PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

The Ramsey Planning Commission conducted a regular meeting on Thursday, November 5, 2020, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:	Chairperson Randy Bauer Commissioner Bruce Anderson Commissioner Cheri Gengler Commissioner Eric Peters Commissioner Gary VanScoy Commissioner Matt Woestehoff
Members Absent:	Commissioner Torrey Johnson
Also Present:	Senior Planner Chloe McGuire Brigl Deputy City Administrator Tim Gladhill Planning Technician Brian McCann

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

A roll call vote was performed:

Commissioner Peters	aye
Commissioner Anderson	aye
Commissioner Woestehoff	aye
Commissioner Gengler	aye
Commissioner VanScoy	aye

Chairperson Bauer aye

Motion Carried.

5. CONSENT AGENDA

5.01: Approve the October 1, 2020 Planning Commission Meeting Minutes
5.02: Review Sketch Plan for Northfork Meadows, Case of Lennar (Project 20-135)

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

A roll call vote was performed:

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

Motion Carried.

6. PUBLIC HEARINGS/COMMISSION BUSINESS

6.01: Public Hearing: Consider Resolution #20-243 Approving a Conditional Use Permit for Additional Outside Storage Space at 6820 143rd Avenue NW (Project No. 20-133); Case of Molin Concrete Products Company

Public Hearing

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

Presentation

Senior Planner McGuire Brigl presented the staff report stating that staff recommends approving Resolution #20-243 granting a Conditional Use Permit for outside storage on the subject property not to exceed 35 percent of the lot size.

Citizen Input

No comments made.

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

A roll call vote was performed:

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

Motion Carried.

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

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Gengler, to recommend that City Council adopt Resolution #20-243 approving a Conditional Use Permit for outside storage on the subject property not to exceed 35 percent of the lot size.

A roll call vote was performed:

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

Motion Carried.

6.02: Public Hearing: Consider Resolution #20-189 and Resolution #20-257 Approving Multiple Items Related to Outside Storage at 6300 Bunker Lake Boulevard NW (Project 20-124); Case of Lawn Monster

Public Hearing

Chairperson Bauer called the public hearing to order at 7:09 p.m.

Presentation

Planning Technician McCann presented the staff report stating that staff recommends approval of this case, contingent upon amendments as outlined in Resolution #20-189. The Planning Commission may add a termination date of five years from the date of approval for the Interim Use Permit, per past approvals and as allowed by City Code.

Senior Planner McGuire Brigl stated that this case arose through code enforcement.

Commissioner VanScoy stated that a blanket statement was made that there are other businesses that have structures within the 35-foot setback in that area and asked to what extent.

Planning Technician McCann stated that he does not have the exact number but displayed an aerial view that shows multiple businesses with encroachments.

Commissioner VanScoy stated that in the previous case there was a specific percentage of outdoor storage that would be allowed and asked if the current amount of outdoor storage could be validated as well as the percentage.

Senior Planner McGuire Brigl stated that in this case the outdoor storage would be based on the proposed site plan and provided details.

Commissioner VanScoy stated that it is his understanding that the ordinance allows a specific percentage of outdoor storage, 30 percent. He stated that this case is a legal non-conforming case and asked why the amount allowed would not be specified.

Senior Planner McGuire Brigl commented that this request is for a Conditional Use Permit to expand the legal non-conforming use, so it would be based on the site plan rather than a percentage. She stated that staff could complete the calculation and identified the area proposed for outdoor storage.

Commissioner VanScoy commented that it would appear that over half of the site would be allowed for outdoor storage.

Deputy City Administrator Gladhill noted that this site predated the establishment of the City and therefore the CUP tool would be an adequate tool to use in this case. He stated that it would be difficult to compare this site to the last case, as there needs to be acknowledgement of the lawful nonconforming protection.

Chairperson Bauer stated that the applicant indicated that they would like this to be permanent while the interim use would be for five years. He asked why the City is using the interim use tool if the desire would be for this to be permanent.

Senior Planner McGuire Brigl explained that there are allowed conditional uses within each zoning district and hoop buildings are not a listed conditional use. She stated that the only tool to allow this structure would be an interim use permit. She noted that two additional structures of this nature have been allowed within the City for salt storage through a similar Interim Use Permit process. She confirmed that when the five-year period expires, it would be reviewed and could be extended.

