

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, July 27, 2023, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Acting Chairperson Randy Bauer
 Commissioner Bruce Anderson
 Commissioner Ryan Heineman
 Commissioner Tom Hunt
 Commissioner Eric Peters
 Commissioner Gary Van Scoy

Members Absent: Chairperson Cheri Gengler

Also Present: Planning Manager Todd Larson
 City Attorney Elliot Knaak
 Senior Planner Chris Anderson
 City Planner Adam Martin
 City Council Liaison Matt Woestehoff

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Acting Chairperson Bauer led the group in the Pledge of Allegiance.

3. CITIZEN INPUT

None.

4. APPROVAL OF AGENDA

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

Motion Carried. Voting Yes: Acting Chairperson Bauer, Commissioners Peters, Anderson, Heineman, Hunt, and Van Scoy. Voting No: None. Absent: Chairperson Gengler.

5. CONSENT AGENDA

5.01: Approve the May 25, 2023 Planning Commission Meeting Minutes
5.02: Harmony Farms Sketch Plan (Project No. 23-111): Case of Lennar

Motion by Commissioner Anderson, seconded by Commissioner Van Scoy, to approve the consent agenda as presented.

Motion Carried. Voting Yes: Acting Chairperson Bauer, Commissioners Anderson, Van Scoy, Heineman, Hunt, and Peters. Voting No: None. Absent: Chairperson Gengler.

6. PUBLIC HEARING

6.01: Public Hearing: Zoning Code Update

Public Hearing

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

Presentation

Planning Manager Larson presented the staff report stating that staff recommends approval for the Zoning Code Update.

Acting Chairperson Bauer referenced the comment that individual mailings were not sent to property owners. He referenced comments made by residents during the consideration of development for the Hunt property that they were not notified of the rezoning during the Comprehensive Plan process. He noted the staff comment that individual mailings were not sent out for this item and asked if there were any properties or parcels that would be impacted in that type of manner that might lead to the same type of controversy and statements from the public.

Planning Manager Larson commented that very little is actually proposed to be changed that would be a substantial use difference. He identified two parcels, under one ownership that border an existing gas station at Ramsey Boulevard and 149th that are currently vacant and zoned residential but would be proposed to change to business/commercial. He noted two parcels on the north side of Bunker Lake Boulevard that are currently zoned single-family residential but surrounded by wetland which is also zoned single-family residential. He stated that in that case they condensed the density from the overall area with the wetland onto the developable parcel, changing the zoning from single-family residential to multi-family residential. He noted that the areas marked as urban reserve do not currently have access to utilities but when infrastructure reaches those areas, a developer could request rezoning. He noted that this change would provide the City with more discretion when reviewing those development requests.

Commissioner Heineman referenced the statement that most properties would not see negative impact and asked for clarification on whether there are properties that would see a negative impact.

Planning Manager Larson replied that there are some business properties that would become legal nonconforming, noting car dealers specifically. He stated that they have heard the comment time

and time again that they need to clean up the image of Ramsey along Highway 10. He stated that the highway project was redesigned and very few of those properties will go away so the City now needs to determine what to do. He stated that minimum standards have been put in place for auto sales and therefore that will be the most impacted industry. He stated that those businesses could fix up their existing building, repair the parking lot and operate as they do today, but could not add licenses or expand the use.

Commissioner Heineman asked if those businesses would be required to rehab the building, or whether they would simply be allowed to do so.

Planning Manager Larson replied that the businesses would be allowed to do that but would not be required to do so.

Commissioner Heineman noted that there are some properties previously marked as PUD that would now be labeled as parks and open space, one of which is Rum River Hills Golf Course. He stated that it is his understanding that if the golf course were to sell the property, under the current zoning it would be allowed to develop as residential, but under the new zoning that would not be allowed.

Planning Manager Larson replied that in the case of Rum River Hills, there is a piece of property that it has been eyeing for residential development and that is marked as urban reserve. He noted that only the course itself would be proposed to change to parks/open space. He stated that if they wanted to redevelop the golf course, a rezoning could be requested.

Commissioner Heineman commented that it would seem the proposed zoning would negatively impact the property owner if they wanted to sell and develop homes.

