional development should occur. He acknowledged that it has been said that the Commission does not have an option but to pass this, but the City Council should protect the residents of Ramsey. He stated that in 2020, at a public hearing, the developer was asked why he wanted smaller lots. It was stated that people want smaller lots. He provided statistics on home sales of one acre or larger lots in Ramsey. He stated that if over 300 lots one acre or larger in size have been sold in the last three years in Ramsey, that should show that people want larger lots. He stated that many residents spoke tonight that they were not noticed when the massive rezoning was completed in 2011. He stated that not one resident has come forward stating that they were notified of the zoning changes that occurred in 2011. He believed that the rezoning was done too fast and too recklessly. He stated that this current proposal does not meet the proper zoning on two parcels, which means that the request cannot go through. He commented that he believes that the Commission and Council should not rezone the two parcels and that an investigation should occur on the 2011 rezoning. He noted that anyone involved in the 2011 rezoning should be terminated from their position on staff and/or the Council.

Senior Planner McGuire Brigl commented that staff can verify with the City Attorney after the meeting. She stated that all the information was sent to the City Attorney and the map shows the property rezoned. She stated that the list of residents was notified and the minutes from the meeting shows residents that spoke at the meeting in 2011. She stated that staff has verified the information, which is public information.

Chairperson Bauer asked if the rezoning completed in 2011 was a blanket rezoning to match the Comprehensive Plan.

Senior Planner McGuire Brigl commented that each property was mentioned separately in the meeting minutes at the public hearing in 2011. She stated that according to the City Attorney and zoning map, the property is zoned appropriately. She stated that the land is also shown with that zoning in the 2030 and 2040 Comprehensive Plans.

Commissioner Walker provided additional details on the two parcels he believes were not rezoned appropriately.

Jon Packer provided clarity on the two PIDs that are now shown in the rezoning that occurred in 2011. He noted that in 2012 there was a lot split completed, dividing one lot into two parcels. It was noted that the land remained within the family.

Senior Planner McGuire Brigl commented that the new lots would retain the same zoning as the original lot.

Chairperson Bauer asked if Commissioner Walker also compared lot sales under one acre during that same three-year period.

Commissioner Walker commented that he did not.

Mr. Packer replied that he did that research and noted that in just 2020, 498 single family homes were sold in Ramsey on lots under one acre in size which is significantly more in that one year than the sales of three years that Commission Walker provided.

Chairperson Bauer commented that based on the comments of County Commissioner Look, this preliminary plat shows direct access onto Nowthen Boulevard and asked if the developer has been requested to provide access onto 175th. He noted that would provide the option to review traffic control for that intersection. He recognized that would change the layout of the development.

Senior Planner McGuire Brigl commented that the City has been actively working with Anoka County throughout this process. She noted that an additional condition could be added to review options for traffic control. She noted that the County has stated that a traffic light would not be appropriate, but staff could discuss whether a roundabout would be an option. She stated that the traffic count numbers from the traffic study showed the peak times. She noted that the full report showed the full two-hour periods during which the consultant observed but the second hour was not considered a peak hour and therefore was not marked as such in the report.

Chairperson Bauer suggest that the Commission first consider the rezoning request.

Commissioner VanScoy referenced the comment made related to the spring delineation and asked staff for input.

Senior Planner McGuire Brigl commented that typically when a fall delineation is completed, a spring delineation is also completed to verify that information. She noted that would be handled by the LRRWMO in its review and permitting.

Mr. Schmidt commented that the delineation was completed this summer and believes that is has been accepted by the LRRWMO this week.

Ms. Musgrove stated that the wetland delineation was approved conditionally with the clause that a spring delineation is completed. She noted that was her concern, as the lots could be impacted if there are changes that result from the spring delineation.

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council adopt Ordinance #21-23 Amending Section 117-90 “Map” of Chapter 117 of the City Code of Ramsey, Minnesota.

