OCTOBER 20, 1994: PRE-AGENDA MEETING: 4:30 - 5:00 P.M., FOLLOWED BY PARK & RECREATION COMMISSION INTERVIEWS: 5:00 - 5:30 P.M.

AGENDA

MAPLEWOOD CITY COUNCIL
7:00 P.M., Monday, October 24, 1994
Council Chambers, Municipal Building
Meeting No. 94-21

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF MINUTES

1. Minutes of Council/Manager Workshop, October 3, 1994
2. Minutes of Meeting 94-20, (October 10, 1994)

E. APPROVAL OF AGENDA

EA. PRESENTATIONS

1. Park & Recreation Commission Appointment
2. Ramsey County Charter Commission - Proposed Amendments

F. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items. If a member of the City Council wishes to discuss an item, that item will be removed from the Consent Agenda and will be considered separately.

1. Approval of Claims
2. Temporary Appointment/Custodial
3. Water System Analysis Agreement
4. Conditional Use Permit Termination: 2633 Stillwater Road (Carbones)
5. Conditional Use Permit Termination: 2691 White Bear Avenue (Maplewood Adolescent Chemical Dependency Center)
6. Conditional Use Permit Review: 2425 White Bear Avenue (Redeeming Love Church)
7. Planning Commission Resignation
8. Certification of Delinquent Sewer Bills
9. Certification of Unpaid Weed Cutting Bill

G. PUBLIC HEARINGS

1. 7:00 P.M.: Conditional Use Permit Revision: Aladdin's Castle (Mall)

2. 7:15 P.M.: Goodrich Dome

   Conditional Use Permit_____

   Site and Landscape Plans_____

3. 7:45 P.M.: Mapleleaf Estates

Land Use Plan and Zoning Changes (4 Votes Required)_____

Street Vacations_____

Utility Easement Vacation_____

Cul-de-sac Width Variance_____

Preliminary Plat_____

H. AWARD OF BIDS

I. UNFINISHED BUSINESS

1. Assessment Objections - Searle Street Storm Sewer, Project 93-14_____
2. Assessment Objections - East Shore Drive Storm Sewer, Project 94-06_____

J. NEW BUSINESS

1. Driveway Approval Request, 936 Currie Court_____
2. Home Occupation License Ordinance (1st Reading)_____
3. Commercial Property Study_____
4. Request for Charitable Gambling Funds_____
5. Amber Hills Neighborhood Presentation_____
6. Purchase of Open Space - Site #153A_____
7. Purchase of Open Space - Site #103C_____
8. Purchase of Open Space - Site #140_____
9. Cable Television Franchise Renewal_____

K. VISITOR PRESENTATIONS

L. COUNCIL PRESENTATIONS

1._____

2._____

3._____

4._____

M. ADMINISTRATIVE PRESENTATIONS

1._____

2._____

N. ADJOURNMENT

CITY COUNCIL/MANAGER WORKSHOP
OF THE
CITY COUNCIL OF THE CITY OF MAPLEWOOD

5:00 p.m., Monday, October 3, 1994
Maplewood Room, City Hall

MINUTES

A. CALL TO ORDER

The Council/Manager meeting of the Maplewood City Council was held in the Maplewood Room, City Hall. The meeting was called to order by Mayor Bastian at 5:02 p.m.

B. ROLL CALL

Mayor Gary Bastian	Present
Councilmember Sherry Allenspach	Present
Councilmember Dale Carlson	Present
Councilmember Marv Koppen	Present (Arrived at 5:12 p.m.)
Councilmember George Rossbach	Present

Others Present:

City Manager Michael McGuire
Public Works Director Ken Haider
Community Development Director Geoff Olson
City Attorney Patrick Kelly

C. APPROVAL OF AGENDA

Mayor Bastian moved that the agenda be amended to include Item E-1 -- Fire Department Issues. The motion was seconded by Councilmember Carlson and was approved.

Ayes: All

D. CITY INSPECTIONS

City Manager McGuire stated that staff will be reviewing City inspection of: building permits, developer projects, and City projects.

Building Permits - Geoff Olson handed out a memo outlining 11 steps involved with building permits. Ken Haider discussed Engineering review of drainage.

Developer Projects - Ken Haider reviewed the process. In the future, the drainage plans will be marked "Preliminary--Subject to Change."

Ken Haider also discussed a typical subdivision process.

E. ASSESSMENTS

Patrick Kelly handed out information entitled "Special Assessment for Local Improvements" and reviewed it with the Council. There were numerous questions.

E1. FIRE DEPARTMENT ISSUES

City Manager McGuire handed out a letter from the Maplewood Relief Association stating that the City's funding obligation had not been met.

City Manager McGuire reviewed with the City Council the amount that Maplewood paid and the amount Oakdale and Landfall paid. He stated that it seemed apparent that the shortfall should be paid by someone other than Maplewood and, in fact, Maplewood has been paying more than our share for fire department operations and Relief Association benefits. The consensus of the City Council was that the City Manager should contact the Relief Association and inform them of the formula that Maplewood has been using and that the City Council would be requesting a joint meeting with Oakdale to discuss this.

F. PAVER (PMS) FOLLOW-UP

This item was postponed to a future meeting.

G. HUMAN RELATIONS COMMISSION

Commission members Marie Koehler (Chair), Pat Williamson, Gail Schiff and Gordy Heininger, along with Sherrie Le, introduced themselves, and Chair Marie Koehler reviewed the Commission calendar for the year. There was discussion among the members and the City Council. Mayor Bastian stated that the Commission has been doing a great job and urged them to continue on.

H. OTHER BUSINESS

No other business.

I. ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Monday, October 10, 1994
Council Chambers, Municipal Building
Meeting No. 94-20

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota was held in the Council Chambers, Municipal Building, and was called to order at 7:00 P.M. by Mayor Bastian.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL:

Gary W. Bastian, Mayor	Present
Sherry Allenspach, Councilmember	Present
Dale H. Carlson, Councilmember	Present
Marvin C. Koppen, Councilmember	Present
George F. Rossbach, Councilmember	Present

D. APPROVAL OF MINUTES:

1. Minutes of Meeting 94-19, (September 26, 1994)

Councilmember Rossbach moved to approve the minutes of Meeting No. 94-19 (September 26, 1994) as presented.

Seconded by Councilmember Carlson — Ayes - all

E. APPROVAL OF AGENDA:

Mayor Bastian moved to approve the Agenda as amended:

L1 Future Topics - Council/Manager Meeting
L2 Park & Ride
L3 Maplewood Future
L4 Airplanes
L5 Mayor's Update

Seconded by Councilmember Rossbach — Ayes - all

EA. APPOINTMENTS/PRESENTATIONS

1. Cities Week Poster and Essay Contests

a. Manager McGuire presented the staff report.

b. Mayor Bastian presented proclamations to the following students for their posters:

Erica Whalen, Woodbury; 1st Grade, Carver School
Nehal DeSai, Maplewood; 2nd Grade, Weaver School
Bradley Walker, Maplewood; 5th Grade, Weaver School

2. **Recycling Update by Mike Hinz**

a. Manager McGuire presented the staff report.

b. Mr. Hinz, Gopher Recycling, updated the Council regarding recycling. He also presented his plans for the recycling poster contest.

3. **Planning Commission Appointment**

a. Manager McGuire presented the staff report.

b. Councilmember Rossbach moved to appoint Milo Thompson to the Planning Commission.

Seconded by Councilmember Carlson Ayes - all

4. **Ramsey County Charter Commission - Proposed Charter Amendments**

a. Manager McGuire presented the staff report.

b. Mayor Bastian moved to table until after H-1.

Seconded by Councilmember Rossbach Ayes - all

F. CONSENT AGENDA:

Councilmember Carlson moved, seconded by Councilmember Allenspach; ayes - all, to approve the Consent Agenda, Items F1 thru F8 as recommended.