Planning Manager Larson replied that the current PUD for that property is for the golf course, therefore if they wanted to build homes on that property, they would still need to come forward to amend the PUD or request a PUD which would be the same process of rezoning.

Commissioner Heineman commented that he supports the golf course as he lives in that area but just wanted to ensure that the course was represented and aware of the changes.

Commissioner Peters referenced the auto dealerships and statement that they could improve the existing buildings and asked if additional square footage could be added or whether the building could be torn down and a new building constructed.

Planning Manager Larson replied that in his previous experience the determination of the City Attorney was that the building could be expanded because the area proposed for expansion was over the current sales lot and therefore the essential use was not changing, as the vehicle was still for sale in that location, just inside instead of outside. He stated that they would still work with anyone that wanted to improve their property and work with reasonable requests with the input of the City Attorney.

City Attorney Knaak stated that the usual reply would be no in terms of expanding a legal nonconforming use and provided additional explanation. He provided some scenarios that could be considered to not be an increase in the use and therefore allowed.

Acting Chairperson Bauer stated that the new regulation would allow one license, noting that many of these smaller dealers have multiple licenses. He used the scenario where a business currently has six licenses but one person were to leave and asked if that sixth license could then be held by a new person or whether the business would continue to dwindle as license holders left until they reached one license.

Planning Manager Larson commented that would depend. He noted that some of the multi-license dealerships have very tiny office suites with one dealer in each space and in that case a new dealer could occupy that space. He commented that there is another shop where license holders do not have defined spaces and, in that case, he would not think a new license holder could come in.

City Attorney Knaack stated that he would disagree. He stated that in the situation where there are multiple small suites and one person were to leave, a new license holder could not come in. He stated that the business needs to move towards conformity.

Commissioner Heineman asked if the license refers to the license each dealer holds, or the number of cars that can be kept onsite.

City Attorney Knaack stated that a person needs a license to sell vehicles. He stated that a large dealership has one license for the premises. He stated that the new model has one person that rents space within the larger area to others that each hold their own license, so the one site may have six licenses. He commented that the larger the volume, the bigger the problems are in the eyes of the City. He stated that the multiple license scenario is a new phenomenon.

Commissioner Heineman used the scenario that there is a business that currently has two agents/licenses operating as a business and one agent were to leave. He stated that it would seem that under the current zoning, that agent/license could be replaced but under the proposed zoning, that agent/license could not be replaced.

City Attorney Knaak stated that in that scenario, the license would end up being transferred and it should not be a problem if the two licenses were operating under a common business name. He stated that if the agents were operating as two separate dealerships, then the issue would arise where the transfer could not occur.

Commissioner Van Scoy stated that he requested clarification on the current Conditional Use Permit and the legality issues.

Planning Manager Larson replied that the examples from other communities are outdated. He explained that a conditional use is a permitted use which may have additional conditions placed upon it to make it a better neighbor. He stated that a conditional use cannot be an ambiguous use that can be approved or denied based on whether people like the proposal or not.

Commissioner Van Scoy stated that he has been on the Commission for decades and explained how they have used the CUP tool during that time, noting that he also found examples of flexibility from other cities.

Planning Manager Larson commented that if a use comes up that is not listed for any zoning districts, the use could be added to the zoning district. He stated that the property could also be zoned PUD to allow that use. He stated that the examples that were found were more akin to the Interim Use Permit (IUP), something that is not specifically allowed in the zoning district but could be allowed for the time being until the district is more ripe for eventual development.

City Attorney Knaak commented that the CUP process is a statutory process that has existed for a long time. He stated that there are some uses that are obviously allowed, whereas others are allowed but the City is allowed to impose reasonable conditions. He used the example of a gas station which may require additional conditions. He stated that there are times when a use comes forward that does not seem to fit into a zoning district and in those cases, the City could allow the use as an interim use. He explained that would allow both parties to think about whether the use would ultimately work in the proposed location for a set period of time, which can be done for up to five years. He stated that the use could be phased out after that time, or the City could renew the IUP or add the use to the district. He stated that it would seem that Commissioner Van Scoy is describing a variance, in the situation where something is not allowed under the Code. He noted that sometimes a variance can lead to a change in the Code as well.

Commissioner Van Scoy stated that the current Code would seem to offer flexibility.