Further discussion

Commissioner VanScoy asked what would happen if the delineation changes in the spring. Senior Planner McGuire Brigl replied that it would depend what changes on the delineation and provided different examples but noted that the delineation is required as a contingency in the draft resolution related to the Preliminary Plat.

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

Chairperson Bauer stated that if there was a desire for this to have access from the north rather than CR 5, would the Commission recommend that as a condition of approval.

Senior Planner McGuire Brigl commented that if the Commission desired staff and the applicant to work together, that could be added as a contingency to work with the County to investigate whether access could be provided from 175th. She stated that CR 5 is a County road and therefore a roundabout cannot be required as that is under the control of the County.

Chairperson Bauer stated that he would not recommend approval with access onto CR 5.

Councilmember Woestehoff commented that as drawn on the Preliminary Plat, there is no access to 175th, only 173rd.

Chairperson Bauer confirmed that he meant 173rd.

Senior Planner McGuire Brigl commented that the other development which was approved shows access onto 175th and 173rd. She was unsure that access could be removed for the project but agreed that she could work to investigate whether a roundabout or other diversion could assist with traffic.

Commissioner VanScoy asked how the potential zoning issue addressed by Commissioner Walker could impact action tonight.

Chairperson Bauer noted that was a result of a lot split that occurred.

Commissioner VanScoy noted that was not confirmed.

Senior Planner McGuire Brigl commented that the motion could be made contingent upon City Attorney review.

Commissioner VanScoy commented that while he assumes that the information provided by the Packers is accurate, he would want to verify that is correct.

Councilmember Woestehoff commented that he searched on the Anoka County website and found record of the lot split in August of 2012 as mentioned by the Packers.

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #21-309 granting Preliminary Plat approval, amending the City's 2-4-Comprehensive Plan, and determining that an Environmental Impact Statement (EIS) is not necessary for Trott Brook North contingent on working with Anoka County related to traffic concerns at 173rd and Nowthen Boulevard and upon City Attorney review.

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

6.02: Public Hearing: Consider Request for a Variance to Front Yard Setbacks for the Single Family Lots in Lynwood Subdivision, Located West and South of 15050 Armstrong Boulevard (Project No. 21-122); Case of Lennar

Public Hearing

Chairperson Bauer called the public hearing to order at 8:46 p.m.

Presentation

Senior Planner McGuire Brigl presented the staff report stating that staff recommends approval of the variance for a 25-foot front yard setback for the single family lots in the Lynwood subdivision.

Commissioner Peters asked which side of the street the sidewalk is one.

Senior Planner McGuire Brigl commented that she was unsure but would verify on the plans.

Commissioner Peters commented that if the setback is lessened that leaves less room for driveways, parking, and yards.

Senior Planner McGuire Brigl replied that typically the sidewalk is on the north side of the street. She noted that the minimum driveway length of 25 feet would still have to be met.

Citizen Input

Paul Tabone, applicant, stated that the sidewalk loops around the multi-family homes and is not on the north side of the road which should alleviate that concern. He stated that a variance was received for lot sizes, and they would still like to have enough space in the front of the homes for the parking and driveways. He noted that this would be the last clean-up as they head into design.

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

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

Chairperson Bauer closed the public hearing closed at 8:54 p.m.

Commission Business

Motion by Commissioner Peters, seconded by Commissioner Walker, to Adopt Resolution #21-296 Approving a Variance to Front Yard Setbacks on Lots 1-12, Block 1, Lynwood Addition.

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

6.03: Public Hearing: Consider Resolution #21-287 Granting a Conditional Use Permit for Auto Sales at 6957 Highway 10 NW and Declaring Terms of Agreement; Case of Laws Auto Connection

Public Hearing

Chairperson Bauer called the public hearing to order at 8:56 p.m.

Presentation

Planning Technician McCann presented the staff report stating that staff recommends adoption of Resolution #21-287 granting a Conditional Use Permit to Laws Auto Connection for auto sales at 6957 Highway 10 NW.

