

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, July 28, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Randy Bauer  
  Commissioner Bruce Anderson  
  Commissioner Cheri Gengler  
  Commissioner Tom Hunt  
  Commissioner Eric Peters  
  Commissioner Brian Walker

Members Absent:                   Commissioner Gary VanScoy

Also Present:                       City Planner Brian McCann  
  Senior Planner Chris Anderson  
  City Administrator Brian Hagen  
  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 Anderson, seconded by Commissioner Peters, to approve the agenda as presented.

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

**5.     CONSENT AGENDA**

**5.01: Approve the June 23, 2022 Planning Commission Meeting Minutes**

Chairperson Bauer noted that on the action item for PACT Charter School is shows that he and Commissioner VanScoy abstained but noted that they had recused themselves from the discussion and vote which is technically not an abstention.

Motion by Commissioner Peters, seconded by Commissioner Gengler, to approve the consent agenda with the noted change.

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

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

### **6.01: Public Hearing: Consider a Home Occupation Permit and Conditional Use Permit for Your Computer Hero at 5435 180<sup>th</sup> Lane NW (Project 22-127)**

#### **Public Hearing**

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

#### **Presentation**

City Planner McCann presented the staff report stating that staff recommends the Planning Commission recommend that the City Council adopt Resolutions #22-164 and #22-165 approving the Conditional Use Permit and Home Occupation Permit on the subject property. He noted that staff received one phone call from a resident without an opinion and to emails in objection to the request which have been provided to the Commission.

#### **Citizen Input**

Jenna MacLennan, the applicant, believed that the presentation was thorough. She noted that typically they do not provide service to residential and mainly focus on commercial users. She noted that this move would allow them to focus more on small and mid-sized commercial businesses rather than residential customers that might walk into the retail location.

Commissioner Walker asked if the business would be keeping the retail space near Coborn's.

Ms. MacLennan replied that they will be closing the retail location.

Commissioner Anderson stated that there was no mention of customers coming to the new home location and asked if customers would come to the home.

Ms. MacLennan replied that customers would not come to the home. She explained that they go to the location of the business clients for any meetings and installation services. She commented that they would not be doing PC repair and their home space would be used to prepare equipment prior to installation at the business location. She stated that much of their business is done virtually.

Commissioner Anderson referenced the proposed building and asked why it would be proposed at two stories.

Ms. MacLennan replied that they would have office space above and the additional space would be used to prepare the equipment they install at the business client's location. She noted that part of the space is also personal as it would be connected to their two-car garage.

Commissioner Anderson asked if there would be kitchen or restroom facilities.

Ms. MacLennan stated that she met with City staff, and they ensured the design would not support someone living in the space. She stated that there would be a small wet bar on the upper level to allow her to wash her hands or have a snack and the main level has a bathroom. She stated that the design would make it inconvenient for living and there is no shower.

Chairperson Bauer stated that Commissioner VanScoy expressed concern that the accessory structure could be easily modified from commercial to residential but noted that the structure would be too large to be considered an ADU. He stated that Commissioner VanScoy stated that he could support the request with the stipulation that the CUP states the structure cannot be used for residential purposes. He stated that the condition would prevent a future property owner from converting the structure into a residential use.

Ms. MacLennan stated that concern was shared with her from City staff.

City Planner McCann noted that condition five of the proposed CUP would prevent habitation.

Commissioner Gengler stated that the term conference room gives her pause when the applicant has stated there will be no customers coming and going and asked for details.

Ms. MacLennan stated that occasionally there would be a staff person or two coming to the site and that conference room could be used for those times. She noted that perhaps they would have a quarterly staff meeting as well.

Commissioner Gengler asked for details on the quarterly staff meeting.

Ms. MacLennan replied that typically those would be held around 10 a.m. on a weekday for about two hours. She estimated four people, two of those being outside staff members.

Commissioner Peters asked the type of vehicles that would be used.