City Attorney Knaak noted that the language referred to by Commissioner Van Scoy would provide that flexibility as to not get lost in the definition when the use is essentially the same. He provided the example of an electric vehicle charging station rather than a gas station and noted that the Council could make the determination that it could be allowed as it would essentially operate in the same manner as a gas station.

Commissioner Van Scoy stated that he likes the language that is currently in Code.

Planning Manager Larson explained that a conditional use is an allowed use and is not one that they can deny just because they do not like it or think there are enough of those businesses. He stated that the conditional use is a permitted use.

Commissioner Van Scoy listed multiple cities which state that a City Council can deny a CUP.

Planning Manager Larson confirmed that a CUP can be denied but there need to be justified reasons, it cannot be discretionary. He stated that if something comes forward that seems to be a good idea but does not seem to fit, staff would still bring that forward with considerations of how that could be done whether that is through an IUP, PUD, or Code amendment.

Commissioner Van Scoy asked if the language is being changed because it offers flexibility.

Planning Manager Larson commented that perhaps it would best be described as mislabeled, as those items that require flexibility in consideration would be better described as an interim use rather than a conditional use.

Commissioner Van Scoy commented that this seems to be a significant change from what he is used to and would be interested in what other communities would say.

Commissioner Heineman referenced religious institutions and specific language proposed related to location and asked if there are any existing churches that would not conform to that description.

Planning Manager Larson commented that the churches that exist do fall under those descriptions for location. He noted that this would prevent the situation where a church is proposed on local residential roads that are not meant to handle that type of traffic.

Acting Chairperson Bauer noted that under IUP there would be a change to remove the language that would allow the IUP to be tied to an event rather than a period of time. He recalled a situation where an IUP was tied to the redevelopment of the highway rather than a specific time period. He asked why that option would be removed.

Planning Manager Larson replied that five years is dictated by State law. He noted that what they think today may not occur in the future. He stated that if the time period is tied to an event that never happens, that would stick the people in the future with a situation that may not be desired. He stated that the five years would be a check-in and that IUP could be extended.

City Attorney Knaak commented that an IUP can be extended or renewed. He stated that the idea of defining a use as interim is that it is temporary.

Councilmember Woestehoff stated that a public hearing is required by State law for an IUP.

Acting Chairperson Bauer stated that in the scenario he is describing the IUP has already been issued and would just be requested for extension.

City Attorney Knaak replied that the law does require an end date for an IUP.

Acting Chairperson Bauer stated that he recalled reading that a Home Occupation Permit would be an IUP and did not believe that was the current practice.

Planning Manager Larson commented that a CUP runs with the land, where an IUP does not run with the land and only runs with the business or operator. He stated that a home occupation would be the same in that if one business is approved, that approval would not transfer with the land for a new occupant.

Acting Chairperson Bauer stated that an IUP would have a five year limit whereas the Home Occupation Permit has not had a time restriction.

City Attorney Knaak stated that a home occupation is a license that goes with an individual and therefore perhaps you would not want to categorize that as an interim use. He believed that they would be better off reviewing that as a regulatory function and occupational license which in this instance would be operating from a home.

Planning Manager Larson commented that they could strike the word “permit” and simply state interim use.

Councilmember Woestehoff stated that the term also calls that to be a permit. He asked if the City Council held a worksession on home occupations but did not recall that occurring.

Planning Manager Larson confirmed that worksession was held but Councilmember Woestehoff was not in attendance.

Acting Chairperson Bauer suggested just calling it a Home Occupation Permit and not linking it to an IUP.

Planning Manager Larson confirmed that staff would clean up that language.

Councilmember Woestehoff asked if a Home Occupation Permit would still require a public hearing.

Planning Manager Larson confirmed that staff was not proposing to change the process.

Commissioner Van Scoy commented that he really likes the tables that were added but noted a typo that he discovered.

Planning Manager Larson confirmed that staff would make that change.

Commissioner Heineman asked if 167th is an arterial road and whether the language for location of churches would need to be amended to allow Pathways to be conforming.

Planning Manager Larson provided additional clarification on the roadway definition. He noted that on the land use map proposed, that parcel would be designated as institutional and therefore the church would be allowed regardless of the roadway.