Citizen Input

Jay Laws, applicant, appreciated the Commission hearing his request.

Rick Gordhammer, another business owner at 6957 Highway 10 NW, stated that Laws Auto Connection has been working under his company unlicensed for the last two years. He stated that he just learned about this request today and found out about the request to office out of his same building. He stated that he has held the required permits and licensing for all the years he has been in business. He stated that he is not happy to hear that this a similar business to his and found the information in the application to be false. He stated that consumers see one address and the only difference is the suite number. He noted that he has been operating his business for almost 20 years and is opposed to the request tonight.

Mr. Laws stated that he did not realize that his application stated that he had a license. He noted that he has operated under the license of Mr. Gordhammer for the past two years. He noted that Mr. Gordhammer has had similar partners in the past that have gained another office at the location to operate out of and was unsure why he was opposing the request. He stated that he has his auto broker license from the State and just needs the CUP.

Senior Planner McGuire Brigl commented that the Minnesota Dealers license requires the CUP. She noted that there is a lot of permitting related to selling government vehicles. She confirmed that the applicant does have his broker's license.

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

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

Chairperson Bauer closed the public hearing closed at 9:03 p.m.

Commission Business

Commissioner Gengler stated that she would like clarification. She noted that there are multiple suites within the building, and it would appear that Mr. Laws was working with another business in the building but is now looking to start his own business.

Mr. Gordhammer explained that they are independent business owners. He stated that he has allowed Mr. Laws and others to work under his license, but they are all responsible for their own business. He likened this to having multiple car dealers at Mauer Main. He stated that it creates confusion from the consumer standpoint as the same address is used and only the suite number differs.

Commissioner Walker asked if Mr. Gordhammer keeps vehicles on the property.

Mr. Gordhammer confirmed that he can keep up to eight vehicles onsite but does not currently have that many.

Commissioner Walker asked the number of businesses within the building.

Mr. Gordhammer replied that there are 12 to 14 offices and he believed there was about 50 percent occupancy. He recognized that the property owner is trying to rent more space.

Commissioner Gengler asked if the tenants are all auto related businesses.

Mr. Gordhammer replied that they are different businesses. He noted that many people are working from home now because of COVID.

Commissioner Dunaway asked if there would be an adverse impact on his business if another auto broker operates out of that building.

Mr. Gordhammer commented that he has not had that problem and is unsure that a problem would be created.

Commissioner Dunaway stated that there is an auto dealership on Highway 10 that has multiple brokers that operate out of the same space.

Mr. Gordhammer noted that business is tight, and they would be vying for the same business. He stated that he used to go through 12 to 20 vehicles per month and now it is more like two to six because of the delays and slowdowns of COVID.

Commissioner Anderson asked if Mr. Laws has a business license.

Senior Planner McGuire Brigl noted that the CUP would be needed before the separate license could be obtained. She noted that it sounds like Mr. Laws has been working as an employee of another business.

Mr. Gordhammer clarified that Mr. Laws is not his employee but has been operating under his wing.

Senior Planner McGuire Brigl provided clarification on the steps that would be necessary to obtain the licensing.

Councilmember Woestehoff stated that a CUP is registered with the land and therefore if the property has a CUP for auto sales, he was unsure that another CUP would be necessary. He stated that notice was mailed and therefore asked if the notice was provided to the property owner or the individual suite tenants as well.

Senior Planner McGuire Brigl commented that notice is mailed to the property owner, and not tenants. She stated that the property owner has worked with the applicant to develop the site plan and approves of the application. She stated that the initial CUP was written for one dealer at this location. She stated that sites can have multiple dealers, but that must be specified in the CUP because of the requirements necessary from the State to support the use.

Councilmember Woestehoff asked if this were approved, and one dealer left, another dealer could come into the property under the CUP.

Commissioner VanScoy stated that there are multiple businesses in this location, one of which is an auto dealer. He asked if there is adequate parking for this additional use.

