

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, September 26, 2024, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Cheri Gengler
 Commissioner Bruce Anderson
 Commissioner Randy Bauer (arrived at 7:03 p.m.)
 Commissioner Ryan Heineman
 Commissioner Tom Hunt
 Commissioner Eric Peters
 Commissioner Gary VanScoy

Members Absent: None

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Chairperson Gengler led the group in the Pledge of Allegiance.

3. CITIZEN INPUT

Tim Tetens, 17390 Baugh Street, stated that he and his wife came to the meeting to preserve their property and privacy. He stated that Mr. McCalister installed a fence on his property on June 2nd which went through the City and after two months the City walked on the property, deemed it an enforceable action on September 16, 2024, and Mr. McCalister is to respond by October 7th. He stated that Mr. McCalister put his home up for sale on Monday as a listing coming soon and has showings starting this weekend. He asked if the City could place a lien on the property to ensure there are no further problems with the fence when the home is sold.

Chair Gengler commented that this item will be on the agenda later tonight and will be discussed.

4. APPROVAL OF AGENDA

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

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

5. CONSENT AGENDA

5.01: Approve the August 22, 2024 Planning Commission Meeting Minutes

Motion by Commissioner Hunt, seconded by Commissioner Heineman, to approve the consent agenda as presented.

Commissioner Bauer arrived.

Further discussion: Commissioner VanScoy referenced page seven, a statement made by Commissioner Bauer, and stated that it should state, “the neighbor may agree to the setback, but the next ~~neighbor~~ owner may not.” The Commission accepted the change.

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

6. PUBLIC HEARINGS/COMMISSION BUSINESS

6.01: Public Hearing: Consider a Variance to Horse Stable Setbacks at 17400 Baugh St NW

Public Hearing

Chairperson Gengler called the public hearing to order at 7:05 p.m.

Presentation

City Planner Martin presented the staff report stating that staff recommends approval of the variance to the stable setback.

Commissioner Bauer asked if these buildings were in place before City Code and therefore would be grandfathered in.

City Planner Martin commented that the City did not have the information that horses were kept on the property when subdivision of the property took place in 2004 but based on information from a neighbor and aerial imagery horse have been kept on the property since the 1970’s and could have predated the incorporation of Ramsey.

Commissioner VanScoy stated that if the activity was there before, would the horses then be grandfathered in as well.

City Planner Martin commented that the legal nonconformity or grandfathering would apply if there was information that horses had been kept consistently. He stated that if the activity ceases for a period of one year, the approval would be needed again. He stated that because there is not that information that the horses had been kept on the property consistently, the approval is needed.

Citizen Input

Troy Richardson, 17450 Baugh Street, stated that he moved to his property four years ago and there are horses two miles up the road in Nowthen. He stated that it would be ridiculous to not allow horses in a barn. He stated that the property owner has agreed to clean up the manure and the horses should be allowed. He stated that people should mind their own business and do what they want on their own property. He commented that there are deer and turkey, and he enjoys seeing the horses as well. He stated that the people are great, and this is a great community, and people should be allowed to have horses if they want.

Commissioner Heineman appreciated the input of the resident and agreed. He clarified that the recommendation from staff is to approve the variance to allow the horses to stay.

John McCalister, 17400 Baugh Street NW, commented that he purchased the property with the intention of having horses and called the City to verify that he could have horses. He was told that he could have two horses. He stated that there was no mention that the stables were too close, but recognized that perhaps the staff person answering the call was not aware the building was a stable. He commented that he did list the property for sale due to some work-related things as he is relocating back to Arizona. He stated that the people that are interested in the property would intend to bring horses with them. He referenced the comments made by his neighbor during the public hearing. He stated that he is on a plane tomorrow morning for Arizona and has not received a letter about the fence. He stated that the fence has been in that position for 15 years and his neighbor has been served by an attorney but refused to secure an attorney and therefore that is the established boundary of the properties under the law of adverse possession.

Commissioner Heineman asked staff for insight on the law of adverse possession as stated.

Planning Manager Larson commented that the adverse possession laws in Minnesota are tough and require certain thresholds of years of ownership, living on the property, etc., and would need to be settled in court. He stated that the City is not a part of that as that is a civil matter between the two property owners.

Susan Ariano, Coon Rapids resident and related to the applicant, referenced the question of whether a fence should be allowed to be built on property that is not his. She stated that the fence existed long before John purchased the home and in review of past imagery of the property, the fence existed before the neighbor lived on his property as well. She stated that the neighbor never had a problem with the fence until John moved in and the neighbor started to tear down the fence. She stated that John put that section of the fence back up that was torn down. She stated that the fence existed prior to the subdivision of the property and if it was an issue, it should have been an issue back then.