Commissioner Van Scoy referenced parking standards within the table shown on page 83 of the packet and asked where medical and dental would fall on the table.

Planning Manager Larson replied that many of the uses that were removed from the table tend to not conform to general standards for parking. He stated that for the uses not listed in the table there is a section above that requiring a parking justification report that would dictate parking needs based on the employees, guests, and visitors.

Commissioner Van Scoy commented that COR 5 was eliminated and asked why.

Planning Manager Larson stated that there is already a parks/open space zoning district, so they removed the redundancy.

Commissioner Van Scoy referenced the language that “Development standards set forth in this section shall supersede those set forth in the Development Framework”.

Planning Manager Larson noted that text was requested to be added by either the Commission or City Council. He commented that the regulations found under that section would supersede the framework.

Commissioner Van Scoy commented that he has requested a review of the framework and therefore this would seem confusing.

Planning Manager Larson confirmed that is on the list of things to do. He noted that without this language, the Code was confusing as to which would trump the other if there were conflicts, therefore the decision was made that the Code in that section would trump the framework.

Citizen Input

Steve Doggett commented that he is not a resident and is present to voice his opposition to the proposed restrictions on EIFS, pertaining to sections 480 and 580. He stated that he submitted two documents via public record as the primary objective was aesthetics. He commented that EIFS is a flexible design platform that can accommodate many different options and textures.

Acting Chairperson Bauer confirmed that those documents were submitted last month.

Planning Manager Larson commented that those documents were attached to the case. He thanked the individual for the input and noted that the design standards he proposed would be a drastic change for the community. He stated that currently within the employment districts, which would be industrial districts in the new Code, that material is not allowed at all whereas the new Code would allow up to 30 percent of a building to be that material therefore they are making allowances for the material to be used in more areas of the community.

Mr. Doggett commented that EIFS is a material that is accepted by the State Building Code. He believed that this material was arbitrarily being excluded. He stated that he brought forward two solutions which would resolve the issue. He stated that this would be part of the design review process where input could be provided on the design aesthetic.

Acting Chairperson Bauer asked the primary reason for exclusion.

Planning Manager Larson commented that it is not being excluded, but restricted to a percentage as the way Ramsey has seen that material is big, blank, flat walls. He stated that quiet a few comments have been made on the O'Reilly's building down the street which uses a lot of that material, that the building is more flat and boring than they believed and not quite what was envisioned for the COR.

Acting Chairperson Bauer used the example of the Aldi building where they provided input on the design. He asked if that could be handled through design review.

Planning Manager Larson commented that would get into the area of discretion, and if the material is allowed, there would not be much room for design input. He noted that material is prohibited in many of the zoning areas today, but these changes would allow the material in more areas in a limited scale.

Commissioner Van Scoy commented that the Commission did approve the O'Reilly's building and if there were issues with the design it should have been discussed at that time.

Commissioner Anderson asked for an example of an industrial building that uses the material. He stated that the sketch plans are reviewed, and comments are provided at that time.

Planning Manager Larson commented that the material is currently not allowed on industrial buildings, so he does not have such an example. He stated that the material is allowed in business and commercial districts and the new change would open up all the zoning districts with a limitation of 30 percent. He commented that while some districts would be reducing from 100 percent to 30 percent, others would be increasing from zero to 30 percent.

Chuck Thiel commented that his company is located in Blaine and sells EIFS as well. He commented that it would seem that restriction is being placed on products based on aesthetics. He asked if brick should be restricted if they do not like the color of certain bricks. He commented that this product is acceptable in international and state building codes but would be restricted because someone in Ramsey does not like it.

Planning Manager Larson noted that the material is currently prohibited, and they would be allowing that to be used up to 30 percent. He stated that in the retail and office districts, the use would be restricted but not prohibited.

Mr. Thiel provided additional details on the material. He stated that EIFS has been born out of insulation and it would be difficult to get that same energy savings through other materials such as brick or glass.

Councilmember Woestehoff stated that in his quick search it appears that the state of Oregon bans EIFS for health and safety reasons. He asked if there are substantial differences between EIFS and traditional siding.

Mr. Thiel stated that he is unsure if that is correct. He stated that he was unsure if there were differences. He commented that EIFS has improved to include a moisture barrier.