1. **Approval of Claims**

Approved the following claims:

ACCOUNTS PAYABLE:	$ 482,339.26	Checks #3117 - #3185 Dated 9-15-94 thru 9-29-94
	$ 256,916.37	Checks #14996 - #15156 Dated 10-10-94
	$ 739,255.63	Total Accounts Payable
PAYROLL:	$ 236,480.93	Payroll Checks #42648 thru #42888 Dated 9-23-94
	$ 48,928.41	Payroll Deduction Checks #42893 thru #42910 dated 9-23-94
	$ 285,409.34	Total Payroll
	$1,024,664.97	GRAND TOTAL

2. **Resolution of Appreciation for Mike Holder**

94 - 10 - 113
JOINT RESOLUTION OF APPRECIATION

WHEREAS, Mike Holder has been a member of the Maplewood Community Design Review Board since January, 1989 and has served faithfully in that capacity; and

WHEREAS, the Community Design Review Board has appreciated his experience, insights and good judgement; and

WHEREAS, he has freely given of his time and energy, without compensation, for the betterment of the City of Maplewood; and

WHEREAS, he has shown dedication to his duties and has consistently contributed his leadership and effort for the benefit of the City.

NOW, THEREFORE, IT IS HEREBY RESOLVED for and on behalf of the City of Maplewood, Minnesota, and its citizens, that Mike is hereby extended our gratitude and appreciation for his dedicated service and we wish him continued success in the future.

3. **Final Plat: Maplewood Estates Second Addition**

Approved the Maplewood Estates Second Addition final plat creating nineteen lots for houses south of Ripley Avenue on Lakewood Drive. Approval is subject to the County recording the vacation resolutions, deed restrictions, covenants and deeds required by the City.

4. **Final Plat: Phalen Lake Addition**

Approved the Phalen Lake Addition final plat, creating lots for fourteen houses west of English Street on the north side of Frisbee Avenue.

5. **Final Plat: Oak Ridge Estates South**

Approved the Oakridge Estates South final plat, creating twenty-one lots for houses on Lakewood Drive, north of Maryland Avenue. approval is subject to the County recording the deed restrictions, covenants and deeds required by the City. The City shall not release the final plat until the City approves these documents.

6. **Park and Recreation Commission Job Description - Revision**

Approved a modification to the Park and Recreation Commission Job Description which was approved on August 26, 1994. This modification reflects the Commission's review role in Open Space Management and land acquisition, as well as includes the City Manager as a Reporting Division for the Park and Recreation Commission.

7. **Intern Program**

Authorized establishment of an internship program, allowing hiring of three grades of interns for temporary non-union positions, working up to 40 hours per week, for a maximum of one year, unless there is an exceptional situation. The classes and wages would be:

Intern I	Up to $ 9.00/hr.
Intern II	Up to $11.00/hr.
Intern III	Up to $14.00/hr.

8. **Uniform Settlement Document - Sergeant's Contract**

Approved the Uniform Settlement Document covering the Sergeant's contract, which is required by the Bureau of Mediation Services.

G. PUBLIC HEARINGS

1. **7:00 P.M. (7:29 P.M.): Assessment Hearing - Searle St. Storm Sewer, Project 93-14**

a. Mayor Bastian convened the meeting for a public hearing regarding the assessment roll for Project 93-14.

b. Manager McGuire presented the staff report.

c. Director of Public Works Haider presented the specifics of the report.

d. City Attorney Kelly explained the procedure for public hearings.

e. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following was heard:

Dave Nelson, Trinity Baptist Church, written

f. Mayor Bastian closed the public hearing.

g. Councilmember Rossbach introduced the following Resolution and moved its adoption:

94 - 10 - 114

ADOPTION OF ASSESSMENT ROLL - PROJECT 93-14

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed on all objections to the proposed assessment for the construction of Searle Street Storm Sewer as described in the files of the City Clerk as Project 93-14, and has amended such proposed assessment as it deems just,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA:

1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of 20 years, the first of the installments to be payable on or after the first Monday in January, 1996, and shall bear interest at the rate of 7.5 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1995. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

3. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties made such assessment feasible.

4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed, therefore it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes Section 420.051, to reimburse the City by adding any portion of the cost so paid to the assessments levied for any of such later extension or improvements.

5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended down the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Seconded by Councilmember Carlson Ayes - all

2. 7:15 P.M. (7:36 P.M.): Assessment Hearing - East Shore Drive Storm Sewer, Project 94-06

a. Mayor Bastian convened the meeting for a public hearing regarding the assessment roll for Project 94-06.

b. Manager McGuire presented the staff report.

c. Director of Public Works Haider presented the specifics of the report.

d. City Attorney Kelly explained the procedure for public hearings.

e. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following persons were heard:

Written objection from Gunhilde Koreen, 1455 Almond Ave - Vacant lot, not homesteaded.
Gary Meyer, 1069 Gordon
Paul Koreen, 1866 East Shore Drive
Nancy Evans, 1852 Adele

f. Mayor Bastian closed the public hearing.

g. Councilmember Carlson <u>introduced the following Resolution and moved its adoption:</u>

ADOPTION OF THE ASSESSMENT ROLL - PROJECT 94-06

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed on all objections to the proposed assessment for the construction of East Shore Drive Storm Sewer as described in the files of the City Clerk as Project 94-06, and has amended such proposed assessment as it deems just,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA:

1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in equal annual installments extending over a period of 20 years, the first of the installments to be payable on or after the first Monday in January, 1996, and shall bear interest at the rate of 7.5 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1995. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

3. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties made such assessment feasible.

4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed, therefore it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes Section 420.051, to reimburse the City by adding any portion of the cost so paid to the assessments levied for any of such later extension or improvements.

5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended down the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Seconded by Councilmember Koppen Ayes - all

g. Appeals will be heard on October 24, 1994.

3. **7:30 P.M. : Lakeview Lutheran Church, 1194 County Road C**

a. Mayor Bastian convened the meeting for a public hearing regarding a request from Lakeview Lutheran Church to expand the church building and increase the size of their parking lot.

b. Manager McGuire presented the staff report.

c. Director of Community Development Olson presented the specifics of the report.

d. Commission Chair Axdahl presented the Planning Commission report.

e. Boardmember Anitzberger presented the Community Design Review Board report.

f. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following was heard:

Al Kruse, 1379 East County Road C

g. Mayor Bastian closed the public hearing.

Conditional Use Permit

h. Councilmember Rossbach introduced the following Resolution and moved its adoption:

94 - 10 - 116

CONDITIONAL USE PERMIT RESOLUTION - LAKEVIEW LUTHERAN CHURCH AND PARKING LOT

WHEREAS, Lakeview Lutheran Church applied for a conditional use permit to expand their church and parking lot.

WHEREAS, this permit allows increasing the impervious surface area of the site from 38% to 40%.

WHEREAS, this permit applies to 1194 East County Road C. The legal description is:

Lots 1, 2, 3 and 11 of Block 1 of Speisers Arbolada Addition

WHEREAS, the history of this conditional use permit is as follows:

1. On September 19, 1994, the Planning Commission recommended that the City Council approve this permit.

2. On October 10, 19094, the City Council held a public hearing. The City staff published a notice in the paper and sent notices to the surrounding property owners. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.

2. The use would not change the existing or planned character of the surrounding area.

3. The use would not depreciate property values.

4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor fumes, water or air pollution, drainage, water runoff, vibration, general unsightliness, electrical interference or other nuisances.

5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.

7. The use would not create excessive additional costs for public facilities or services.

8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.

9. The use would cause minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the site plan approved by the City. The Director of Community Development may approve minor changes.

2. The proposed construction must be substantially started within one year of Council approval or the permit shall end. The Council may extend this deadline for one year.

3. The City Council shall review this permit in one year.

Seconded by Councilmember Koppen Ayes - all

Design Plans

i. Councilmember Rossbach <u>moved to approve the design plans stamped June 23, 1994 for Lakeview Lutheran Church, subject to the findings required by the Code. The property owner shall do the following:</u>

1. Repeat this review in two years if the City has not issued a building permit for this project.

2. Complete the following before occupying the building:
   a. Screen all roof-mounted equipment on the proposed addition that would be visible from streets or adjacent property. (code requirement)
   b. Provide security lighting as approved by the Director of Public Safety.
   c. Provide at least one foot-candle of light over the entire parking lot.
   d. All shrubs shall be below window level and away from the building to avoid any hiding places.

3. If any required work is not done, the City may allow temporary occupancy if:
   a. The City determines that the work is not essential to the public health, safety or welfare.
   b. The City receives a cash escrow or an irrevocable letter of credit for the required work. The amount shall be 150% of the cost of the unfinished work.
   c. The City receives an agreement that will allow the City to complete any unfinished work.