Ms. MacLennan replied that they have personal vehicles that have their business logo that they have used for the past ten years. She stated that they would not be adding additional vehicles. She noted that they have a classic truck and a van her daughter drives that would be parked inside the proposed garage portion of the structure. She stated that if a staff member were to come to the site, they could park inside the garage part of the structure and that vehicle would not be logoed.

Chairperson Bauer referenced an email received that expressed concern with the traffic on the cul-de-sac. He stated that it appears the proposed structure would not have access from the cul-de-sac.

City Planner McCann confirmed that the structure would not access from the cul-de-sac.

Chairperson Bauer noted that the other email speaks of a park and asked where that is located.

City Planner McCann noted that he believed that the park of note is Ford Brook and identified that location.

Chairperson Bauer asked the path that employees would most likely take that may come to the site.

Ms. MacLennan described the path the employees would take. She commented that she will attempt to route delivery trucks into the right space. She noted that if the resident were sensitive to traffic, it would not be from employees but deliveries.

Chairperson Bauer asked if the deliveries would be from UPS/Amazon type trucks.

Ms. MacLennan confirmed they would be getting those types of deliveries about one per day. She noted that her neighbor gets about one similar delivery per day and does not have a home business. She confirmed that there would not be semitrucks making deliveries.

Commissioner Anderson asked if there would be signage.

Ms. MacLennan replied that they would not propose any signage as they would not have a need. She stated that in her discussions with staff it did not seem there was an option to add an additional address or suite for the structure but noted that they can put in the notes for delivery to deliver to the structure access and not the home driveway.

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

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

Chairperson Bauer closed the public hearing closed at 7:20 p.m.

### **Commission Business**

Commissioner Anderson stated that he previously understood that CUPs run with the property but Planning Manager Larson indicated that if these homeowners were to leave the property, the CUP would terminate.

Senior Planner Anderson replied that a CUP does run with the land and is recorded against the property as long as the conditions continue to be met. He stated that if the property were sold and the use were continued, the CUP would continue. He explained that a Home Occupation Permit is tied to the applicant and does not run with the property. He stated that in this case the CUP would remain for the accessory structure to remain, but the Home Occupation Permit would expire.

Chairperson Bauer asked if an additional condition could be added that specifies that the accessory structure cannot be used for residential purposes.

Senior Planner Anderson confirmed that condition five would prevent that activity.

Commissioner Walker commented that there is already something that would allow for a mother in-law suite in a garage. He asked if the property were to change hands, could the new owner apply for an ADU.

City Planner McCann stated that in this case, the structure would be too large based on the size of the property to allow it as an ADU.

Motion by Commissioner Peters, seconded by Commissioner Hunt, to recommend that City Council adopt Resolution #22-164 Approving a Conditional Use Permit to Allow a Two-Story Accessory Structure on the Subject Property.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Peters, Hunt, and Gengler. Voting No: Commissioners Anderson and Walker. Absent: Commissioner VanScoy.

Motion by Commissioner Peters, seconded by Commissioner Hunt, to recommend that City Council adopt Resolution #22-165 Approving a Home Occupation Permit to Allow a Computer Business on the Subject Property.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Peters, Hunt, and Gengler. Voting No: Commissioners Anderson and Walker. Absent: Commissioner VanScoy.

**6.02: Public Hearing: Consider Request for a Sketch Plan, Conditional Use Permit, Zoning Map Amendment, Site Plan, Final Plat, and Comprehensive Plan Amendment Approval for Green Valley Greenhouse to Expand the Commercial Greenhouses on the Properties Generally Located South of Green Valley Road NW and East of Nowthen Boulevard NW**

**Public Hearing**

Chairperson Bauer called the public hearing to order at 7:27 p.m.

**Presentation**

Senior Planner Anderson presented the staff report stating that staff recommends approval of the four-part application as proposed.

Chairperson Bauer noted the inclusion of a final plat and stated that typically the Commission only acts on preliminary plat.