Tim Lutz commented that his business is located in Brooklyn Park and asked why the material would not be allowed in the industrial park, noting that his company has done a number of projects. He stated that the material is often chosen because of the insulation value.

Planning Manager Larson again clarified that the material is currently not allowed in the industrial district, but this change would allow the material to be used up to 30 percent. He commented that when he worked in Brooklyn Park, Mr. Lutz came forward with an innovative design and therefore they categorized that under other building materials as approved. He stated that staff is not saying the material is prohibited but does not want large, blank walls. He noted that if something were to come forward that was interesting in design, it could be considered in the other category.

Mr. Lutz commented that he does understand the intent but noted that their systems have evolved over the past 40 years with different finishes and designs. He commented that his systems could be great for renovations.

Acting Chairperson Bauer asked if there is something that would cause the restriction of 30 percent, or the aesthetic.

Planning Manager Larson replied that it is the application of the material. He stated that if there is a big, flat wall that could be seen as boring and lower quality. He acknowledged that Mr. Lutz's building in Brooklyn Park does have a great design, but there is also a higher cost to use the material in that way. He stated that in saying the material is allowed with restriction they could have the big, flat walls that are boring.

Acting Chairperson Bauer asked if there are other concerns with health and/or safety.

Planning Manager Larson commented that like any building material, it needs to be handled and maintained in the proper manner.

Acting Chairperson Bauer commented that if there is nothing objectional to the material other than aesthetics, that could be done through sketch plan review and therefore he would support removing the 30 percent restriction. He stated that perhaps they add additional language that would require architectural variations.

Planning Manager Larson commented that the language could be used that was provided by a previous speaker, but then staff does not believe the design criteria of that nature should only be applied to one specific material and should then be applied to all materials. He stated that a sketch plan is not reviewed for every individual building and then they would need to find a reason why it does not meet Code, explaining that they could not just say that they do not like it.

Commissioner Van Scoy stated that the issue is not the individual material but the architectural standards. He stated that perhaps they need to review the architectural standards for whatever size building they are reviewing.

Planning Manager Larson commented that they could do that but in previous discussions the Commission did not want to get too detailed or prescriptive in how they wanted buildings designed. He stated that if an interesting and innovative design were proposed that used more EIFS, that could be considered under the category of other.

Brett Hinsley commented that he is a resident of Portland, Oregon and was confused by the comment that EIFS is not allowed in Oregon. He commented that about 50 percent of their work uses EIFS. He commented that there have been issues in the past with moisture but that was because of the application. He commented that they have been able to reestablish that market. He encouraged the Commission from restricting the material and should instead focus on architectural standards.

Krista Johnson commented that she is a resident of Blaine but owns there properties in Ramsey. She commented that she opposes the change to the definition of family under the proposed zoning code. She commented that she would object to limiting the number of unrelated people living in a household to four. She commented that there are many properties in Ramsey where more than four unrelated people live in the home. She noted that change would impact all residential properties. She asked how this would be grandfathered in. She commented that she owns townhomes in the COR and within a three bedroom she has had two couples and one single individual living in those three bedrooms. She noted that they were young professionals living together to save money to purchase their own homes and occupied the home for two years before moving on to purchase their own homes. She stated that she also owns recovery homes in Ramsey that she has operated without incident in Ramsey for years, noting that more than four unrelated people live in those homes. She noted that a friend recently purchased a home for his daughter to live in while she attends college with five other students, noting that those individuals are unrelated. She stated that Minneapolis recently removed the unrelated clause from its zoning code because of the reality of the economy and changing dynamics. She commented that eight people that are related could live in a home, but the neighboring home that also has eight people that do not look related could then not be allowed. She stated that in today's environment of intentional living and diversity she would ask that this language be removed. She commented that State law dictates that she could continue to operate her homes in the manner they are currently run but acknowledged that the change could have negative impacts on many others in the community.

Acting Chairperson Bauer referenced the example where six unrelated students currently reside in the home and used the scenario that one were to move out, asking if that person could be replaced or whether they would need to keep dwindling down until they reach four.