4. All work shall follow the approved plans. The Director of Community Development may approve minor changes.

Seconded by Councilmember Koppen Ayes - all

4. 7:50 P.M. (8:05 P.M.): Duluth Street, South of County Road C

a. Mayor Bastian convened the meeting for a public hearing regarding a request for a change in the zoning map from M-1 (light manufacturing) to R-2 (single and double dwellings).

b. Manager McGuire presented the staff report.

c. Director of Community Development Olson presented the specifics of the report.

d. Commission Chair Axdahl presented the Planning Commission report.

e. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following persons were heard:

   Bruce Mogren, the applicant

f. Mayor Bastian closed the public hearing.

Zoning Map Change

g. Councilmember Koppen <u>introduced the following Resolution and moved its adoption:</u>

94 - 10 - 117

ZONING MAP CHANGE RESOLUTION

WHEREAS, Bruce Mogren applied for a change in the zoning map from M-1 (light manufacturing) to R-2 (single and double dwellings).

WHEREAS, this change applies to the undeveloped property that is east of Duluth Street and south of County Road C. The legal description is:

That part of the East 101.5 feet of the West 134.5 feet of Lot 11, W.H. Howard's Garden Lots, according to the plat thereof on file and of record in the office of the Ramsey County Recorder, which lies Southerly of a line 30 feet Southerly of and parallel to the following described line:

Commencing at the Northeast corner of Section 9, Township 29, Range 22; thence West, assumed bearing, along the North line of said Section 9 a distance for 498.57 feet; thence South a distance of 43 feet to the beginning of said line; thence South 83 feet; thence Southwesterly along a tangential curve, concave to the Northwest, the central angle being 90 degrees, radius 300 feet, a distance of 471.24 feet to a point; thence Southwesterly along a tangential curve, concave to the Southeast, the central angle being 89 degrees, 13 minutes, 15 seconds, radius 283.60 feet, a distance of 441.62 feet and there terminating, subject to easements of record.

WHEREAS, the history of this change is as follows:

1. On September 19, 1994, the Planning Commission recommended that the City Council approve the change.

2. On October 10, 1994, the City Council held a public hearing. The City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners. The Council gave everyone at the hearing an opportunity to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described change in the zoning map for the following reasons

1. The proposed change is consistent with the spirit, purpose and intent of the zoning code.

2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

3. The proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare.

4. The proposed change would have no negative effect upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.

5. The City zoned the property to the East R-2.

6. The zoning is consistent with the land use plan.

Seconded by Councilmember Allenspach Ayes - all

Lot Division

h. Councilmember Koppen moved to approve the requested lot division, creating two lots on the East side of Duluth Street, South of County Road C subject to completion of the following conditions:

1. Give the City a wetland easement. This easement shall cover the wetland and the land within twenty feet surrounding the wetland. The Watershed District must approve the wetland boundaries. This easement shall prohibit any building or structures within twenty feet of the wetland or any mowing, cutting, filling, grading or dumping within ten feet of the wetland or in the wetland itself. The purpose of this easement is to protect the water quality of the wetlands from fertilizer and to protect the wetland habitat from residential encroachment. The City staff must approve this deed before it is given to the County for recording.

2. Give the City a drainage easement. This easement shall cover the land within the wetland boundaries. The City engineer must approve this deed before it is given to the County for recording.

3. Install permanent signs around the edge of the wetland buffer easements. These signs shall mark the edge of the easements and shall state there shall be no mowing, vegetation cutting, filling or dumping.

4. Install survey monuments along the wetland boundary.

5. Record the new deeds within one year.

Seconded by Councilmember Allenspach Ayes - all

H. AWARD OF BIDS

NONE

EA. PRESENTATIONS

4. Ramsey County Charter Commission - Proposed Charter Amendments

a. Mayor Bastian moved to table until October 24, 1994.

Seconded by Councilmember Carlson Ayes - all

I. UNFINISHED BUSINESS

1. Assessment Objections - County Road C Improvements, Project 89-04

a. Manager McGuire presented the staff report.

b. Director of Public Works Haider presented the specifics of the report.

c. Councilmember Carlson moved to accept staff recommendation regarding the assessment objections as follows:

PIN 10-29-22-21-0002 (Philip F. Oswald)
Reduction from 15 to 14 units for Street and Storm Sewer, reducing total assessment from $31,625.00 to $30,000.

PIN 09-29-22-11-0011 (James A. Scott, Linda A. Scott)
No change - assessment to remain at $1,625.00.

PIN 10-29-22-22-0001 (George F. Rossbach)
No change - assessment to remain at $4,400.00.

Seconded by Councilmember Koppen

Ayes - Mayor Bastian, Councilmembers Allenspach, Carlson, Koppen
Nays - None
Abstain - Councilmember Rossbach

J. NEW BUSINESS

1. Pull Tab Gambling Permit - Hill Murray Mother's Club

a. Manager McGuire presented the staff report.

b. Mayor Bastian asked if anyone wished to speak before the Council regarding this matter. The following was heard:

Barb Peterson, Gambling Manager

c. Councilmember Allenspach introduced the following Resolution and moved its adoption:

94 - 10 - 118

APPROVING CHARITABLE GAMBLING

BE IT HEREBY RESOLVED, by the City Council of Maplewood, Minnesota: that the premises permit for lawful gambling is approved for the Hill Murray Mother's Club to be located at the Red Rooster Lounge, 2029 Woodlynn Avenue.

FURTHERMORE, that the Maplewood City Council requests that the Gambling Control Division of the Minnesota Department of Gaming approve said permit application as being in compliance with Minn. Statutes No. 349.213.

NOW, THEREFORE, be it further resolved that this Resolution by the City Council of Maplewood, Minnesota, be forwarded to the Gambling Control Division for their approval.

Seconded by Councilmember Koppen

Ayes - all

2. **Recreational Fire Burning Permit**

a. Manager McGuire presented the staff report.

b. Shelly Mahre presented the specifics of the report.

c. Councilmember Koppen moved first reading of an ordinance to repeal chapters 12-26, 12-28, 12-29 and 12-30 of the Municipal Code.

Seconded by Mayor Bastian Ayes - all

3. **Community Center Contingency Request No. 4**

a. Manager McGuire presented the staff report.

b. Assistant City Manager Maglich presented the specifics of the report.

c. Councilmember Carlson introduced the following Resolution and moved its adoption:

94 - 10 - 119

DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered the construction of a City-owned community center, Community Center Project, and has let a contract with Adolfson & Peterson for general construction; and

WHEREAS, changes to a variety of structural features in the building required additional carpentry ; and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Community Center Project A&P Change Order 5 to allow the recommended changes in design.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the Mayor and City Clerk are hereby authorized and directed to modify the existing contract by executing said Change Order 5 in an amount of $73,710.78.

The contract is amended per the following detail:

Current Contract	$5,491,338.00
Proposed Change Order #5	73,710.78
Amended Contract	**$5,565,048.78**

Seconded by Mayor Bastian Ayes - all

d. Councilmember Carlson introduced the following Resolution and moved its adoption:

94 - 10 - 120

DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered the construction of a City-owned community center, Community Center Project, and has let a contract with Doody Mechanical, Inc; and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Community Center Project Doody Mechanical Change Order 4 to allow the recommended changes in design.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the Mayor and City Clerk are hereby authorized and directed to modify the existing contract by executing said Change Order 4 in an amount of $6,147.

The contract is amended per the following detail:

Current Contract	$2,126,916.18
Proposed Change Order #4	6,147.00
Amended Contract	**$2,133,063.18**

Seconded by Mayor Bastian **Ayes - all**

e. Councilmember Carlson introduced the following Resolution and moved its adoption:

94 - 10 - 121

DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered the construction of a City-owned community center, Community Center Project, and has let a contract with Hunt Electric; and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Community Center Project Hunt Electric Change Order 4 to allow the recommended changes in design.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the Mayor and City Clerk are hereby authorized and directed to modify the existing contract by executing said Change Order 4 in an amount of $42,627.07.

The contract is amended per the following detail:

Current Contract	$ 979,706.00
Proposed Change Order #4	42,627.07
Amended Contract	**$1,022,333.07**

Seconded by Mayor Bastian **Ayes - all**

K. VISITOR PRESENTATIONS

NONE

M. COUNCIL PRESENTATIONS

1. **Future Topics - Council Manager Meeting**

   a. Councilmember Carlson requested Adult Movie Theater's be placed on the Agenda for the next Council/Manager Meeting.

2. **Park & Ride**

   a. Councilmember Rossbach commented on the placement of handicap stalls at the Park & Ride locations being too far away.

   b. Staff will investigate.