Senior Planner Anderson confirmed that the City Council takes action on final plat, but it was listed in the action items for transparency and because the actions are being presented together. He noted that the Commission would not technically take action on the sketch plan or final plat items.

Commissioner Anderson stated that he has issue with R-1 in this instance and asked if there is an agricultural zoning district.

Senior Planner Anderson replied that the City does not have an agricultural zoning district and advised that use is allowed within R-1. He noted that if the Commission desired, they could consider creating an agricultural district in the future but advised that this request should be considered as presented.

Councilmember Woestehoff asked if staff would also consider adding greenhouses as a conditional use for R-2. He noted that could solve this problem without having to rezone or amend the Comprehensive Plan.

Senior Planner Anderson replied that Ramsey is already teetering on the density requirements, therefore it would seem appropriate to allow this use in R-1 and not impact the higher density districts.

Councilmember Woestehoff noted that almost all of parcel one could be rezoned as R-2 and some of those lots per acre could be regained.

Senior Planner Anderson commented that could be an option if that route is chosen.

Councilmember Woestehoff stated that he is not essentially suggesting it but noted that would be an option to help Ramsey teeter the other way.

Commissioner Anderson commented that his concern is that there are too many zoning districts and things should be simplified. He recognized that the best fit for this commercial operation would be R-1 but would be interested in other options that could make this work. He noted that there are other businesses within the R-1 district that could be reviewed in the future. He stated that he would be interested in reviewing this topic in the future.

Chairperson Bauer noted that could be included in the upcoming review of the zoning districts.

Commissioner Walker asked if staff has an estimate on how far the notices were sent and how many people were notified.

Senior Planner Anderson replied that the notice distance was from the property boundaries. He confirmed that no written or verbal comments had been received. He noted that about 45 property owners were made aware of the request.

Commissioner Walker commented that personally, this impacts two of the worst intersections in Ramsey. He stated that if the operations are expanded it would logically make traffic worse and he would find it hard to believe that there were no concerns from residents. He wanted to ensure that the people that have to deal with the traffic had the opportunity to voice an opinion.

Senior Planner Anderson commented that unfortunately the applicant's narrative was not included in the case, but their narrative does address traffic.

### **Citizen Input**

Brad Wolf, owner of Green Valley Greenhouse, commented that they value being in Ramsey and would like to keep that relationship going as their business continues to expand. He stated that they currently grow a lot of products offsite which are then shipped to them. He stated that they feel like the amount of traffic will change because they will be able to grow more products onsite and ship more efficiently. He stated that they will not be expanding retail above what already exists. He commented that over the years they have become more efficient and do not plan to add more employees.

Commissioner Anderson asked if the applicant anticipates requesting access from CR 5 in the future.

Mr. Wolf replied that they do not plan to do that as they currently have three accesses off CR 63.

Chairperson Bauer stated that it does not appear there is property immediately on CR 5.

Senior Planner Anderson confirmed that the greenhouse operation would not have frontage on CR 5 as a result of the additional land acquisition. He stated that the Hunt family would be the owners of parcel two, which does have frontage along CR 5.

Commissioner Gengler asked if the applicant has reviewed the recommendations from the EPB related to landscaping and if they feel comfortable with that.

Mr. Wolf commented that he was made aware of that recommendation today and noted that they do have plans to provide landscaping along with the Hunt family and along Green Valley Road.

Commissioner Anderson asked if there has been consideration of buffering the noise from the greenhouse fans.

Mr. Wolf replied that they have now built greenhouses that are naturally ventilated which has eliminated that noise.

Commissioner Anderson referenced the north and west edges, where buffering was discussed, and asked for more details.

Mr. Wolf provided details on the proposed landscaping plan which would include a berm, trees, and plantings.

Anna Schmidt, 6245 172<sup>nd</sup> Lane NW, stated that her biggest concern was the potential noise level. She noted that most of the time that she has lived on the property she has not been impacted by the greenhouse but was impacted by the fan and machinery noise in the past few years. She stated that concern has been addressed by the applicant. She referenced the park preserve along Trott Brook and asked if this would impact the development of that park area.