Planning Manager Larson commented that currently they do not define what a single-family is even though they use the term single-family all over in the zoning code. He stated that a single-family home therefore is a home occupied by one family, which brings forward the question of what one family would be. He stated that they then tried to define that term. He noted that six students living together may not be considered a family and would begin to look more like a student housing which could have impacts on others in the neighborhood. He stated that in other communities where these student housing situations arose, with individual leases, people come and go and there is a lot of money to be made. He stated that those homes can have negative impacts on a neighborhood. He stated that if one of those students were to move out, he would think another could not move in until they reach four. He stated that in relation to a recovery home, licensing is needed through the State, and those allow up to six people. He stated that there are also sober homes that have popped up that do not require licensing but would fall under reasonable accommodation to have a limit of six individuals. He stated that the Commission could

recommend increasing that number of unrelated individuals to six but noted that this suggestion of four was taken from discussions with the Commission and Council.

Ms. Johnson commented that limiting the number of individuals in a recovery home to four would no longer be purposeful as it does not provide that sense of community and support. She also did not believe that should be limited to six and noted that if she is forced to reduce the number of people, she will come forward with an ADA reasonable accommodation request and will go through a whole battle until they come to an agreement. She stated that to put every homeowner into the four unrelated person category when the City cannot regulate that does not seem fair, as it would then only apply to those that are targeted.

Acting Chairperson Bauer commented that it would seem inconsistent in how the lawful nonconformity would be addressed comparing the previously discussed license for auto sales and this situation.

City Attorney Knaak commented that the currently constitutional direction even allows up to six and has been the standard for a long time. He acknowledged that the City is attempting to define what a family is, as the term single-family home is used throughout the Code. He stated that it is indicated that there may be some social changes going on, but the City could choose to define that term. He stated that if the limit were set at four unrelated individuals and six currently occupy the home, if one were to leave, then they could not be replaced as the goal would be to reach conformity. He stated that he provided the same response for car dealers, that if one of six were to leave, they could not be replaced. He recognized the effort to define a family for the purpose of single-family home but noted that the City does not have to do that.

Ms. Johnson asked if the City should be able to define who can live in a home you purchase.

City Attorney Knaak replied that the answer is right as this has been done for decades.

Ms. Johnson commented that there are many homes that would be out of compliance that would not be targeted, while others would be immediately targeted. She asked why this change would be needed. She commented that there is a hobby farm where four or five seniors live at the hobby farm with two unrelated individuals that run the farm. She stated that is just another example of a situation that would be out of compliance. She asked who would regulate the number of people living in the home.

Commissioner Heineman asked how this would be enforced.

City Attorney Knaak replied that if the City imposes the restriction that people are unaware of, that could create a problem that is not anticipated. She commented that there are things that were described by the resident that are illegal, but those situations are things that have not been considered.

Commissioner Heineman used the example of the elderly people living on the property and a complaint were registered. He asked if a call were made and someone said they were related,

would the City then send police to investigate birth certificates. He commented that the definition of family would seem to be a moot point if it could not be enforced.

City Attorney Knaak replied that in that case, the end of the conversation would be if there was an affidavit saying they are related. He stated that in cases of caring for the elderly there are other state regulations that would come into play. He stated that if there are six or seven unrelated people living together that are not aware of the regulation, that would raise additional questions.

Acting Chairperson Bauer commented that he would think enforcement would fall to the Code Enforcement Officer, who would then investigate complaints.

Planning Manager Larson commented that he has received quite a few complaints of this nature. He stated that when he speaks to the complainant, he explains that this is a serious allegation, and they would need proof that the people are not related. He stated that in one example the caller stated that he was told by the people living in the house are eight unrelated construction workers.

Councilmember Woestehoff stated that it is a fair question as to why family is defined but acknowledged that the term family is used throughout the Zoning Code (single-family, multi-family, etc.). He stated that Saint Paul had a fair debate about this topic in 2020 and reviewed the three options that city considered.

Ms. Johnson commented that people purchased their homes in a legal manner and use and this change would create many nonconformities.

Commissioner Hunt asked if they could use language stating that the home is designed for a single family versus stating that only one family can inhabit that unit. He commented that many things are not used as designed.

City Attorney Knaak used the example of Long Prairie where there has been an issue with large number of legal immigrants coming in and two or three adults are housed in each bedroom which then creates a boarding house. He commented that there are reasons for regulations in terms of density and sanitary services. He commented that in Ramsey it would most likely be traditional families or single people purchasing homes. He acknowledged that it is a difficult topic.