3. **Maplewood Future**

   a. Mayor Bastian inquired whether there would be any interest in establishing a committee of Maplewood residents interested in planning for Maplewood's future.

4. **Airplanes**

   a. Mayor Bastian asked if there is a place in Maplewood for flying model airplanes - some communities have such locations.

   b. Councilmember Rossbach commented there might also be a need for a place to fly kites - for kite flying organizations.

   c. Staff will research.

5. **Mayor's Update**

   a. Parkside Fire Department's Fire Prevention Open House is set for October 11 at 5:00 P.M.

   b. Maplewood has earned a Pedestrian Safety Citation Award in the 55th Annual AAA Pedestrian Protection Program as a community that has been without a pedestrian death for 6 years.

   c. Mounds Park Academy has set a meeting date of 7:00 on 11-2-94 at the Mounds Park Gallery to discuss the facility and neighborhood issues.

   d. At the second meeting in August, The Partnership requested funding for a survey in the School District. The survey has been postponed until after the week of October 10, we will be getting feedback on those questions soon after that.

   e. A 24 minute tape, called "The Aftermath" is available (will be in the Council Office) depicting the effects of the car crash when Olympic diver Bruce Kimball drove through a crowd of teenagers while intoxicated. The purpose of the film is to educate and promote safe and sober driving.

f. The Ramsey County League of Local Governments will meet October 16 at Moundsview City Hall to discuss city/municipality taxes.

g. Letter has been received from Governor Carlson and the Department of Transportation regarding looking into intergovernmental partnership opportunities and ways to share equipment, maintenance resources, modal planning and technical services. The letter is being passed on to staff.

h. Many comments and compliments regarding the Community Center and staff.

i. We need to look into means of monitoring and controlling behavior of some of the younger people at the Community Center - possible look at suspension of membership as a deterrent.

j. The feasibility of paying Community Center memberships by Visa or Mastercharge is being studied.

M. ADMINISTRATIVE PRESENTATIONS

NONE

N. ADJOURNMENT OF MEETING

8:45 P.M.

Lucille E. Aurelius
City Clerk

EA-1

MEMORANDUM

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

To: Michael A. McGuire, City Manager
From: Bruce K. Anderson, Director of Parks & Recreation
Subj: Park Commission Vacancy
Date: October 4, 1994
For The October 24, 1994, City Council Meeting

Introduction

The Park and Recreation Commission currently has a vacancy as Ellis Wyatt resigned, due to relocating outside the City of Maplewood. The Park and Recreation Commission advertised in the Maplewood Review and St. Paul Pioneer Press for Commission applicants. Two applications were received and the Park and Recreation Commission interviewed them at their regular scheduled meeting on September 19, 1994.

Background

The City Council policy currently requests that Commissions screen the applicants and make a recommendation to the City Council. The Park and Recreation Commission interviewed both Rick Brandon and Carolyn Peterson. The Commission made no formal recommendation on the two applicants. Following an interview process, the Commission made the following observations:

1. The Commission felt it was beneficial to have a representative from the Open Space Committee. Both applicants have served on the Open Space Committee.
2. The Commission is currently well balanced geographically.
3. The Commission is currrently well balanced by gender.
4. The Commission is responsible for reviewing the Park System and provides recommendations to the City Council regarding ADA. Ms. Peterson was involved in the ADA process and currently serves on the North Como Disability Concerns Committee, Maplewood Seniors and Persons With Disability Committee.

Recommendation

The City Council should interview the two candidates at a Council/Manager meeting.

Staff recommends that the City Council appoint either Carolyn Peterson or Rick Brandon to fill the vacancy on the Park and Recreation Commission.

CITY OF MAPLEWOOD

BOARDS AND COMMISSIONS

APPLICANT INFORMATION FORM

NAME Carolyn C. Peterson PHONE 489-2672

ADDRESS 1999 Jackson St. Maplewood ZIP 55117

1) How long have you lived in the City of Maplewood? 31 years

2) Does your employment require travel or being away from the community which would make regular attendance at meetings difficult? ____Yes ✓No

3) On which Board or Commission are you interested in serving? (check)

____Community Design Review Board ✓Park & Recreation Commission

____Housing & Redevelopment Authority ____Planning Commission

____Human Relations Commission ____Police Civil Service Commission

4) Do you have any specific areas of interest within this Board's or Commission's scope of responsibilities?

Open space acquisition, conservation, and education.

5) List other organizations or clubs in the Community in which you have been or are an active participant:

Open space Committee
Seniors + persons with disabilities Committee
PTA North Como Disability Concerns Committee

6) Why would you like to serve on this Board or Commission?

As an original member of the Open space Committee I have worked 4 years on the study of open space, and would like to share my input into the acquisition + conservation of these lands, and the parks and recreation of Maplewood.

ADDITIONAL COMMENTS:

Parks and open space each have an important role in Maplewood, each valuable but different. Maplewood has established leadership in saving open space, and I enjoy seeing the vision realized.

CITY OF MAPLEWOOD

BOARDS AND COMMISSIONS

APPLICANT INFORMATION FORM

RECEIVED SEP 6 1994

NAME Rick Brandon PHONE 779-6606

ADDRESS 1622 E. County Road C ZIP 55109

1) How long have you lived in the City of Maplewood? 6 years

2) Does your employment require travel or being away from the community which would make regular attendance at meetings difficult? ___ Yes X No

3) On which Board or Commission are you interested in serving? (check)

___ Community Design Review Board

X Park & Recreation Commission

___ Housing & Redevelopment Authority

___ Planning Commission

___ Human Relations Commission

___ Police Civil Service Commission

4) Do you have any specific areas of interest within this Board's or Commission's scope of responsibilities?

I am knowledgable about what the Open Space Committee envisioned. I'm an avid bicyclist and an advocate of a trail system. I've worked for 25 years for the DNR as a cartographer.

5) List other organizations or clubs in the Community in which you have been or are an active participant:

Open Space Committee & Open Space Campaign, Adult Volleyball Leagues. Figure Skating Club Softball leagues

6) Why would you like to serve on this Board or Commission?

I want to help make Maplewood into the kind of community that anyone would regret leaving.

ADDITIONAL COMMENTS:

I live accross from Hazelwood Park, so I am familiar with the issues park usage raises in the neighborhoods

EA-2

Charter Commission

250 Court House
15 West Kellogg Boulevard
St. Paul, MN 55102

Tel: 266-8016
Fax: 266-8039

October 3, 1994

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

Lucille Aurelius, City Clerk
Maplewood City Hall
1830 E. County Road B
Maplewood, MN 55109

Dear Lucille,

Enclosed please find brochures from the Ramsey County Charter Commission on two proposed amendments for distribution to the Maplewood City Council, in preparation for their October 10, 1994 meeting.

Sincerely,

Jim Theurer

Jim Theurer
Ramsey County Charter Commission

Text of proposed amendment to the Charter

Sec. 2.02 Powers of the County Board

K. To sell, lease or otherwise dispose of park property upon such terms as it considers best in the public interest. In the event the intended use is not consistent with park purposes, before disposal of any real property for such inconsistent use, the county board shall hold a public hearing as the intended use of the property, after first providing at least twenty days written notice of the hearing date to the municipality in which the property is located and to all owners of land within 1,000 feet of the real property to be disposed.

Before the sale, lease or disposal of park property for any inconsistent use, the county board shall adopt, by resolution, a policy providing for no net loss of park, recreational or open space land and facilities. At a minimum, the policy shall provide that park, recreational and open space land acquired for such purposes may not be converted to another use unless such land and recreational facilities are replaced in an equivalent amount and of similar quality.

Vote YES on Nov. 8 for this amendment

"Shall the Ramsey County Home Rule Charter be amended to require the County Board to maintain a policy which provides for no net loss of park, recreational or open space land and facilities?"

Recommendation:

The Charter Commission recommends you vote **YES** on this amendment.

For more information, contact:

Ramsey County
Charter Commission
250 Court House
15 West Kellogg
St. Paul, MN 55102
266-8016

Ramsey County Charter Commission

Information on the proposed amendment to the Ramsey County Charter

Vote YES on no net loss of Parks and Open Space

Vote YES

On the amendment for No-Net-Loss of Park and Open Space

This information was prepared to explain the advantages and disadvantages of the proposed amendment to the Ramsey County Home Rule Charter on No-Net-Loss of Park and Open Space.