Councilmember Musgrove asked whether the Commission or staff looks at this type of structure differently for businesses and residential use. She noted that the Council does not desire these structures in residential areas, but the Public Works site uses this type of structure for salt. She asked if a condition could be added that the structure be placed on an appropriate surface.

Commissioner Anderson commented that this is a nonconforming site, noting that the whole site is dirt and without gravel or asphalt. He asked why the business would not want to build a permanent structure on the site. He stated that if the intent is to have retail operation there should be a permanent structure that is presentable.

Senior Planner McGuire Brigl commented that Lawn Monster is a tenant of the building and therefore investing in a permanent structure when you do not own the property would be a burden, especially in the current economical climate. She stated that for salt storage this type of structure would make more sense and follow industry standard.

Commissioner Anderson asked if the applicant has plans to update the site with class five gravel.

Senior Planner McGuire Brigl commented that staff has made that request and has worked with the property for multiple years related to code enforcement. She confirmed that could be added as a condition.

Commissioner Gengler asked for clarification on the covering.

Senior Planner McGuire Brigl stated that during the summer months there would only be the poles and cement base and the tarp/membrane structure would be used in the summer. She commented that staff would recommend the covering stay on (in good repair) year-round.

Commissioner VanScoy asked for clarification on other encroachments within the 35-foot setback.

Senior Planner McGuire Brigl reviewed some of the neighboring encroachments.

Deputy City Administrator Gladhill stated that something similar was done for another Highway 10 business, near Tungsten, a few years back noting that business is a similar use.

Councilmember Musgrove asked if the neighboring properties with encroachments are also legal nonconforming.

Senior Planner McGuire Brigl confirmed that those properties are also legal nonconforming as the buildings were constructed prior to the current setbacks being in place.

Commissioner VanScoy commented that if a variance is allowed for a situation in which the applicant created the problem without a permit that would place the City in a position where it could have to approve similar requests in the future. He stated that when he drove past the site, he did not see the metal hoops on the concrete structure.

Senior Planner McGuire Brigl commented that the hoops were up the previous week but there were some improvements being made and it could have been moved.

Commissioner VanScoy asked for details on the surface under the structure.

Planning Technician McCann replied that the surface is concrete.

Councilmember Musgrove asked if the concrete base was installed by the applicant or part of the legal nonconforming.

Senior Planner McGuire Brigl replied that those things were done within the last six months and are not part of the legal nonconforming.

Deputy City Administrator Gladhill stated that if there are more types of these requests, perhaps the variance is not the tool the City would like to use in the future. He stated that typically these small structures want to be closer to the back property line and could be considered for a Code adjustment in the future.

Commissioner Woestehoff asked if this would be considered a structure if it were just the concrete sides and did not have the metal hoops. He stated that he has worked at a landscaping company and it was not uncommon to have concrete walls between materials that could be loaded in a truck.

Senior Planner McGuire Brigl replied that if there was not a roof it would not be considered a structure. She stated that the preference of staff would still be to have it within the yellow area behind the building.

Commissioner Woestehoff asked for details on the traffic flow of the site and why the proposed location would make the most sense.

Senior Planner McGuire Brigl commented that unfortunately the applicant is not present but in past discussions the applicant stated that this was the best location. She commented that this is a large site, so most likely other sites could work.

Commissioner Woestehoff asked where the entrance to the site is.

Senior Planner McGuire Brigl identified the entrance to the site.

Commissioner Woestehoff stated that he does not feel that is an adequate reason to put it so close to the fence. He stated that he would be more likely to support the request if it were in a different location, as suggested by staff.

Citizen Input

No comments made.

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

A roll call vote was performed:

Commissioner Anderson aye

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

Motion Carried.

Chairperson Bauer closed the public hearing closed at 7:38 p.m.

Commission Business

Commissioner VanScoy commented that he is not opposed to the use proposed but is concerned with the variance to place the structure within five feet of the property line.

Commissioner Woestehoff echoed those comments noting that this is not a situation where the plight is not caused by the landowner, noting that there are other locations where the structure could fit on the property.

Chairperson Bauer stated that the Commission could table this and request the applicant to be present to answer some of the questions raised tonight.

Senior Planner McGuire Brigl commented that while that is an option, the longer this is pushed out the more likely the blocks would be frozen into the ground and unable to be moved.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to recommend that City Council adopt Resolution #20-189 approving an Interim Use Permit (IUP) for use of a membrane accessory structure and Conditional Use Permit (CUP) for expansion of outdoor storage.