Senior Planner Anderson replied that this project will not have merit on that. He noted that the City does have a goal to have a continuous corridor along Trott Brook and has been successful in obtaining fee title and/or trail easements along Trott Brook. He noted that the previous application from Green Valley Greenhouse included that easement. He was unsure of the plans to construct a trail along the corridor but noted that the City continues to review options for public benefit as projects continue to come forward in the corridor.

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

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

Chairperson Bauer closed the public hearing closed at 7:55 p.m.

### **Commission Business**

Chairperson Bauer noted that the first action would be related to sketch plan and final plat, both of which do not require formal action from the Commission and asked for input from the group.

Commissioner Gengler referenced the southernmost lot against Nowthen Boulevard. She stated that it is her understanding that is not part of the expansion plans but is property that is being used in the trade out of properties.

Senior Planner Anderson confirmed that is correct. He noted that parcel would be connected to the Hunt property that currently has a home on it.

Chairperson Bauer stated that the record can reflect that there were no concerns with the sketch plan and final plat. He moved to the action items before the Commission.

Commissioner Anderson recognized the position the City is in with the Metropolitan Council related to density and asked if this would create any additional issues.

Senior Planner Anderson replied that he did speak with a representative from the Metropolitan Council and because acreage is being swapped there would be no issue.

Motion by Commissioner Gengler, seconded by Commissioner Peters, to recommend that City Council approve a Comprehensive Plan Amendment Regarding Lands between Low Density Residential and Medium Density Residential Southeast of Green Valley Road NW and Nowthen Boulevard NW.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Gengler, Peters, Anderson, and Hunt. Voting No: Commissioner Walker. Absent: Commissioner VanScoy.

Motion by Commissioner Hunt, seconded by Commissioner Gengler, to recommend that City Council approve of a Rezoning Ordinance Rezoning Lands between R-1 MUSA and R-2 Southeast of Green Valley Road NW and Nowthen Boulevard NW.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Hunt, Gengler, Anderson, and Peters. Voting No: Commissioner Walker. Absent: Commissioner VanScoy.

Motion by Commissioner Gengler, seconded by Commissioner Peters, to recommend that City Council approve of a Conditional Use Permit Amendment for the Expansion of a Commercial Greenhouse at 6530 Green Valley Road NW.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Gengler, Peters, Anderson, and Hunt. Voting No: Commissioner Walker. Absent: Commissioner VanScoy.

**6.03: Public Hearing: Consider Site Plan for Water Treatment Plant (Project No. 22-104); Case of City of Ramsey**

**Public Hearing**

Chairperson Bauer called the public hearing to order at 8:00 p.m.

**Presentation**

Senior Planner Anderson presented the staff report stating that staff recommends approval of the Site Plan, contingent upon compliance with Staff review comments, which includes the need for a plat.

Chairperson Bauer noted that there was a comment that the needed materials were not ready prior to the meeting and therefore asked if the item should be continued to the August meeting. He stated that sketch plan does not require formal action, final plat is not considered by the Commission and on a minor plat, preliminary plat can be approved by staff. He asked if the continuance would really be necessary.

Senior Planner Anderson stated that when he drafted the case it had not been settled whether the request would be three or four parcels. He noted that four parcels would require a preliminary plat, but it has been settled that it will only be three parcels which does not require a continuance.

Commissioner Anderson stated that he would want to ensure there is a road to the cemetery with space for parking of one or two vehicles.

Senior Planner Anderson commented that nothing proposed would impact the existing conditions for the cemetery. He stated that there are no plans for a paved driveway. He stated that there is a curb cut that would remain and vehicles can be parked.

Commissioner Anderson stated that currently it is basically a cattle trail, and he would want to see gravel access at a minimum to ensure public access.

Chairperson Bauer asked who owns the cemetery.