Executive Summary

On May 10, 1993 (with a subsequent language amendments on September 20, and December 13, 1993), the Ramsey County Charter Commission approved the following question for inclusion on the 1994 general election ballot:

> *"Shall the Ramsey County Home Rule Charter be amended to require the County Board to maintain a policy which provides for no net loss of park, recreational or open space land and facilities?"*

At the same meeting, the Commission adopted the "Process for Educating Public about Proposed Charter Amendments." This process is based on the proposition that the Commission's most important responsibility is to make sure that the public understands what is being voted on; that is, that the public is given both pro and con information about the proposed amendment.

Current

The Home Rule Charter authorizes the County Board to sell or lease park property. When the property is intended to be used for non-park purposes, the Board must hold a public hearing. Any conveyance of park land must be by ordinance. All ordinances require an additional public hearing and are subject to referendum.

In March of 1993, the Ramsey County Board of Commissioners established by resolution a policy requiring park or open space land or facilities converted to another use be replaced in an equivalent amount, in a comparable location and of similar quality. Unlike the Charter, this resolution can be rescinded or amended by a vote of four county commissioners.

What will your vote mean?

A **YES** vote will mean:	The County Board must maintain a policy requiring no net loss of park or open space before it can convert county park or open space to other uses.
A **NO** vote will mean:	The County Board can sell or lease park or open space property for non-park purposes.

Those who SUPPORT this amendment say that the amendment:

- maintains, at a minimum, the current acreage of park and open space in Ramsey County;
- requires in the Charter, that the County Board have a "No Net Loss Policy" with minimum standards;
- ensures the protection of park lands as pressure for urban development grows.

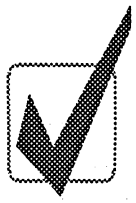
Those who OPPOSE this amendment say that the amendment:

- limits flexibility in responding to changing urban needs within a fully developed county;
- limits the range of decisions elected officials can make in park policy matters;
- The requirement contains subjective limits on action, which open the process to legal interpretation.
- introduces special interests into the Charter.

Sec 12.04 General Laws Superseded

A. In Minn. Stat. Sec. 375.08, the following language regarding a vacancy in the positions of county attorney or sheriff is superseded by Charter Section 7.02:

The person appointed shall serve the remainder of the term.



Vote YES on Nov. 8 for this amendment

"Shall the Ramsey County Home Rule Charter be amended to provide that a County Board appointment to fill a vacancy in the elected offices of County Attorney or County Sheriff continue only until the next general election, instead of for the completetion of the four year term as presently provided?"

The Ramsey County Charter Commission initiated this amendment and recommends that you vote YES.

Ramsey County
Charter Commission
250 Court House
15 West Kellogg
St. Paul, MN 55102
266-8016

Ramsey County Charter Commission

Information on the proposed amendment to the Ramsey County Charter

Vacancy in the elected offices of Sheriff or Attorney

Vote YES

On the vacancy in the elected offices of Sheriff or Attorney

On May 10, 1993 (with a subsequent language amendment on September 20, 1993), the Ramsey County Charter Commission approved the following question for inclusion on the 1994 general election ballot:

> *"Shall the Ramsey County Home Rule Charter be amended to provide that a County Board appointment to fill a vacancy in the elected offices of County Attorney or County Sheriff continue only until the next general election, instead of for the completion of the four year term as presently provided?"*

At the same meeting, the Commission adopted the "Process for Educating Public about Proposed Charter Amendments". This process is based on the proposition that the Commission's most important responsibility is to make sure that the public understands what is being voted on; that is, that the public is given both pro and con information about the proposed amendment.

A vacancy in the office of County Attorney or Sheriff is filled by appointment of the County Board. Presently, an appointment is for the remainder of the term. Because a term is for four years, an appointment could extend up to four years.

The proposed amendment changes the duration of the appointment to last only until the next general election. Because a general election occurs every two years, this amendment would limit the appointment to a maximum of approximately two years. The proposal does not provide for a special election because of cost considerations.

What will your vote mean?

X A **YES** vote will mean: **Appointments to fill a vacancy for up to approximately two years, election to fill remainder of term.**

X A **NO** vote will mean: **Appointments to fill a vacancy for the remainder of the term, up to four years.**

Text of proposed amendment to the Charter

Sec. 7.01 Nominations and Elections

The nomination and election of any Ramsey County elected official shall be governed by state law, <u>except as herein provided.</u>

<u>Sec. 7.02 Vacancy in positions of County Attorney and Sheriff</u>

<u>A vacancy in the office of county attorney or sheriff shall be filled by county board appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular county election (held every even numbered year in November), the appointed person shall serve only until the qualification of a successor elected at the next election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the next regular county election, the appointed person shall serve the remainder of the term.</u>

AGENDA NO. F-1

AGENDA REPORT

TO: City Manager

FROM: Finance Director

RE: **APPROVAL OF CLAIMS**

DATE: October 7, 1994

It is recommended that the Council approve payment of the following claims:

ACCOUNTS PAYABLE:

$ 297,656.49	Checks # 3186 thru # 3199 and # 14341 thru #14357 Dated 9-30-94 thru 10-5-94
$ 216,302.80	Checks # 15168 thru # 15243 Dated 10-24-94
$ 513,959.29	Total Accounts Payable

PAYROLL:

$ 234,519.22	Payroll Checks # 42922 thru # 43149 Dated 10-07-94
$ 49,380.71	Payroll Deduction check # 43154 thru # 43171 Dated 10-07-94
$ 283,899.93	Total Payroll
$ 797,859.22	GRAND TOTAL

Attached is a detailed listing of these claims.

lz
Attachments
FINANCE/APPRCLM.AGN

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 10

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
3186	341720	09/30/94	HERITAGE THEATER COMPANY	PROGRAM SUPPLIES	200.00	200.00
3187	980700	09/30/94	LINDA ZICK	COMM CTR CHANGE FUNDS	1,300.00	1,300.00
3188	722200	09/30/94	PUBLIC EMPLOYEE	PERA -SEPT P/R DED FOR OCT PRE	321.00	
				SARAH SAUNDERS ON LOA	12.00	333.00
3189	541400	09/29/94	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	459.00	459.00
3190	541400	09/29/94	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	16,795.13	16,795.13
3191	450120	10/03/94	L.M.C.I.T.	INSURANCE	34,270.25	34,270.25
3192	630910	10/03/94	NATIONWIDE ADVERTISING SERV.	ADVERTISMENT COMM CTR POSITION	1,073.10	
				ADVERTISMENT COMM CTR POSITION	919.64	1,992.74
3193	450110	10/03/94	L.M.C.I.T.	WORK COMP 2ND QTR INSTALLMENT	44,382.00	44,382.00
3194	302580	10/03/94	GLADSTONE FIRE DEPT.	4TH QTR PMT	7,139.00	
				4TH QTR PMT	81,251.25	88,390.25
3195	320500	10/03/94	GROUP HEALTH INC.	OCTOBER 1994 PREMIUM	3,837.12	
				OCTOBER 1994 PREMIUM	13,875.75	
				OCTOBER 1994 PREMIUM	1,503.30	19,216.17
3196	530100	10/03/94	MEDICA CHOICE	OCTOBER 1994 PREMIUM	2,927.14	
				OCTOBER 1994 PREMIUM	17,652.76	
				OCTOBER 1994 PREMIUM	1,155.30	21,735.20
3197	551100	10/03/94	MN MUTUAL LIFE INSURANCE	OCTOBER 1994 PREMIUM	335.08	
				OCTOBER 1994 PREMIUM	519.90	
				OCTOBER 1994 PREMIUM	1,039.97	
				OCTOBER 1994 PREMIUM	73.67	1,968.62
3198	180100	10/03/94	D.C.A.,INC.	OCTOBER 1994 PREMIUM DUE	327.50	327.50
3199	501400	10/03/94	MADISON NATIONAL LIFE	10-01-94 OCTOBER STATEMENT	2,154.13	2,154.13
14341	541400	10/03/94	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	25,357.00	25,357.00
14342	541400	10/03/94	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	613.25	613.25
14343	840604	10/04/94	ST. PAUL POSTMASTER	STAMPS	29.00	29.00
14344	150900	10/04/94	COMMISSIONER OF TRANSPORTATION	MANUAL	47.00	47.00
14345	540660	10/04/94	MILLS, JEFFREY	REFUND GRADING ESCROW REC 7884	1,000.00	1,000.00
14346	541400	10/04/94	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	12,420.00	12,420.00
14347	541400	10/04/94	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	675.00	675.00