Further discussion

Deputy City Administrator Gladhill clarified that this action is simply for the IUP and CUP and does not yet address the variance.

A roll call vote was performed:

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

Motion Carried.

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to deny Resolution #20-257 approving a Variance to reduce the rear building setback of the membrane structure for Lawn Monster.

A roll call vote was performed:

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

Motion Carried.

6.03: Public Hearing: Review Conditional Use Permit Request for Fill within a Floodplain at 6349 168th Circle NW; Case of John and JoDell Seaman

Public Hearing

Senior Planner McGuire Brigl commented that 11 written comments in support were entered into the record and provided to the Commission prior to the meeting.

Chairperson Bauer called the public hearing to order at 7:44 p.m.

Presentation

Senior Planner McGuire Brigl presented the staff report and stated that due to the degree of policy/legislative discretion of this case, staff needs policy direction from the Commission and has forwarded this case in the event that the Commission is ready to make a contingent recommendation. The applicant is willing to extend the application period if more information is necessary. At the end of the day, staff felt it was important to discuss with the Commission due to the time it has taken to get to this point. Staff desired to ensure that the current direction to find a compromise solution is still appropriate before investing more staff resources into this project.

Commissioner Anderson asked if this floodplain is part of the 100-year floodplain and the chances of this area flooding.

Senior Planner McGuire Brigl confirmed that this area is part of the 100-year floodplain. She stated that a 100-year floodplain equates to a one percent chance of flooding during a year.

Commissioner Anderson stated that he would be more concerned on whether this would alert the flow of water. He asked if there have been comments received from the DNR.

Deputy City Administrator Gladhill stated that this is a backyard, and it would not impact a structure. He stated that the chances of flooding are minimal. He stated that there have been

numerous conversations with the DNR Floodplain Manager and the fact that this is before the Commission shows that there is a path to approval, if desired. He stated that the watershed was not consulted because the disturbance is under the one-acre threshold. He noted that the City, DNR and FEMA have been involved in the review of this request.

Commissioner Anderson asked if the necessary approvals were gained from the City for the retaining wall construction.

Senior Planner McGuire Brigl replied that there were no approvals for the retaining wall. She stated that a contractor did reach out last year and staff noted the necessary regulations and that a wall over four feet requires a permit. She stated that originally the wall was measured at four feet tall, but one layer of brick has since been removed to come under that height. She stated that the DNR has helped staff find a path to approval but does not provide recommendations. She explained that the DNR is available as a tool and resource but does not make a recommendation or approval.

Chairperson Bauer asked the options that would be available if this were approved and the calculations come back above zero percent rise.

Senior Planner McGuire Brigl replied that staff is hopefully that the results will show a 0.0 percent rise, but if rise is created the applicant could completed remediation of the rise elsewhere to mitigate that rise.

Chairperson Bauer stated that this intrudes on a portion of the conservation and trail easement and asked what would need to be reimbursed.

Senior Planner McGuire Brigl replied that the City on occasion vacates drainage and utility easements but does not typically vacate conservation easements. She estimated that the cost would be about $1,000 and staff would recommend that the homeowner pay that amount.

Commissioner VanScoy stated that staff indicated that the applicant did not obtain a building permit for the wall and indicated that a contractor contacted the City in advance. He asked if the applicant was aware that they were building a retaining wall in a conservation easement and floodplain and still proceeded.

Senior Planner McGuire Brigl suggested that the applicant answer that question.

Commissioner Anderson stated that perhaps neighboring property owners would want to construct retaining walls and asked if those property owners would also need to obtain CUPs.

Senior Planner McGuire Brigl confirmed that a CUP would be required along with vacation of the conservation and trail easement. She stated that the easement varies from site to site and some property owners have more usable backyard space outside of the easement.

Councilmember Musgrove referenced the letter sent to the residents and asked if the Commission has a copy of that letter. She felt that the information in the letter could be helpful to clarify some

of the questions. She asked if there are not other violations to the floodplain because of the variations to the floodplain.

Senior Planner McGuire Brigl replied that there are a lot of structures close to the easement and along the trail. She noted that staff completed a high-level analysis, and they encroach, most are one to two feet into the easement, and there were no unpermitted structures. She stated that some things, such as swing sets will need to be moved and the property owners have been alerted to that. She stated that the larger structures did not appear to encroach.