Senior Planner Anderson replied that the City owns the cemetery. He stated that if grant funds were to become available, the City could perhaps attempt to more formally identify additional gravesites that may exist.

### **Citizen Input**

No comments.

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

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

Chairperson Bauer closed the public hearing closed at 8:12 p.m.

### **Commission Business**

Motion by Commissioner Anderson, seconded by Commissioner Gengler, to recommend that City Council approve the Site Plan, contingent upon compliance with Staff review comments with an additional condition related to a request for gravel access to the cemetery.

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

## **6.04: Public Hearing: An Ordinance Amending Section 117-57 (Nonconforming Structures and Land Use) to Establish Legal Nonconformities Resulting from a Public Action**

### **Public Hearing**

Chairperson Bauer called the public hearing to order at 8:13 p.m.

### **Presentation**

City Administrator Hagen presented the staff report stating that staff recommends approval of the ordinance as presented.

Chairperson Bauer asked if this would only apply if the City obtained ownership of the property.

City Administrator Hagen replied that in this scenario it would only apply to ownership but would also apply to the County and State ownership of property in addition to the City.

Commissioner Anderson stated that he would like another example. He used the scenario of a business along Highway 10 that will be impacted by the project and asked if this would allow for the highway to be expanded with a partial taking of the property and whether the business would just become nonconforming.

City Administrator Hagen replied that if there were a 30-foot setback that the building currently meets and the City needs a portion of that for public improvement, such as five feet, that would make the property a legal nonconforming use as the reason the property became nonconforming is because of the need for the land for the public improvement.

Commissioner Anderson asked if the business were to change ownership, would the legal nonconforming designation continue.

City Administrator Hagen confirmed that if the business were to change ownership, it could continue to use the existing structures and parking. He stated that there would also be provisions that would allow expansion if it were to make sense as the land that was taken for the public improvement would qualify as the practical difficulty. He stated that Anoka County is reviewing the land necessary in each scenario on a case-by-case basis and whether the business could still operate under those conditions. He stated that if the business could no longer operate in the same manner, the County would do a full taking of the property.

Commissioner Walker stated that if a business along Highway 10 were damaged by tornado or fire and needed to be rebuilt, could it rebuild in the same position or if there was sufficient space to meet setbacks would then business then need to meet setbacks.

City Administrator Hagen replied that it would depend on the case. He stated that if there were a natural disaster and a permit were obtained within the allowed time, they could rebuild in that footprint.

Senior Planner Anderson replied that per State Statute, the business would have 180 days to apply for a building permit in order to rebuild in the exact same footprint because of the lawful nonconforming designation. He stated that the business could also expand as long as that expansion were not occurring in the reduced setback area.

Councilmember Woestehoff stated that these are solutions without a variance but noted that the variance option would still remain as well.

### **Citizen Input**

No comments.

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

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

Chairperson Bauer closed the public hearing closed at 8:25 p.m.

### **Commission Business**

Motion by Commissioner Anderson, seconded by Commissioner Hunt, to recommend that City Council adopt Ordinance #22-23 Amending Section 117-57 of the City Code Pertaining to Nonconforming Structures and Uses.

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

## **7. COMMISSION BUSINESS**

None.

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

City Administrator Hagen provided an update on the solicitation for the Community Development Director position noting that the application period has been extended to August 5, 2022 in attempt to obtain additional applicants.

Commissioner Anderson noted that Night to Unite is scheduled for the following week and encouraged residents to participate in their neighborhood events.

Chairperson Bauer noted that he will be unable to attend the August meeting but will participate via Zoom. He recognized that it is difficult to run a meeting when not in attendance and therefore will open the meeting and then turn the Chair position over to the Vice Chair to run the remainder of the meeting.

## **9. ADJOURNMENT**

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

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

The regular meeting of the Planning Commission adjourned at 8:29 p.m.

Respectfully submitted,

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Todd Larson  
Planning Manager

ATTEST:

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Nicole Laubach  
Planning Administrative Assistant

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