Chair Gengler clarified that the Commission is present to discuss the horse stable and not the issue of the fence as that is a matter of civil litigation.

Tim Tetens, 17390 Baugh Street, stated that he is not against the horses and thinks they are great. He stated that Mr. McCalister purchased the property for passive income with the intention of renting the land out for the dog park, noting that home occupation permit has been pulled, and to board two horses. He stated that his problem with this is those actions. He asked that this be approved as a Conditional Use Permit (CUP) with certain conditions that would guide the activity if it is going to be used for income-generating purposes. He stated that if the property is going to be sold, there should be additional questions about the use. He stated that Mr. McCalister was going to use the two boarded horses for therapeutic purposes, which would have people coming and going from the property. He stated that his request would be to shift the approval from a permanent variance to a CUP which would not be transferable and appropriate conditions could be placed upon the use.

Commissioner Bauer asked if the horse therapy mentioned would require a home occupation permit.

City Planner Martin commented that if the horses were being boarded and going to be used for therapy, a home occupation permit would be needed. He stated that the homeowner has provided documentation and proof that these are his horses. He stated that the home occupation permit part of the request has been pulled and the only item before the Commission is for the horses.

Commissioner Bauer clarified that the only approval being considered then is for the keeping of horses and any additional activity would require separate approval.

Mr. Tetens, commented that the horses were removed from the property today and every Saturday and Sunday prior to this, there were ten-plus people on the property. He still requested that this approval be done through a CUP rather than a variance which would allow conditions to be placed upon the next property owners.

Commissioner Bauer clarified that the variance is to allow the horses, and any other activity would require additional approvals, should someone in the future want to do something relating to business.

Mr. Tetens, commented that even if the horses are not being used for therapeutical purposes or a business and masses of people are being brought to the property on the weekends, that would infringe on his way of living.

Commissioner Heineman stated that if the new property owners want to use this for business purposes, they would need to apply as such. He stated that if someone wants to use the property for personal purposes and wants to bring ten friends to their property, that is their right to do so.

Mr. Tetens, referenced the dog park business and noted issues between the two property owners going back to April.

Susan Ariano commented that the statements of the neighbor about people coming to the property are related to her coming to the property with children that she fosters. She commented that it has been disturbing for the neighbor to count the number of children that she has brought to her relative's property. She stated that she brings the children there to help take care of the horses and for picnics.

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

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

Chairperson Gengler closed the public hearing at 7:30 p.m.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner Peters, to adopt Resolution 24-273 Approving a Variance to Horse Stable Setbacks at 17400 Baugh Street NW.

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

6.02: Public Hearing: Amendment to Section 106-105, Definition of Manufacturing

Public Hearing

Chairperson Gengler called the public hearing to order at 7:31 p.m.

Presentation

Planning Manager Larson presented the staff report stating staff recommends approval of Ordinance #24-13 amending Section 106-105 Zoning Code Definitions.

Commissioner VanScoy asked if this is mandated by the State or whether the City has a choice.

Planning Manager Larson confirmed that this is mandated by the State, but cities can limit the number of businesses based on population, similar to liquor licenses. He stated that it is not mandated that someone would need to open a business here, but the City would need to allow for that.

Citizen Input

No comments.

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

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

Chairperson Gengler closed the public hearing at 7:36 p.m.

Commission Business

Commissioner VanScoy asked if it would make a difference if the City did not approve this.

Planning Manager Larson commented that if the City did not approve this, attorneys would get involved and it would cost the City money in the long run.

Councilmember Woestehoff commented that there is benefit in defining this use as they can be more precise with manufacturing and where it can be located. He confirmed that additional details will be spelled out in the licensing.

Commissioner Bauer asked if the licensing would be done administratively.

Planning Manager Larson commented that staff would ensure that a licensing application meets the City's requirements for that type of business. He stated that the remainder of the regulations would be enforced by the State, with the exception of compliance checks completed by the Police.

Commissioner Bauer asked if this would be an allowed use or conditional use.

Planning Manager Larson commented that this type of operation would be completely indoors and therefore most people would not even know it is there. He stated that manufacturing would be an allowed use in the I-1 and I-2 zoning districts.

Councilmember Woestehoff commented that this case is strictly related to manufacturing and not retail sales.

Motion by Commissioner Anderson, seconded by Commissioner Peters, to recommend that City Council adopt Ordinance #24-13 Amending Section 106-105 Zoning Code Definitions.