Ms. Johnson commented that Ramsey has not had a limit on the number of unrelated individuals to date and has not had a problem. She commented that the state mandates the number of people that can be in a home based on the available space and number of bathrooms. She found it offensive that a family could be defined as two adults and their three children but not five young professionals saving to purchase homes are not desired in Ramsey.

Commissioner Heineman stated that he understands the intention to limit the number of people in a home but asked if this is enforceable by the City.

City Attorney Knaak replied that it is enforceable but as a practical matter there are some issues that were mentioned in terms of enforcement.

Ms. Johnson commented that she would imagine that a lot of people that would become legal nonconforming were not aware of this proposed change that would impact the ownership of their home.

Acting Chairperson Bauer commented that it would not seem to limit the number of related individuals that can live in a home and asked the number of unrelated individuals that could live in the home with that family.

Planning Manager Larson replied that if there is a married couple with three kids, they could have three unrelated individuals in the home as well. He stated that if there was the described family of five and one of the adults had their sister and her family living in the home, that would still equal one family as they would be all be related and therefore in that scenario, they could still have three unrelated individuals.

Commissioner Van Scoy asked if there is a reason four unrelated people was chosen versus six people.

Planning Manager Larson replied that four is a common number and there have been court decisions that four is the smallest number that could be regulated. He noted that the Commission could choose a larger number.

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

Motion Carried. Voting Yes: Acting Chairperson Bauer, Commissioners Peters, Van Scoy, Anderson, Heineman, and Hunt. Voting No: None. Absent: Chairperson Gengler.

Acting Chairperson Bauer closed the public hearing at 9:18 p.m.

Commission Business

Acting Chairperson Bauer recognized the discussion that arose around the definition of family and number of unrelated individuals, along with the use of EIFS.

Councilmember Heineman stated that he would want to bring the issue of the auto dealerships to the attention of the Council, noting that he would not necessarily recommend a change at this time. He commented that the businesses may be considered an eyesore, but they have existed in Ramsey for many years and invested in those businesses. He stated that the City would essentially slowly be choking out those businesses and if that is the desire the City should have a stronger stance. He commented that it seems misleading to say the businesses are okay right now when over time they will be choked out.

Commissioner Hunt asked the number of businesses that would fall under the category where licenses could be transferred versus those with multiple licenses that would dwindle away.

Senior Planner Anderson commented that he believes that there are at least five that would fall under the category of multiple licenses, noting that one has 20 to 25 licenses under one roof while there are at least two businesses that operate with two licenses.

Commissioner Heineman stated that in the scenario where there are two license holders, he would hate to see a scenario where one person leaves and the other cannot afford the rent on their own and has to shutdown as well. He stated that in his opinion he would prefer to either allow the businesses that are here to stay or to take the strong stance that the City wants them out. He stated that he would be fine allowing those businesses to remain as they currently operate.

Commissioner Van Scoy commented that he does not believe EIFS itself is the issue, but the issue is in design. He believed the appropriate regulation would be design standards.

Commissioner Hunt asked if the limitations on all materials would then be dropped.

Commissioner Van Scoy agreed.

Commissioner Hunt asked if the 70 percent threshold for primary materials would then be dropped as well.

Commissioner Van Scoy noted that would need to come under design standards and they would need to take time to do that in the right way.

Commissioner Anderson commented that he does not have a problem with the material but is concerned with the final appearance. He noted that the Commission was still able to provide input on the design through the sketch plan review for Aldi recently.

Planning Manager Larson replied that Aldi was not a sketch plan and noted that a single building does not require a sketch plan. He stated that a sketch plan comes forward for platting and noted that Aldi came forward in a concept plan review. He stated that staff did not believe that the design standards were met, and Aldi wanted it to go forward to the Commission and Council to gain their input on the design standards. He stated that if a building comes forward and they do not like it, there needs to be a standard to fall back on. He stated that if those thresholds of materials were removed, there would be nothing to fall back on that would prohibit a large, flat wall. He noted that the language proposed by the earlier individual would cause a substantial jump in architectural standards and provided an example of a building that is being constructed currently that would not be allowed. He stated that the language provided by that speaker would be a very, very, very different approach for Ramsey. He stated that the previous direction from the Commission was to keep it simple, which is what they did.