Senior Planner McGuire Brigl commented that the property owner has indicated the stalls that would be signed for this dealer to comply with the State regulations.

Commissioner Walker asked staff to display the property map in order to verify the parking available.

Senior Planner McGuire provided details on the parking that would be allocated for each dealer and additional parking spaces available to the other users and public.

Commissioner Dunaway stated that existing tenant noted that he has three stalls in the front and five in the back. He noted that the applicant stated that he would have one spot in the front and five in the back. He asked where the one front stall would be in the front.

Mr. Gordhammer stated that a customer could use one of the front stalls, but Mr. Laws would not be able to park one of his vehicles in that stall. He noted that Mr. Laws would have five dedicated spaces in the rear.

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #21-287 Granting a Conditional Use Permit for Auto Sales at 6957 Highway 10 NW.

Further discussion

Commissioner Anderson stated that Mr. Laws does not yet have the applicable licensing and therefore he was unsure how this could be approved. Senior Planner McGuire Brigl noted that the licenses would not be granted without the CUP approval. Chairperson Bauer noted that this would be the first step. Commissioner Anderson stated that while competition is great, he would not approve the same type of business within a building. Commissioner Walker stated that he is stuck as 13 potential vehicles could be parked for sale along with customer parking. He stated that there are already many car dealers along Highway 10. He stated that while he wants to bring businesses to town, he is cautious. Commissioner Gengler stated that she can appreciate the interpersonal relationship dynamics in this case and noted that perhaps a conversation needs to be had between the two parties. She stated that putting that aside, while it is two similar businesses in the same building, there are multiple dealers in the corridor, and it is not the position of the Commission to determine where there is a market to support the business. She stated that the conditions of the CUP are met and therefore it should be granted.

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

6.04: Public Hearing: Consider Resolution #21-288 Granting a Conditional Use Permit for Auto Sales at 6740 Highway 10 NW and Declaring Terms of Agreement

Public Hearing

Chairperson Bauer called the public hearing to order at 9:20 p.m.

Presentation

Planning Technician McCann presented the staff report stating that staff recommends that the Planning Commission recommend adoption of Resolution #21-288 granting a Conditional Use Permit for commercial auto sales and outdoor storage of vehicles and trucks at 6740 Highway 10 NW.

Commissioner Dunaway asked if there is a limitation on the number of vehicles that could be onsite listed for sale. He stated that he is attempting to find out where inventory would be held as there is customer parking identified along with the storage shed.

Planning Technician McCann replied that the State only requires a minimum number of stalls. He stated that as long as the minimum driveway aisle width is kept, the stalls are not required to be striped, and he was unsure there would be a maximum number.

Commissioner Walker asked what would be stored and how much could be stored outdoors.

Planning Technician McCann replied that one tow truck will be stored, and the business would office from that location but would not operate from that location.

Senior Planner McGuire Brigl commented that the applicant also wanted to store personal vehicles and allow friends to store vehicles on the property and potentially trailers. She stated that five other vehicles have been requested to allow truck driver friends to park on the property.

Citizen Input

Toan Danh, applicant, stated that the outdoor storage would be trucks.

Commissioner Walker asked if someone could store a boat or RV on the property.

Mr. Danh replied that he was unsure.

Senior Planner McGuire Brigl commented staff had concerns with the number of additional items outside of the business use and therefore is only proposing outdoor storage related to the business. She stated that outdoor space could not be leased to a friend in this district.

Commissioner VanScoy asked if the applicant is requesting two dealer licenses.

Mr. Danh confirmed that they are requesting two licenses, one for his business and an allowance to bring in a second dealer.

Commissioner Dunaway asked if this would be approving two CUPs for the property with understanding of only one applicant.

Senior Planner McGuire Brigl commented that this would be a request to allow up to two auto dealers and storage for the tow truck. She noted that vehicles would not be towed to the site from the tow truck. She noted that the applicant requested additional outdoor storage space, but that request is not supported by staff.