Councilmember Musgrove asked if this is land that the property owner owns and pays taxes on but cannot do anything on because of the easement.

Senior Planner McGuire Brigl confirmed that to be true. She commented that it is very common in more rural areas. She stated that almost all properties have drainage and utility easements around the property lines. She noted that properties along other features such as the river, a bluff, or wetland have similar restrictions.

Councilmember Musgrove commented that the difference she would see in this case is that the City received funds for the easement.

Councilmember Woestehoff asked for more information on a holistic approach for the neighborhood as he felt that this situation could come forward again. He commented that there is a steep drop and there are not enough trees on the hillside to prevent the constant runoff. He asked if the easement could match the floodplain or trail itself.

Senior Planner McGuire Brigl stated that is something staff would like to bring to the City Council as it seems more logical for the conservation boundary to follow two or three feet off the trail. She noted that would require repayment of the funds. She stated that when people purchase a home in this area the easement is on the title documents, but it has been said that builders and realtors are not alerting buyers to that.

Commissioner VanScoy asked whom the City would pay back for a change to the easement.

Deputy City Administrator Gladhill stated that there is a funding pot allocated by the State Legislature which provides funding for this type of activity. He commented that the easement was acquired for about $75,000 in 2005 but recognized that would be a higher value today. He stated that there is a process outlined for vacating that type of easement that would come along with a valuation.

Commissioner VanScoy asked who was paid $75,000 for the easement.

Deputy City Administrator Gladhill stated that the City secured the easement rights from the property owner at the time, Oakwood Land Development. He stated that the easement allowed the City to have the trail and obtain the easement which helps to protect the corridor.

Commissioner VanScoy stated that it is his understanding that taxes are based on the value of the home and property and not based on the size of the lot.

Deputy City Administrator Gladhill confirmed that to be generally correct. He stated that encumbrances on property typically have some impact on land values.

Commissioner VanScoy commented that he has a one-acre lot but about 75 percent of the lot is encumbered by wetland and buffer area, but the value of his home is still comparable to the other lots/homes in his development.

Citizen Input

JoDell Seaman, applicant, stated that Capstone told them that they could do what they wanted up to the middle of the brook and they experience continuous washouts on their property. She stated that she has sent multiple emails to City staff about the issue and their communication with Capstone related to that washout and trees falling onto their property and the trail. She stated that the email from staff to the contractor stated that they could go about 25 to 30 feet from their home and would need to work around the easement. She stated that the builder told them that he came to the City and identified the location they could use. She stated that they have cleaned up trees that have fallen, unaware of the easement. She stated that they were also unaware that a permit would be needed as they were under four feet. She stated that in the spots on the wall that reached four feet, they removed the top layer of brick. She stated that there are trees removed, retaining walls and fire pits that are within the easement throughout that area. She stated that they were not attempting to create additional land use in their backyard but are trying to correct the problems they experience from washout and trees falling. She stated that they want to plant additional trees to replace those that have fallen. She stated that she was not made aware of the different aspects of their yard until this process. She commented that the easement on their property comes up to ten feet from their home. She stated that if she were aware that this issue was the responsibility of the City, she would have placed the burden on the City. She commented that they feel that they were setup for failure from the beginning with the grading of the site.

Councilmember Musgrove asked the number of trees that have fallen in the applicant's backyard. She noted that it also appears that there are a number of dead trees in the neighboring lot.

Mr. Seaman replied that three or four trees have fallen in their yard and they removed one additional tree because of unsafe conditions.

Mrs. Seaman stated that the neighboring property owner pleaded with Capstone about the dead trees and she was told by both Capstone and the City that the trees could not be removed. She commented that one of those dead trees actually hit the neighbor's home and caused damage. She stated that following that incident the neighbor was allowed to remove the dead trees in that area at their expense. She stated that she has now found out that trees removed could result in a fine to the property owner but explained that those trees were removed because they were hazards and caused unsafe conditions.

Justin Gross, 7344 168th Circle Drive NW, commented that he supports the retaining wall. He commented that it looks nice. He echoed the comment that there are a lot of dead trees that need to be removed. He noted that snow removal could be pushed to the other side of the trail. He stated that he supports this request.