Commissioner Van Scoy stated that if the desire is not to have a large, blank wall that should be done through standards rather than limiting the use of certain material.

Commissioner Heineman used the example that a building were proposed out of birch wood, or completely white siding, and asked how the City would regulate that. He commented that it seems that people do not have an issue with the material but want it to look good.

Planning Manager Larson replied that the current Code is purely based on materials, other than the COR framework that has additional design standards. He stated that they could develop very restrictive standards but that would be vastly different than the City has done in the past.

Commissioner Heineman asked if the other materials have been found to be aesthetically pleasing and EIFS is not.

Planning Manager Larson commented that there are other materials that are restricted to 30 percent.

Commissioner Heineman commented that he would suggest moving forward with EIFS as an allowed material and would not see a distinction.

Councilmember Woestehoff stated that this could be resolved by removing lines 46 and 47 on page 70. He stated that it would not matter if EIFS were included in the 30 percent restricted category as the Council can approve other materials. He noted that wood is listed in the 30 percent restricted category as well, but it could be approved in a larger ratio based on the design. He stated that he believes the City Council will have a robust discussion on the definition of family and how that pertains to the Code. He stated that he would always like a recommendation but noted that the Council will discuss that topic.

Commissioner Van Scoy stated that he does not have an issue with six unrelated people, recognizing that four may be common.

Commissioner Anderson stated that the Council will make a decision on that.

Motion by Commissioner Heineman, seconded by Commissioner Van Scoy, to recommend that City Council approve of an ordinance for the Zoning Code Update, with the addition of adding EIFS as an acceptable building material and asking the Council to review the definition of a family and to review the H-1 Zoning for legal nonconforming auto dealerships along Highway 10.

Motion Carried. Voting Yes: Acting Chairperson Bauer, Commissioners Heineman, Van Scoy, Anderson, Hunt, and Peters. Voting No: None. Absent: Chairperson Gengler.

7. COMMISSION BUSINESS

7.01: Review Remaining 2023 Calendar/Preliminary 2024 Calendar

Presentation

Acting Chairperson Bauer noted the remaining meeting dates for 2023 and the intention to ensure there would not be a quorum present, citing the previous month when there were multiple public hearings scheduled and a quorum was not available. He also asked for input on the meeting dates and times for 2024.

Commissioner Anderson commented that he is fine with the dates and 7 p.m. start time.

Planning Manager Larson asked if the Commission would be open to a 6 p.m. or 6:30 p.m. start time.

Acting Chairperson Bauer noted that an earlier start time may restrict who can serve on the Commission. He suggested staying with the 7 p.m. start time and confirmed the consensus of the Commission that there is not an issue with the remaining meeting dates.

Commissioner Anderson commented that he will most likely not be in person for the November meeting but could attend via Zoom.

Planning Manager Larson commented that if someone is planning to attend remotely, he would want to ensure that staff is properly notified as they would need to post a location.

Commissioner Anderson stated that he would not be opposed to a 6:30 p.m. start time but recognized that some people commute, and that time could be difficult.

Acting Chairperson Bauer commented that he would lean towards keeping the time and date the same as they have been.

8. COMMISSION / STAFF INPUT

Acting Chairperson Bauer recognized that the Commission was unable to meet in June, therefore those items went on to the Council without a recommendation from the Commission and asked for an update on the related Council action.

Planning Manager Larson commented that a deck variance was approved on appeal for lack of decision from the Planning Commission. He stated that BLIP 5, Aldi, an easement vacation, and iDigital requests were all approved.

Councilmember Woestehoff stated that the site plan and preliminary plat for CorTrust Bank were denied.

Planning Manager Larson introduced the new planner to join the team.

Adam Martin introduced himself.

9. ADJOURNMENT

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

Motion Carried. Voting Yes: Acting Chairperson Bauer, Commissioners Peters, Anderson, Heineman, Hunt, and Van Scoy. Voting No: None. Absent: Chairperson Gengler.

The regular meeting of the Planning Commission adjourned at 9:49 p.m.

Respectfully submitted,

Todd Larson
Planning Manager

ATTEST:

Dana Verbeek
Planning Administrative Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.