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
14348	110700	10/04/94	CASTLE DESIGN	REFUND GRADING ESCROW REC 7804	1,000.00	
				REFUND GRADING ESCROW REC 7804	8.90	1,008.90
14349	661750	10/05/94	NORTHERN STATES POWER	UTILITIES 98	100.95	
				UTILITIES 345	119.87	
				UTILITIES 510	82.44	
				UTILITIES 1315	146.78	
				UTILITIES 1457	8.96	
				UTILITIES 1501	89.75	
				UTILITIES 1698	43.96	
				UTILITIES 1677	97.01	
				UTILITIES 1751	132.66	
				UTILITIES 1775	161.21	
				UTILITIES 1839	94.39	
				UTILITIES 1850	136.85	
				UTILITIES 1910	152.39	
				UTILITIES 1981	145.40	
				UTILITIES 2290	10.92	
				UTILITIES 2251	138.61	
				UTILITIES 2258	144.80	
				UTILITIES 2276	99.89	
				UTILITIES 2358	89.82	
				UTILITIES 2464	179.61	
				UTILITIES 2516	7.53	
				UTILITIES 2701	7.46	
				UTILITIES 2725	129.62	
				UTILITIES 2925	180.81	
				UTILITIES 2981	187.00	
				UTILITIES 2991	176.75	2,865.44
14350	151600	10/05/94	CONCEPT II INC.	ROWING MACHINES	1,502.00	1,502.00
14351	151600	10/05/94	CONCEPT II INC.	ROWING MACHINES	751.00	751.00
14352	541400	10/05/94	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	547.75	547.75
14353	541400	10/05/94	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	16,957.50	16,957.50
14354	780600	10/05/94	SAM'S CLUB DIRECT	SUPPLIES - OFFICE	8.50	8.50
14355	410610	10/05/94	KENTUCKY FRIED CHICKEN	PROGRAM SUPPLIES	133.86	133.86
14356	750532	10/05/94	REGION 18 USPCA	TRAVEL & TRAINING	40.00	40.00
14357	420108	10/05/94	KIMBALL MIDWEST	MAINTENANCE MATERIAL	176.30	176.30
15168	010350	10/24/94	A.P.A. MEDICAL	STAINLESS STEEL WHEEL CHAIR	625.00	625.00
15169	010575	10/24/94	ACE HARDWARE	SUPPLIES - JANITORIAL	211.05	
				MAINTENANCE MATERIAL	243.56	454.61

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
15170	020400	10/24/94	AIRSIGNAL, INC.	PAGERS	62.08	62.08
15171	021000	10/24/94	AMERI-DATA SYSTEM	NETWORK SYSTEM	500.00	
				CONSULTING PROJECT NEW NETWORK	6,145.00	
				NETWORK SYSTEM	98,440.06	
				NETWORK SYSTEM	440.30	
				NETWORK SYSTEM	195.00	
				NETWORK SYSTEM	242.82	105,963.18
15172	030420	10/24/94	ANDERSON, EVERETT A	BLDG INSPECTION SEPT 94	1,375.00	1,375.00
15173	030800	10/24/94	ANYTIME ICE COMPANY	PROGRAM SUPPLIES	35.00	35.00
15174	040725	10/24/94	ARLINGTON COMPUTER PRODUCT INC	SUPPLIES - EQUIPMENT	110.00	110.00
15175	050875	10/24/94	AWARENESS TRAINING, INC.	AWARENESS TRAINING OF EMPLOYEE	960.00	960.00
15176	061906	10/24/94	BAUER BUILT	SUPPLIES - VEHICLE	86.78	
				SUPPLIES - VEHICLE	15.58	102.36
15177	091225	10/24/94	BROCK ENTERPRISES	COMPETITOR LANE LINES	1,888.66	
				AQUA KING COMMANDER POOL VAC	3,960.77	
				HP ELEC VAC	1,060.77	6,910.20
15178	110470	10/24/94	CARLE, JEANETTE	VEHICLE ALLOWANCE	16.64	16.64
15179	110510	10/24/94	CARLSON EQUIPMENT	RENTAL VIBRATORY PLATE WACKER	808.34	808.34
15180	120101	10/24/94	CEDAR COMPUTER	ADDITION TO NETWORK	439.29	439.29
15181	130500	10/24/94	CHAPMAN, JUDY	REFUND - SOCCER	22.00	22.00
15182	130600	10/24/94	CHILDRENS HOME SOCIETY	REFUND - UNABLE TO ATTEND	15.00	15.00
15183	151650	10/24/94	CONCRETE ACCENTS	REPAIR & MAINT/UTILITY	8,202.90	8,202.90
15184	180800	10/24/94	DALCO	COMPACT CARPET EXTRACTOR	1,587.92	
				WALK BEHIND CARPET EXTRACTOR	4,258.20	5,846.12
15185	190044	10/24/94	DEBILZAN, JUDY	VEHICLE ALLOWANCE	10.40	10.40
15186	200200	10/24/94	DICK BLICK ART SUPPLY	PROGRAM SUPPLIES	44.13	44.13
15187	210300	10/24/94	DON'S RODENTS	PROGRAM SUPPLIES	25.56	25.56
15188	230200	10/24/94	EKCC	KODAK COPIER LEASE PAYMENT	90.99	
				KODAK COPIER LEASE PAYMENT	10.43	
				KODAK COPIER LEASE PAYMENT	93.81	
				KODAK COPIER LEASE PAYMENT	189.29	
				KODAK COPIER LEASE PAYMENT	120.83	
				KODAK COPIER LEASE PAYMENT	68.85	

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				LEASE PAYMENT #46	236.88	
				LEASE PAYMENT #46	164.12	975.20
15189	230675	10/24/94	EAST SIDE CARQUEST	SUPPLIES - VEHICLE	36.03	36.03
15190	290230	10/24/94	FREIERMUTH, JEANNETTE	REFUND - ADULT SPECIAL EVENT	34.00	34.00
15191	301060	10/24/94	GALLO, ROSE	REFUND - ADULT TRIP	51.00	51.00
15192	320300	10/24/94	GREEN VALUE NURSERY	MAINTENANCE MATERIAL	169.34	169.34
15193	330125	10/24/94	HALOGEN SUPPLY	MISCELLANEOUS COMMODITIES	349.35	349.35
15194	401250	10/24/94	JIM HATCH SALES CO.	PROGRAM SUPPLIES	136.38	136.38
15195	401700	10/24/94	JOLLY TYME FAVORS	PROGRAM SUPPLIES	59.28	59.28
15196	410450	10/24/94	KELSEY, CONNIE	VEHICLE ALLOWANCE	5.20	5.20
15197	430350	10/24/94	KNOX LUMBER CO #212	MAINTENANCE MATERIAL	93.51	93.51
15198	461900	10/24/94	LIFT, STAK & STOR	PLATFORM CART	288.04	
				PLATFORM CART	220.44	508.48
15199	470700	10/24/94	LILLIE SUBURBAN NEWSPAPERS	PUBLISHING - SEPT	79.30	
				PROJECT 89-04	70.87	
				PROJECT 93-08	73.02	
				PROJECT 93-14	70.87	
				PROJECT 94-06	122.41	
				ADS FOR JOBS	269.55	686.02
15200	500025	10/24/94	M-R SIGN COMPANY	MAINTENANCE MATERIAL	334.48	334.48
15201	500800	10/24/94	M.T.I. DISTRIBUTING CO.	SUPPLIES - VEHICLE	217.69	217.69
15202	501225	10/24/94	MAC QUEEN EQUIPMENT	SUPPLIES - VEHICLE	47.39	47.39
15203	520070	10/24/94	MCCARTHY WELL COMPANY	LAND IMPROVAEMENT	411.57	411.57
15204	520490	10/24/94	MCGRATH, INC.	INSTALL GUTTERS & DOWNSPOUTS	795.00	795.00
15205	520500	10/24/94	MCGUIRE, MICHAEL	VEHICLE ALLOWANCE OCT 94	450.00	450.00
15206	530730	10/24/94	METRO ATHLETIC SUPPLY	PROGRAM SUPPLIES	241.15	
				PROGRAM SUPPLIES	1,933.14	2,174.29
15207	540173	10/24/94	MIDWEST CHILDREN'S RESOURCE	VIDEO TAPE	20.00	20.00
15208	570090	10/24/94	MOGREN BROS.	MAINTENANCE MATERIAL	57.51	57.51
15209	570120	10/24/94	MORDICK, DEBBIE	REFUND - SOCCER	15.00	15.00