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

7. COMMISSION BUSINESS

7.01: Consider a Variance for a Lean-To Structure at 6850 148th Lane NW (Michael Ploumen)

Presentation

Planning Manager Larson presented the Staff Report stating that as it exists today, the structure does not look out of character of a typical residential property. However, the closeness of the

structure to the property line will appear out of place should the applicant or neighbor decide to build a fence along the property line. Granting a variance cannot restrict a neighboring property owner from their right to do something. It is recommended that the structure be removed. Staff is taking no position on the placement of the slab.

Commission Business

Michael Ploumen, applicant, stated that if he were to cut back the concrete slab by one foot four inches, that would make the slab 109 inches. He stated that the boat on the trailer is 102 inches from wheel well to wheel well, which would leave seven inches of space, 3.5 inches on either side of the boat. He stated that while he would think himself skilled at driving and backing up a trailer, he would not be able to maneuver into that space. He stated that would also require him to remove the posts and could potentially hit the side of his home, which would then require him to drive on the grass. He recognized that someone must have complained about this, but he has not received any complaints, and this does not affect anyone else. He stated that the neighbor to the east has submitted a letter that they do not have a problem with this. He stated that if the neighbor does eventually have a problem, he would resolve that as his relationship with his neighbor is far more important than the lean-to.

Commissioner Bauer asked if the posts are four by four or six by six.

Mr. Ploumen replied that the posts are six by six.

Commissioner Bauer asked the current width of the slab.

Mr. Ploumen replied that the slab is currently about 120 inches.

Commissioner Bauer asked if placing the posts on the very edge of the slab would allow enough room to maneuver the boat. He noted that the overhang could be then cut back a bit as well so that it is not right at the property line.

Mr. Ploumen replied that he did not think it would as that would require an extensive amount of construction work. He stated that if the Commission decided that he could try to make it happen.

Commissioner Bauer explained that his questions were related to potentially decreasing the variance.

Commissioner Heineman commented that while he understands the goal is to get as close to compliance as possible, the amount of work that would be needed to remove such a small amount would be so much effort. He stated that the structure is either out of compliance or allowed. He stated that this fits the neighborhood, does not stand out and serves a purpose. He believed that it should be allowed to remain. He stated that would be a lot of work and money to move the edge of the structure nine inches.

Commissioner Bauer commented that he was simply questioning as the Commission had previously requested measurements.

Commissioner Heineman believed that this should be allowed to remain.

Commissioner Anderson received confirmation that the roof material is made of tin. He asked if modifications would be needed to the structure to meet the Fire Code.

Planning Manager Larson commented that this structure was built without a building permit and therefore they will need to ensure that the structure does meet the fire portion of the Building Code. He stated that if the Building Code is not met by the structure, modifications would need to be made to the structure.

Commissioner Anderson commented that at the last City Council meeting there was discussion about how close to the property line a structure should be and asked Councilmember Woestehoff for input.

Councilmember Woestehoff commented that the discussion the City Council had was related to driveway setbacks and not structures. He stated that variance the Planning Commission previously denied was brought forward to the City Council through appeal and the City Council did approve the variance for that property, which had the structure one inch from the property line, contingent upon that structure meeting the Fire Code. He assumed that if that scenario were to repeat in this case, the majority of the City Council would have the same opinion.

Commissioner Anderson asked if these slabs are considered driveways. He stated that he would consider a driveway at the street and not off to the side.

Councilmember Woestehoff replied that if it were the slab alone, he would concur that the majority of the City Council would consider that to be a driveway.

Commissioner Anderson did not think that would be right. He stated that if a driveway were allowed to go to the property line, a developer will figure out a way to butt houses up against each other with very little separation. He stated that for this case, he would be in favor of allowing the slab alone. He stated that the roof will need to be changed to meet Fire Code, which would allow movement of the posts as well. He recognized that there is a lot of expense to redo the structure. He asked if the slab alone would be enough to satisfy the needs of the resident.

Commissioner Hunt referenced the practical difficulties and asked if number two could be the cause.

Planning Manager Larson stated that the State developed these practical difficulties. He provided clarification on the different practical difficulties.

Commissioner Heineman asked if the scenario of the property only having this location for a side slab would be unique to the property, as this would be the only location. He stated that the landowner did not create that problem, the property is the shape it is.

Commissioner Hunt stated that there is a process to go through, that would have identified the issues, which would then be the issue of the landowner.

Commissioner Heineman agreed that this was not done in the right order, but the Commission must now decide what to do.

Commissioner Anderson stated that there is a regulation that provided a maximum width for a driveway compared to a home, noting that if this is considered driveway it would not meet the requirements of that ordinance.