Cindy Schulwalter, 6967 170th Trail, stated that she purchased a lot and found that it would not support a walkout rambler therefore they relinquished that lot to the builder and purchased a walkout rambler that was already constructed. She stated that she was never told that there were restrictions on the property and had been told that they could do whatever they wanted up to the middle of the brook. She stated that she was told it was her land to do what she wanted. She stated that when the neighborhood was first realized there was an association but was glad to find out that the association is no longer in existence. She stated that although the trail is nice, it also causes nuisance. She stated that she has now found out that the easement area is not their land to do what they want with but if someone is injured on their property, they would be responsible. She stated that there is also an old dump in that area which is hazardous. She stated that if the City wants the property of the easement, it should complete the maintenance as large tree limbs often fall. She stated that trees were damaged by the creation of that trail and continue to die. She stated that it has been frustrating to find out that there are encumbrances on the property, along with the problems they have with erosion. She stated that it was written into their purchase agreement that if there were issues with erosion the builder would need to construct retaining walls in the back and side yards, but the builder did not fulfill that agreement. She stated that they have also found out that after the builder received the certificate of occupancy, additional fill was brought into the site. She stated that when they brought the issue to the attention of City staff, about the grade that exceeds 20 percent, staff came to the property and she was told to "go inside and let the men talk about it". She stated that she is upset about this issue. She stated that she has one retaining wall even though they need a second retaining wall, which the builder refuses to complete, and she has now been alerted by the City would not be allowed. She asked if the reference to altering the line of the easement would align with the floodplain. She noted that a majority of her backyard is floodplain.

Senior Planner McGuire Brigl explained that the easement would not be extended and would only be reduced if that were to be the direction of the Council. She stated that in spaces where more easement exists further than the trail, it could perhaps be adjusted to within two or three feet of the trail.

Ms. Schulwalter stated that she has backyard on both sides of the trail.

Senior Planner McGuire Brigl stated that if an adjustment is made it would only be made to the backyard side of the trail.

Deputy City Administrator Gladhill stated that the conservation and trail easement is shown on all property titles and the City is considering a compromise to pull back the easement and follow the southern boundary of the trail to allow property owners to maximize the usable backyard space. He stated that the north side of the trail contains considerable floodplain and wetlands therefore there would still be restrictions on use in that area. He stated that if the entire conservation and

trail easement were vacated it would have a potential cost of $100,000 and there would still be other restrictions from the wetlands and floodplain.

Ms. Schulwalter asked the point of the easement if the land is already protected.

Deputy City Administrator Gladhill replied that it provides an extra layer of protection for the scenic area in terms of vegetative management and of the tree canopy cover.

Ms. Schulwalter commented that if the City wants that easement, it needs to manage that area. She stated that there are dying trees everywhere in the easement with large branches that fall onto the trail daily.

Deputy City Administrator Gladhill stated that staff can talk about a forestry management plan. He stated that if there is a safety hazard, that can be discussed as there are opportunities for vegetative management. He stated that is part of the broader neighborhood discussion that will be held and would like to focus the discussion tonight on the question of floodplain fill.

Ms. Schulwalter stated that they have been told by City workers that they appreciate the residents taking care of the lawn areas as it results in less work for them. She stated that after she moved in, she submitted a complaint via email as tree trimming was completed and the branches were left in her yard.

Josh Schulwalter, 7341 168th Circle NW, commented that he experiences dead tree fall in their yard and have additional dead trees. He stated that they also have washout in their yard because of the grading. He stated that they installed a fence on their property to prevent cyclists from going into their yard from the trail. He stated that Capstone told them that the path could not be obstructed but they were not advised of the floodplain or easement. He stated that the path is better because of the retaining wall and the people are not attempting to impede on the path but make it nicer for the community.

Tim Tyler, 7323 168th Circle, asked if the City does a survey when they plan to build a community.

Chairperson Bauer replied that the developer is responsible for preparing those plans and marking those restrictions.

Mr. Tyler commented that it was then the responsibility of Capstone to alert potential buyers of the restrictions. He asked for clarification on the ownership of the land within the easement.

Deputy City Administrator Gladhill replied that the City holds an easement on top of private property and the easement gives the City certain rights. He stated that Capstone was required to do additional surveying and submit the information to FEMA, which is reflected on the certificate of survey.

Senior Planner McGuire Brigl stated that the City keeps records of surveys but does not complete the surveying itself.