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
15210	570145	10/24/94	MORLEY BURNETT	PORTABLE P.A. SYSTEM AEROBICS	4,229.65	4,229.65
15211	640805	10/24/94	NELSONS AUTO SERVICE	REPAIR & MAINT/VEHICLE	173.13	173.13
15212	640810	10/24/94	NEWMAN SIGNS	SIGNS & SIGNALS	667.12	667.12
15213	660275	10/24/94	NO.ST.PAUL-MAPLEWOOD ROTARY	4TH QTR DUES FOR 1994	100.00	100.00
15214	661181	10/24/94	NORTHERN AIRGAS	SUPPLIES - EQUIPMENT OXYGEN	28.18	28.18
15215	661600	10/24/94	NORTHERN HYDRAULICS,INC.	SUPPLIES - VEHICLE	24.78	24.78
15216	661800	10/24/94	NORTHLAND REFRIGERATION	REPAIR & MAINT/BLDG & GROUNDS	430.78	430.78
15217	670950	10/24/94	NYSTROM PUBLISHING COMPANY INC	MAPLEWOOD IN MOTION PUB	2,711.50	2,711.50
15218	680800	10/24/94	OF DISTINCTION INC.	INTERIOR LANDSCAPE SILK PLANTS	17,499.42	17,499.42
15219	690450	10/24/94	OLSON, PEARL	REFUND - ADULT TRIP	17.00	17.00
15220	711500	10/24/94	PHOTOS TO GO	FILM	10.54	10.54
15221	712111	10/24/94	PLAZA TIRE AND SERVICE INC	REPAIR & MAINT/VEHICLE	331.84	331.84
15222	712115	10/24/94	POLAR CHEVROLET GEO	SUPPLIES - VEHICLE	74.98	
				REPAIR & MAINT/VEHCILE	265.50	340.48
15223	721200	10/24/94	PRO SOURCE FITNESS	CIRCUIT EQUIPMENT	10,372.27	
				CIRCUIT EQUIPMENT	6,439.20	
				CIRCUIT EQUIPMENT	2,869.06	19,680.53
15224	741300	10/24/94	RAMSEY CLINIC	PRE-EMPLOYMENT PHYSICALS	470.00	
				PRE-EMPLOYMENT PHYSICALS	266.00	
				PRE-EMPLOYMENT PHYSICALS	50.00	786.00
15225	741310	10/24/94	RAMSEY CLINIC ASSOCIATES	TRAVEL & TRAINING	350.00	350.00
15226	761400	10/24/94	ROHDE'S TREE SERVICE	TREE REMOVAL	319.50	319.50
15227	780300	10/24/94	S&T OFFICE PRODUCTS INC.	SUPPLIES - OFFICE	18.25	
				SUPPLIES - OFFICE	47.04	
				SUPPLIES - OFFICE	11.04	
				SUPPLIES - OFFICE	11.04	
				SUPPLIES - OFFICE	47.04	
				SUPPLIES - OFFICE	66.87	
				SUPPLIES - OFFICE	74.55	
				SUPPLIES - OFFICE	14.50	
				SUPPLIES - OFFICE	15.69	306.02
15228	830800	10/24/94	SOUTHAM BUSINESS COMMUNICATION	PROJ 94-06 CONSTRUCTION BULLET	158.70	158.70

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
15229	831505	10/24/94	SPECIALTY RADIO SERVICES	VHF MOBILE RADIO	564.45	564.45
15230	831506	10/24/94	SPECTRUM BUSINESS SYSTEMS	ADDITIONS TO NETWORK	732.00	
				ADDITIONS TO NETWORK	1,461.38	2,193.38
15231	831535	10/24/94	SPINDLER, ELIZABETH	REPAIR DOOR LOCK	65.06	65.06
15232	831800	10/24/94	ST.CROIX RECREATION CO. INC.	DRINKING FOUNTAIN HAZELWOOD PK	4,976.27	4,976.27
15233	840275	10/24/94	ST. JOHN'S HOSPITAL	COPY OF RECORDS	4.50	4.50
15234	843537	10/24/94	STRATUS	REPAIRS & MTNCE./EQUIPMENT OCT	1,934.00	1,934.00
15235	850600	10/24/94	SUPERAMERICA	FUEL & OIL	17.00	
				FUEL & OIL	39.91	
				FUEL & OIL	92.73	
				FUEL & OIL	13.84	
				SUPPLIES - EQUIPMENT	36.55	200.03
15236	880600	10/24/94	TRIARCO ARTS & CRAFTS INC.	MISCELLANEOUS COMMODITIES	337.22	
				MISCELLANEOUS COMMODITIES	77.61	
				MISCELLANEOUS COMMODITIES	60.94	475.77
15237	881320	10/24/94	TWIN CITIES TRANSPORT AND	TOW	20.00	20.00
15238	882000	10/24/94	TWIN CITY SAW & SERVICE CO	SUPPLIES - EQUIPMENT	159.86	159.86
15239	882800	10/24/94	TWIN CITY TRANSPORT	JUMP START VEHICLE	20.00	20.00
15240	890200	10/24/94	U S WEST CELLULAR INC	TELEPHONE	27.57	
				TELEPHONE	27.57	
				TELEPHONE	27.57	82.71
15241	901300	10/24/94	UPPER MIDWEST SALES CO.	MISCELLANEOUS COMMODITIES	405.94	
				MISCELLANEOUS COMMODITIES	71.45	
				MISCELLANEOUS COMMODITIES	61.30	
				SUPPLIES - JANITORIAL	204.05	
				MISCELLANEOUS COMMODITIES	77.78	
				SUPPLIES - JANITORIAL	981.41	
				SUPPLIES - JANITORIAL	76.06	
				SUPPLIES - JANITORIAL	1,311.12	
				BUFFER (SCRUBBER)	863.72	4,052.83
15242	910150	10/24/94	VALLEY VIEW ASSOCIATES	MISCELLANEOUS COMMODITIES	152.44	152.44
15243	940635	10/24/94	WENGER CORPORATION	ORCHESTRA PIT COVER	13,581.80	13,581.80
				TOTAL CHECKS		513,959.29

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0042922	10/07/94	DALE CARLSON	294.00
0042923	10/07/94	GEORGE ROSSBACH	294.00
0042924	10/07/94	SHERRY ALLENSPACH	294.00
0042925	10/07/94	GARY W BASTIAN	334.08
0042926	10/07/94	MARVIN KOPPEN	294.00
0042927	10/07/94	SHERYL LE	2,000.67
0042928	10/07/94	MICHAEL A McGUIRE	3,521.17
0042929	10/07/94	THERESE CARLSON	1,727.43
0042930	10/07/94	PATRICIA HENSLEY	338.64
0042931	10/07/94	GRETCHEN MAGLICH	2,186.90
0042932	10/07/94	EDWARD LEVIN	150.88
0042933	10/07/94	GINA CASAREZ	953.20
0042934	10/07/94	DAVID J JAHN	1,086.00
0042935	10/07/94	LYLE SWANSON	1,289.53
0042936	10/07/94	GREGORY J. PIEKARSKI	26.25
0042937	10/07/94	LARRY J CUDE	326.40
0042938	10/07/94	ANDREA J OSTER	1,233.20
0042939	10/07/94	WILLIAM MIKISKA	203.20
0042940	10/07/94	DANIEL F FAUST	2,640.08
0042941	10/07/94	LINDA ZICK	1,081.20
0042942	10/07/94	WENDY KLAGER	1,099.60
0042943	10/07/94	DEBORAH DEHN	699.25
0042944	10/07/94	RICHARD HANGSLEBEN	1,648.31
0042945	10/07/94	ALANA K MATHEYS	1,540.96
0042946	10/07/94	DELORES A VIGNALO	1,298.80
0042947	10/07/94	CAROLE J ANDERSON	681.90
0042948	10/07/94	JUDY DeBILZAN	456.45