Planning Manager Larson replied that the only violation is that it is too close to the side property line. He confirmed that the slab would be part of the driveway, but the regulation that Commissioner Anderson refers to would not apply in this situation.

Commissioner Hunt asked for input from staff on the ability for a neighbor to build a fence.

Planning Manager Larson commented that a variance cannot restrict what someone else can do on their property. He stated that if a fence were constructed on the property line, by the neighbor, the lean-to may look very odd.

Chair Gengler asked if the letter of support from the neighbor was included in the packet.

Planning Manager Larson replied that it was not attached to the case but confirmed that a letter of support was received from the neighbor.

Commissioner Peters commented that he spoke with the neighbor and can vouch that the applicant and the neighbor are great friends. He stated that he believes the applicant that if the neighbor wanted to put up a fence, he would remove the structure. He stated that this structure is not out of character from the neighborhood and looks nice. He asked if there could be a sunset on the approval, should the neighbor move and the new property owner not approve of the structure.

Planning Manager Larson explained that if this were approved, an encroachment agreement would also be needed for the easement, which would be recorded against the property and such language could be included in that.

Commissioner VanScoy stated that the reason they are here is because the landowner did not follow the regulations the City has to prevent this type of situation from occurring. He empathized with the applicant and provided details on his situation. He recognized that this looks nice, but it does not fit the regulations, and he does not see that as rationale for approving a variance. He stated that the structure is too close to the property line. He stated that the structure would need to be rebuilt to meet the Building Code and recognized there will be cost to that, but it is the results of the applicant's action and therefore he would not support a variance.

Commissioner Hunt recognized that the structure may need to be rebuilt to meet the Fire Code and asked the type of modifications that would be needed.

Planning Manager Larson commented that they do not know yet. He stated that the portion five feet to the property line would require the additional fire suppression measures, but the remainder of the structure would most likely be fine.

Commissioner Anderson referenced the letter from the building consultant related to fire resistant construction, noting that this structure would need to be redone to meet the Fire Code, if it is approved.

Mr. Ploumen stated that he does not yet have the fire-resistant material but could place material over the posts that would make it fire resistant. He noted that the nearest structure is 17 feet away. He apologized that he did not pull a permit noting that he had the funds and assistance with labor and moved forward with his project.

Councilmember Woestehoff asked if there was discussion in one of these cases about metal roofs not falling within design standards for the City.

Planning Manager Larson replied that metal roofs are allowed but he has not yet seen the material. He stated that if it is a designed home roofing material, it would be allowed, but colored metal sheeting would not be allowed.

Motion by Commissioner Heineman, seconded by Commissioner Peters, to direct staff to prepare a resolution approving the variance for a slab and lean-to structure based on the following practical difficulties, citing numbers one and three from the list of practical difficulties.

Further discussion

Commissioner Heineman commented that there are two consulting adults who are neighbors and have no problems with this structure. He hoped that people would recognize that these are two people that own their properties and agree to the structure and a matter of inches. He asked why there would be an exception if it cannot be used. He stated that if this motion does fail, the applicant should appeal to the City Council where it would most likely be approved similar to the last case. Commissioner VanScoy asked if rule of law means anything to those on the Commission and Council. He stated that there are exceptions but those also have standards. He disagreed entirely with the comments of Commissioner Heineman. Commissioner Heineman commented that it is offensive to not use logical deduction, as laws are not always followed using the example of driving one mile over the speed limit. He stated that there are rules of law but also the spirit of law. Commissioner VanScoy commented that it is not a matter of inches, but four feet, ten inches. Commissioner Peters asked and received confirmation that a permit is required to put a water softener in a home, noting that every person on the Commission has a water softener in their home but did not pull a permit for that. He stated that everyone has good points, and the applicant has already paid the money for a variance, will spend money on a permit, and the structure should just be allowed. He stated that most neighborhoods have cars parked on their lawns and no one says anything, but this homeowner built something nicer to house his boat and while it is not perfect, it looks fine.

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

Planning Manager Larson commented that the similar case the Commission reviewed and denied was appealed to the Council, who then approved the request. He stated that he will use that same resolution of approval as a template to draft this resolution which could then come before the Commission on its next Consent Agenda. He stated that the other option would be to defer that approval to the City Council and the resolution could go forward on the Council Consent Agenda for approval.

Commissioner Bauer commented that the Commission grants variances, so questioned why the action of the City Council would be needed.

Chair Gengler clarified that moving it to the City Council would speed up the process. It was the majority consensus of the Commission that the resolution should go forward to the City Council for approval.