Ben Pearson, 7371 168th Circle, thanked the Commission for taking the time to consider this request. He stated that he used to do professional landscaping and built retaining walls. He stated that the wall built by the applicant is a fine example of a professionally built wall and is a great addition to the neighborhood. He stated that it is his understanding that the only reason this is before the Commission is a result of a complaint. He noted that he is unsure that is the case and instead feels that this is an instance of the City wanting to play "big brother" and tell people what they can do on their own property. He commented that he does not believe the statement that the property value takes into account the encumbrance. He stated that his lot is smaller but is still valued the same as larger lots without the easement, while those properties owners get a lot more use of their lot. He stated that there are three massive oak trees on his property that have oak wilt and will die and impact other trees on the property. He stated that the property owner has a right to remove trees within the easement if there is an issue with safety. He stated that he has already removed two trees on his property in the easement because they were dead, and it was a hazard. He stated that he never would have purchased this property if he knew that this would be the case.

Chairperson Bauer commented that it is the responsibility of the City to enforce code violations. He stated that he does not have the background information about a complaint and noted that typically the City does not proactively look for violations.

Mr. Pearson commented that this is a small retaining wall that will not alter the floodplain.

Kendall Pane, 7336 168th Circle NW, stated that she wrote a letter of support. She echoed the comments of Mr. Pearson that a mountain has been made out of a molehill. She felt that the property owners pay taxes based on their lot size. She stated that even if a portion of the property is wetland, it still adds value to the property even if it is unusable. She stated that the applicant is paying taxes on the property and the wall does not encroach on the path. She supported the idea of the City adjusting the easement to match the path as there is a lot of confusion as to property rights. She stated that the wall has been built and did not see a benefit in making the property owners take the wall down. She asked the City to find a way to move forward that does not require the applicants to remove the wall.

Ms. Schulwalter stated that if the property owners are not going to be able to do anything with their land, she would like the money for that land and the City own it outright rather than have that easement.

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

A roll call vote was performed:

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

Motion Carried.

Chairperson Bauer closed the public hearing closed at 8:58 p.m.

Commission Business

Commissioner VanScoy stated that the retaining wall is close to the trail and asked if there would be an impact to snow removal.

Deputy City Administrator Gladhill stated that the placement is not ideal but manageable. He stated that there would be more concern if this was the situation along the entire corridor as they prefer to see things at least two feet from the trail.

Motion by Commissioner Anderson, seconded by Commissioner Peters, to recommend that City Council adopt Resolution #20-256 approving the Conditional Use Permit for floodplain fill at 7349 168th Circle NW.

A roll call vote was performed:

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

Motion Carried.

Commissioner VanScoy stated that there were a lot of concerns and issues raised tonight by residents and asked how staff intends to address those.

Deputy City Administrator Gladhill stated that additional information has been provided to homeowners in attempt to be more proactive, similar to what they do for river corridor property owners. He stated that they can continue to respond to individual requests as they come forward. He stated that staff is also going to seek direction from the Council in order to make the regulations easier to interpret. He stated that staff will also gain a better understanding of the financial impact to adjusting the easement and will bring that forward for Council consideration as well.

7. COMMISSION BUSINESS

7.01: Review Concept Plan for Rivenwick 4th Addition; Case of Lennar for Rivenwick 4th Concept Plan (Project 20-134)

Presentation

Senior Planner McGuire Brigl presented the Staff Report stating that staff recommends retaining the existing PUD as is. This guides land along Highway 10 for retail/commercial and leaves viable commercial pads with visibility on Highway 10.

Commission Business

Chairperson Bauer stated that he would follow the guidance of the EDA, noting that most retailers want Highway 10 visibility. He stated that he would prefer to leave the area as retail.

Commissioner Peters agreed that would be too much residential next to the highway and the retail portion should remain.

Commissioner VanScoy concurred.

Commissioner Anderson stated that when this parcel has come up in the past, the Commission worked hard to determine the land use and found that commercial use along the highway was the best use of the space and he still agrees with that.

Commissioner Woestehoff agreed, stating that there has already been a compromise for this parcel to meet the current PUD and would not want to amend it further.

Commissioner Gengler agreed.

7.02: Discussion Item: Potential Interim Use Permit of Storage Containers for Ve-Ve Inc. (Project No. 20-136); Case of John Vevea on behalf of Ve-Ve Inc.

Presentation

Planning Technician McCann presented the Staff Report and asked the Commission to provide the applicant with any feedback, recommendations, and/or concerns related to the use of two storage containers for Ve-Ve Inc.