Commissioner Dunaway asked for clarification on the truck mentioned for storage.

Mr. Danh replied that it would be a tow truck. He noted that the vehicle would be stored at the location, but they would not operate the business/tow vehicles to the site.

Commissioner Walker commented that the map shows a three-sided private fence and asked why that would not be four sided.

Senior Planner McGuire Brigl commented that is what was proposed by the applicant.

Mr. Danh replied that the intention is to make that private for security. He noted that the adjacent property already has a fence along that fourth property line.

Commissioner Gengler asked if the business is being relocated or whether this would be an additional location.

Mr. Danh replied that this would be an additional location.

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

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

Chairperson Bauer closed the public hearing closed at 9:32 p.m.

Commission Business

Commissioner Gengler referenced the fence and asked if this were to go forward to the Council, would the fence be included or would that be separate.

Senior Planner McGuire Brigl commented that a fence permit would be required but another hearing would not be required.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to recommend that City Council adopt Resolution #21-288 Granting a Conditional Use Permit for commercial auto sales at 6740 Highway 10 NW.

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

6.05: Public Hearing: Consider Resolution #21-219 Granting a Conditional Use Permit (CUP) and Declaring Terms Agreement at 7127 Highway 10 NW; Case of Ron Touchette

Public Hearing

Chairperson Bauer called the public hearing to order at 9:35 p.m.

Presentation

Zoning Code Enforcement Officer Raines presented the staff report stating that staff recommends approval of the application for a Conditional Use Permit at 7127 Highway 10 NW with the conditions of a site plan review to prove adequate parking and State requirements are met. The property requires a CUP in accordance with City Code Section 117-120 for an expansion of lawful nonconforming uses. Contingent on approval from the City Council, the applicant will need to submit a full site plan review. The full site plan provides proof of adequate parking for all uses on the property, that State codes are met for the building and site requirements and demonstrates that improvements will not affect current grading.

Commissioner Gengler asked the location of the residential building.

Commissioner Anderson asked the zoning as well.

Zoning Code Enforcement Officer Raines replied that the property is part of the Highway 10 business district with some lawful nonconforming rights and uses.

Senior Planner McGuire Brigl noted that any expansion of a lawful nonconforming use requires a Conditional Use Permit, therefore conditions can be placed upon that. She noted that staff has concerns with the number of uses on the site. She reviewed the current uses on the property.

Citizen Input

Ron Touchette, applicant, stated that this is a personal situation for him as this property has had challenges. He stated that the necessary improvements to Highway 10 have unfortunately caused he and his family a great deal of heartache and monetary losses. He stated that he first stood in this room 30 years ago when he started his business. He commented that legacy was nearly destroyed in 2011 when the predecessors at the City decided to put Highway 10 through his front door, causing a loss of tenants and nearly caused him to file bankruptcy. He stated that for 30 years he has operated the property with his business and the multiple tenants on the property. He stated that this City has used his body shop and continues to use that body shop to repair its vehicles. He stated that there was no such thing as a business registration license when he started his company. He stated that he personally built the building with his hands and was involved with the improvements. He stated that he worked at the site sometimes seven days per week to provide for his family. He recognized that none of these members were present in 2011 when the worst of this occurred and commented that it has been a long ten years of not being able to properly run his property because of the plans for Highway 10. He stated that he does not deny that Highway 10 needs improvement and he has worked with the City and watched the City purchase multiple properties around him. He requested that the Commission allow him to speak after they provide input on what they would like from him. He stated that he cannot live with option two that has been presented but can live with some changes. He stated that four days ago he was told that a site plan would be necessary, which he had completed by 5 p.m. tonight which he submitted to staff and has copies of tonight. He believed that the site plan would solve the concerns of the City, police and fire and would allow for a use of the property consistent with what other properties are able to do.

Zoning Code Enforcement Officer Raines clarified that the report states that the City does not have a business registration certificate on file and ask that one be provided in the future with the new CUP request. She stated that the request for the site plan review is related to the expansion of a nonconforming space.