7.02: Sign Code Update – Preliminary Discussion

Presentation

City Planner Martin presented the Staff Report stating that staff is looking for the Planning Commission to provide direction on any areas of interest to explore or discuss. Staff will schedule time over the next several months, keeping mindful of other public hearings and development proposals on each meeting's agenda, to discuss various sign-related topics of interest to the Commission.

Commission Business

Chair Gengler commented that she finds visual examples helpful, noting the use of visual examples within the COR Framework.

Commissioner Bauer stated that increases to height and other elements should be considered for those businesses along Highway 10 to ensure drivers would be able to see those signs. He recognized that Ramsey businesses are hurting during construction.

City Planner Martin commented that there is a current regulation in City Code which allows for increased height around the Highway 10 interchanges. He noted that staff would intend to keep that regulation.

Commissioner Bauer commented that the interchange would be too late for some businesses.

Planning Manager Larson commented that the additional height is allowed from the Anoka border to Llama Street.

Commissioner Heineman suggested looking at regulations from other cities with similar frontage roads. He recognized that sign placement can be a bit awkward for a business that is setback from the Highway by a frontage road.

Commissioner Anderson referenced the pizza establishment off Highway 10, stating that in a recent conversation with that business they are afraid that people will no longer see their business because of the location of the interchange. He referenced the highway wayfinding signs and asked if Ramsey could have those to increase the visibility of its businesses. He agreed that illustrations within the Code would be helpful. He stated that he likes a banner or pole sign posted to the building.

City Planner Martin stated that the highway signs are coordinated through MnDOT and typically businesses that want their sign included would apply through that entity. He believed that the COR Framework allows for banner type signs and could bring more context at a future meeting.

Commissioner Anderson asked if City staff could contact the pizza business to give them the information for MnDOT.

Commissioner Bauer stated that perhaps that same message is provided to all the businesses along Highway 10. He noted that most drivers do look for those wayfinding signs on the highway to ensure they take the right exit.

Commissioner Peters recognized that the restaurants and businesses in that area are mostly frequented by the residents of Ramsey and encouraged Ramsey residents to visit those businesses because they are struggling during construction.

Commissioner Anderson asked and received confirmation that residential yard signs would be included in the discussion.

7.03: 2025 Planning Commission Meeting Schedule Discussion

Presentation

Planning Manager Larson presented the Staff Report stating that staff would like direction from the Commission on the desired night and time for the monthly Commission meeting.

Commission Business

Commissioner Bauer commented that there has only been an issue of quorum once and therefore it seems that the current meeting day and time works. He noted that the November and December meetings would have conflicts because of holidays.

Planning Manager Larson commented that once he has direction on the day and time of the meeting, he would draft the 2025 schedule.

Commissioner Peters asked why the watershed would need to see the case after the Planning Commission.

Planning Manager Larson commented that the watershed would want to see some level of realness for the project.

Commissioner Peters commented that it then sounds like a “want” not a need. He stated that the City would still need to approve the project.

Planning Manager Larson explained that the watershed does not want a project going before them that is not going anywhere and feel that if a project reaches the Planning Commission, there is a good chance the project is moving forward.

Commissioner Peters asked if there have been cases that have come before the Planning Commission but not moved forward to the watershed.

Planning Manager Larson confirmed that has happened. He explained that the watershed reviews the stormwater plan, its related treatment and retention.

Chair Gengler stated that the Commission previously met on the first Thursday but moved to the last Thursday to better align with the City Council schedule. She asked if moving to a different week would impact that schedule with the City Council.

Planning Manager Larson recognized that there will not be a perfect schedule. He explained that all staff reports for the City Council agenda are due to the City Administrator the Wednesday before the City Council meeting.

Chair Gengler commented that if they changed days, she would prefer Monday rather than Wednesday.

Commissioner Heineman commented that people may have a long weekend, relating to Monday meetings. He stated that he still has six months in the military and has a commitment every other month, Thursday through Sunday.

Planning Manager Larson commented that staff would also be fine staying with the current meeting day and time.

It was the consensus of the Commission to keep the meeting at the fourth Thursday of the month.

Planning Manager Larson commented that he will create a draft meeting calendar to bring before the Commission to discuss alternate dates for holiday conflicts.

8. COMMISSION / STAFF INPUT

Planning Manager Larson noted that the October meeting will be busy with the proposed agenda. He noted the upcoming Recycling Day and Fix-It Clinic events.

Commissioner Bauer commented that he will likely not in in attendance for the October meeting.

9. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 8:53 p.m.

Respectfully submitted,

Todd Larson
Planning Manager

ATTEST:

Abdi Sahal
Planning Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.