Commission Business

Chairperson Bauer commented that currently an accessory building is supposed to match the color/materials of the primary structure. He stated that the storage container could be painted to match the building, which would at least be closer to the Code.

Senior Planner McGuire Brigl commented that even if painted to match, the containers would not meet City Code provisions. She stated that if there are two of these structures located on a commercial property in Anoka, noting that they blend in with the building when driving by.

Commissioner VanScoy commented that he could see considering this on a temporary basis as there is a need to have additional space while the business grows. He commented that five years seems like a long time and does not seem temporary. He stated that he would not support this

permanently. He stated that he could support two years. He stated that he would not be in favor of amending the Code to allow these types of structures.

Commissioner Anderson echoed the comments of Commissioner VanScoy. He stated that he does not like using storage containers as they look good for a short time and then degrade and do not fit the character of Ramsey.

Commissioner Peters commented that the containers are metal and will rust out over time.

Commissioner Woestehoff commented that he would be okay with it on a temporary basis in this industrial district.

Senior Planner McGuire Brigl commented that the applicant was looking to use this as a permanent solution and therefore if an IUP is approved, the applicant would most likely come back to request extensions.

Tony Frolick, 6859 Lakewood Drive, stated that he represents Ve-Ve's for the storage units. He stated that they are experiencing heavy growth rather than steady growth. He stated that they have priced out making a permanent structure, but the expense would be a risk without knowing where the growth is going in the future. He stated that this would be a temporary solution, with a minimum of five years, to allow the company to further review the growth trend. He stated that they would keep the structures painted and maintained. He hoped that the City would consider the request.

Chairperson Bauer stated that it appears the applicant is asking if there would be support to change the Code and it is obvious that the Commission would not be in favor of that. He hoped that would provide the potential applicant with direction and save them the expense of going through the formal application process.

Councilmember Musgrove asked how this would impact of effect the business and the value that these containers would be, if allowed on a temporary basis.

Mr. Frolick explained that the applicant has many boxes on pallets that are stacked within the shop and it takes additional time to find the appropriate box. He stated that the container would allow better access to the boxes and materials and would provide additional temporary working area. He stated that if the growth continues the business could consider adding a permanent addition to the building. He stated that this would assist in the operations and production of the business.

Councilmember Musgrove asked what other communities allow.

Mr. Frolick commented on the allowances that he has seen in other communities. He stated that these are great temporary structures for different types of things that provide assistance to businesses.

Senior Planner McGuire Brigl commented that she has not reviewed neighboring community regulations but noted that Ramsey is unique in its use of Interim Use Permits to provide more

flexibility. She stated that more rural communities outside the metro tend to allow this type of structure.

Commissioner VanScoy stated that he is not interested in changing the ordinance to allow this but would support an IUP in certain circumstances. He believed that there should be additional control including the length of time allowed.

Commissioner Gengler stated that using an IUP allows the City to add stipulations and clarifications based on the request. She commented that the container could have its time and place and should be a short-term solution. She acknowledged that a business may need expansion space without being able to make a permanent expansion to their building and therefore would support this as an IUP.

Commissioner VanScoy asked the process if an applicant were to come back after expiration of an IUP.

Senior Planner McGuire Brigl stated that the applicant would go through the process again if they wanted to obtain another IUP.

Commissioner Woestehoff stated that he agrees with what has been said but would be comfortable with a term of three to five years for this type of IUP application.

Chairperson Bauer commented that it appears there is enough support for the applicant to submit an IUP application.

8. COMMISSION / STAFF INPUT

Chairperson Bauer congratulated Councilmember Musgrove on her reappointment to Councilmember Elect Woestehoff for his projected appointment to the Council. He encouraged them both to continue in a Planning Commission Liaison position because of their experience with the Commission.

Senior Planner McGuire Brigl commented that Planning Consultant Maass accepted another position and will no longer be working with Ramsey through WSB.

9. ADJOURNMENT

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

A roll call vote was performed:

Commissioner Anderson	aye
Commissioner Peters	aye
Commissioner Gengler	aye
Commissioner Woestehoff	aye
Commissioner VanScoy	aye

Chairperson Bauer aye

Motion Carried.

The regular meeting of the Planning Commission adjourned at 9:36 p.m.

Respectfully submitted,

Chloe McGuire Brigl
Senior Planner

ATTEST:

JoAnn Shaw
Community Development Assistant

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.