Chairperson Bauer stated that the site plan shows a double row of parking rather than the triple row requested.

Mr. Touchette confirmed that change was made. He commented that the building and property line locations have been found to be in different places that originally believed. He stated that the neighboring property owners access their properties through his property, which is why he wants to maintain 24-foot drive aisles. He commented that the front parking has always been in that location. He provided background information on his use of the property and the businesses that have occupied the property. He stated that originally the Highway 10 plans came through his property but that has changed and therefore he needs to find something that will work for the site. He provided details on the status of his tenants. He disagreed on the classification of the retention pond and provided details. He provided details on the proposed uses. He stated that the storage containers are used for his own businesses at that location. He stated that he was not aware that storage containers could not be used. He stated that the storage containers will be moved in order to allow the paving.

Commissioner Gengler asked which items in option two would not be acceptable.

Mr. Touchette stated that it would move the fenced area into the parking area. He asked that the fence area remain where shown as he has the permit for that, along with two rows of parking in the back. He stated that he has also discussed proactive measures that would prevent parking where it should not occur. He noted that he would plan to dig a hole in that area which would prevent parking and would allow for an area to store snow.

Chairperson Bauer noted that this is zoned Highway 10 business and the only thing he would view as a lawful nonconforming use would be the residential which is not being used as such.

Senior Planner McGuire Brigl stated that an expansion would also fall into that category. She stated that there would be physical expansion of the lawful nonconforming use.

Chairperson Bauer asked what would be nonconforming as the property is zoned business and all the uses are business.

Mr. Touchette stated that in 2019 when the property was determined that it would not be taken by the Highway 10 project, he began cleanup of the property. He stated that there is a strip of asphalt near the railroad tracks that was added and noted that without permission that is an expansion of a lawful nonconforming use.

Senior Planner McGuire Brigl stated that motor vehicle related uses are conditional uses and not permitted uses. She explained that a CUP would be needed for motor vehicle sales and services

or expansion of a nonconforming use. She stated that the property currently has five dealers, and the request would be for ten dealers.

Chairperson Bauer stated that the report states that 29 spaces would be needed for Hirschfield's which are not provided on the site plan. He noted that he could not imagine Hirschfield's have 29 customers and employees at the same time, therefore that parking seems excessive.

Mr. Touchette stated that he has 37 stalls allocated for Hirschfield's.

Chairperson Bauer stated that with the double row of parking it would appear there is more than adequate parking for all the uses.

Senior Planner McGuire Brigl commented that dealers can be hard to keep track of. She stated that when there is an increase in the number of dealers, enforcement tends to increase from the City and State.

Chairperson Bauer asked if the enforcement would go against the property owner or dealer.

Senior Planner McGuire Brigl replied that it goes against the property owner.

Commissioner VanScoy noted that Mr. Touchette would then have a vested interest.

Mr. Touchette confirmed that he does and noted that the dealer that was causing problems is leaving the site this weekend.

Commissioner Anderson asked and received confirmation that the violations have been cleared with the exception of the containers.

Chairperson Bauer noted that the Interim Use Permit would allow the containers until December 2021, but it sounds like they will be gone before then. He stated that the parking looks adequate, and a permit has been received for the fence.

Senior Planner McGuire Brigl confirmed that the site plan would be acceptable. She stated that they would want a survey to ensure the gravel does not protrude into the railroad right-of-way.

Commissioner VanScoy stated that the basin was mentioned in return for not paying stormwater fees.

Mr. Touchette stated that in order to classify that as a stormwater pond he would have to go through engineering that would be more than the cost of the fees.

Commissioner Anderson asked if the Highway 10 project would impact this property.

Senior Planner McGuire Brigl confirmed that this property would no longer be impacted. She stated that there would be a frontage road but that would not impact this property.

Mr. Touchette commented that the decision cannot be based on whether or not land will be taken. He stated that while it has been stated that his property is not needed, he is unsure that a frontage road would fit.

Commissioner Anderson stated that he likes the site plan presented. He stated that he is not crazy about the street facing look of the residential property. He noted that it needs to be painted or sided.

Mr. Touchette agreed that the home needs attention or needs to be removed. He stated that he has had a tenant in the space for the last year that he was unable to remove even though they have not paid rent for 19 months. He hoped that they would be able to remove the tenant in the near future. He stated that he was hesitant to invest in the property during the last 10 years because the property was going to be taken.

Commissioner Gengler again referenced option two, noting that it appears the site plan addresses those conditions.

Mr. Touchette stated that he does not have landscaping as there has never been landscaping on the property.

Zoning Code Enforcement Officer Raines stated that the site plan review will be a separate step and that would include those elements such as landscaping.

Senior Planner McGuire Brigl noted a previous case that went through an administrative site plan process and stated that this would follow a similar path.

Chairperson Bauer noted that it would appear that alternative one could be chosen with the understanding that the site plan review would be required.

Senior Planner McGuire Brigl stated that it would appear that the conditions of staff from alternative two are met through the site plan and therefore options one and two would appear to be the same.

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

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

Chairperson Bauer closed the public hearing closed at 10:23 p.m.

Commission Business

Motion by Commissioner Anderson, seconded by Commissioner Dunaway, to recommend that City Council adopt Resolution #21-219 Approving a Conditional Use Permit and Interim Use

Permit at 7127 Highway 10 NW and for the applicant and staff to work together on the site plan changing the number of dealers from nine to ten.

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

7. COMMISSION BUSINESS

7.01: Review Ordinance Amending Digital Display Billboard Regulations

Chairperson Bauer noted that the group thoroughly discussed this at the worksession earlier in the night.

Motion by Commissioner Gengler, seconded by Commissioner Peters, to recommend the City Council introduce the ordinance amending digital display billboard regulations with the changes proposed by the Commission.

Further discussion

Commissioner VanScoy commented that he does not approve of allowing billboards in the City of Ramsey. He stated that this would change the current restriction, as billboards are not currently allowed. He did not want to see billboards, even along Highway 10.

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

8. COMMISSION / STAFF INPUT

Senior Planner McGuire Brigl stated that Joann Shaw, a long-term planning employee, is retiring on November 4th and advised of the Administrative Assistant that will be joining the team. She stated that the new Community Development Director/Deputy City Administrator will also be joining the team the following week.

Councilmember Woestehoff provided additional details on the experience of the new Community Development Director/Deputy City Administrator.

Commissioner VanScoy commented that there were many comments related to the lack of communication. He asked if placing public announcements in the newspaper is standard practice.

Senior Planner McGuire Brigl confirmed that is the standard practice. She confirmed that the notice in 2011 would have been published in the newspaper as required as well.

Commissioner Anderson referenced the small number of residents that read the public notice portion of the paper and/or read the City newsletter. He commented that the City website is difficult to navigate. He stated that perhaps there should be a banner with public announcements on the website. He acknowledged that communication is a tough issue, and the Council has to

figure out a better method. He stated that he was a part of the 2040 Comprehensive Plan process, which included input from the public and maps and diagrams but not many residents participate in that process.

Commissioner Walker commented that the City should spend the additional funds to have tracked delivery for notices as that would provide a record.

Commissioner Anderson commented that there is a communication issue with the residents that has to be fixed.

Councilmember Woestehoff noted that the website is updated every four years, which he believes is slated for perhaps 2023.

Mike Smith, resident of Chicago, stated that perhaps residents could provide their email address and be notified through email.

Councilmember Woestehoff stated that residents can subscribe to updates for any Board, Commission, or the City Council.

9. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 10:37 p.m.

Respectfully submitted,

Chloe McGuire Brigl
Senior Planner

ATTEST:

Brian McCann
Planning Technician

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.