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0042949	10/07/94	LUCILLE E AURELIUS	2,195.14
0042950	10/07/94	BETTY D SELVOG	298.31
0042951	10/07/94	PATRICIA FRY	715.32
0042952	10/07/94	LOIS BEHM	1,345.91
0042953	10/07/94	CONNIE L KELSEY	772.43
0042954	10/07/94	BONNIE JOHNSON	757.02
0042955	10/07/94	LORRAINE S VIETOR	1,195.22
0042956	10/07/94	CAROL JAGOE	1,156.83
0042957	10/07/94	JEANETTE E CARLE	1,190.38
0042958	10/07/94	SANDRA OLSON	909.60
0042959	10/07/94	SYLVIA BROWN	105.23
0042960	10/07/94	AUDREY DUELLMAN	70.15
0042961	10/07/94	JOAN KOLASA	100.65
0042962	10/07/94	MARY KAY PALANK	1,141.20
0042963	10/07/94	KENNETH V COLLINS	2,504.14
0042964	10/07/94	CAROLE L RICHIE	1,359.27
0042965	10/07/94	JOANNE M SVENDSEN	1,537.33
0042966	10/07/94	ELAINE FULLER	570.60
0042967	10/07/94	CAROL F MARTINSON	1,566.36
0042968	10/07/94	ANTHONY G CAHANES	2,158.06
0042969	10/07/94	ROBERT D NELSON	2,158.06
0042970	10/07/94	VERNON T STILL	1,690.00
0042971	10/07/94	DONALD W SKALMAN	2,254.90
0042972	10/07/94	CAROL NELSON	1,911.60
0042973	10/07/94	SCOTT L STEFFEN	1,739.65
0042974	10/07/94	JOHN J BANICK	1,950.51
0042975	10/07/94	JOHN C BOHL	2,211.94

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0042976	10/07/94	RICHARD M MOESCHTER	1,830.06
0042977	10/07/94	LAURA ST. GEORGE	1,299.39
0042978	10/07/94	JAMES YOUNGREN	1,997.86
0042979	10/07/94	DAVID KVAM	1,266.80
0042980	10/07/94	THOMAS J SZCZEPANSKI	1,699.13
0042981	10/07/94	CABOT V WELCHLIN	1,679.02
0042982	10/07/94	RICHARD J LANG	1,690.00
0042983	10/07/94	DALE RAZSKAZOFF	1,690.01
0042984	10/07/94	MICHAEL RYAN	2,184.64
0042985	10/07/94	MICHAEL J HERBERT	1,907.88
0042986	10/07/94	SCOTT A ANDREWS	1,603.17
0042987	10/07/94	RICHARD C DREGER	2,008.99
0042988	10/07/94	KEVIN JOHNSON	1,111.60
0042989	10/07/94	ALICE DUNN	1,223.14
0042990	10/07/94	GREGORY L STAFNE	1,923.44
0042991	10/07/94	RONALD D BECKER	2,942.89
0042992	10/07/94	KEVIN R HALWEG	2,590.78
0042993	10/07/94	DERRELL T STOCKTON	1,752.25
0042994	10/07/94	RICK A BOWMAN	2,062.79
0042995	10/07/94	FLINT D KARIS	1,864.17
0042996	10/07/94	STEPHEN J HEINZ	1,790.15
0042997	10/07/94	JOHN FRASER	1,878.53
0042998	10/07/94	DAVID J THOMALLA	1,767.60
0042999	10/07/94	KEVIN RABBETT	1,553.88
0043000	10/07/94	VIRGINIA DOWDLE	1,682.22
0043001	10/07/94	STEVEN PALMA	1,940.84
0043002	10/07/94	PAUL EVERSON	1,043.24

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0043003	10/07/94	MELYNDA BJORKMAN	981.92
0043004	10/07/94	ROBERT E VORWERK	1,897.92
0043005	10/07/94	JOSEPH A BERGERON	1,716.40
0043006	10/07/94	JAMES MEEHAN	1,832.76
0043007	10/07/94	JON A MELANDER	1,789.54
0043008	10/07/94	SARAH SAUNDERS	1,233.20
0043009	10/07/94	JAMES M EMBERTSON	1,839.17
0043010	10/07/94	DUANE J WILLIAMS	1,591.42
0043011	10/07/94	JANET L RABINE	1,256.40
0043012	10/07/94	JULIE A STAHNKE	1,256.40
0043013	10/07/94	SCOTT K BOYER	1,256.40
0043014	10/07/94	LINDA ADELSON	750.84
0043015	10/07/94	DAVID L ARNOLD	2,992.63
0043016	10/07/94	WALTER LAFFERTY	1,081.20
0043017	10/07/94	JOSEPH FEHR	1,300.88
0043018	10/07/94	JILL PETERS	599.00
0043019	10/07/94	JAYME L FLAUGHER	1,541.45
0043020	10/07/94	JUDITH WEGWERTH	726.00
0043021	10/07/94	KENNETH G HAIDER	2,504.14
0043022	10/07/94	JUDY M CHLEBECK	1,302.80
0043023	10/07/94	WILLIAM PRIEFER	1,481.20
0043024	10/07/94	GERALD W MEYER	1,360.20
0043025	10/07/94	MICHAEL R KANE	1,775.31
0043026	10/07/94	BRYAN NAGEL	1,342.84
0043027	10/07/94	DAVID P LUTZ	1,291.60
0043028	10/07/94	JAMES DARST	1,276.66
0043029	10/07/94	LANCE LUNDSTEN	1,665.11

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0043030	10/07/94	JOHN SCHMOOCK	1,267.60
0043031	10/07/94	RONALD J HELEY	1,363.81
0043032	10/07/94	ERICK D OSWALD	1,314.02
0043033	10/07/94	RONALD L FREBERG	1,339.71
0043034	10/07/94	DOUGLAS EDGE	949.64
0043035	10/07/94	RANDAL LINDBLOM	1,330.80
0043036	10/07/94	JAMES G ELIAS	1,565.20
0043037	10/07/94	RUSS MATTHYS	1,829.11
0043038	10/07/94	JOHN DU CHARME	1,330.80
0043039	10/07/94	DENNIS L PECK	1,565.20
0043040	10/07/94	WILLIAM PRIEBE	1,509.20
0043041	10/07/94	WALTER M GEISSLER	1,622.77
0043042	10/07/94	LOIS J BRENNER	1,396.75
0043043	10/07/94	BARBARA A KRUMMEL	757.35
0043044	10/07/94	PAULINE STAPLES	1,973.91
0043045	10/07/94	BRUCE ANDERSON	2,178.66
0043046	10/07/94	CRAIG MISKELL	192.00
0043047	10/07/94	ROBERT S ANDERSON	1,291.60
0043048	10/07/94	DENNIS P LINDORFF	1,291.60
0043049	10/07/94	ROLAND B HELEY	1,315.60
0043050	10/07/94	SHANE SWANSON	135.00
0043051	10/07/94	MARK A MARUSKA	1,932.81
0043052	10/07/94	JAMES SCHINDELDECKER	1,280.08
0043053	10/07/94	MATTHEW KIMLINGER	100.00
0043054	10/07/94	MYLES R BURKE	1,339.60
0043055	10/07/94	GARY HINNENKAMP	991.60
0043056	10/07/94	MICHAEL LAVAQUE	916.40

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0043057	10/07/94	JANET M GREW HAYMAN	567.32
0043058	10/07/94	ANNE HANSON	326.25
0043059	10/07/94	LUTHER JONES	41.60
0043060	10/07/94	MARGARET KUNDE	156.00
0043061	10/07/94	JEAN NELSON	712.98
0043062	10/07/94	JUDITH A HORSNELL	705.40
0043063	10/07/94	ANN E HUTCHINSON	1,384.40
0043064	10/07/94	RITA MACY	157.50
0043065	10/07/94	KATHLEEN M DOHERTY	1,359.88
0043066	10/07/94	MARIE BARTA	1,162.80
0043067	10/07/94	GEOFFREY W OLSON	2,323.67
0043068	10/07/94	NANCY MISKELL	688.75
0043069	10/07/94	JOYCE L LIVINGSTON	1,009.20
0043070	10/07/94	KENNETH ROBERTS	1,818.89
0043071	10/07/94	THOMAS G EKSTRAND	1,735.87
0043072	10/07/94	MARJORIE OSTROM	1,843.51
0043073	10/07/94	NICHOLAS N CARVER	1,518.81
0043074	10/07/94	ROBERT J WENGER	1,607.85
0043075	10/07/94	DANIEL FEUCHT	28.00
0043076	10/07/94	KEVIN MALLEY	76.00
0043077	10/07/94	BRIAN KIENITZ	178.00
0043078	10/07/94	ANDREA KIENITZ	42.00
0043079	10/07/94	BRIAN EKSTRAND	32.00
0043080	10/07/94	MATT LARSEN	104.00
0043081	10/07/94	KRISTEN WISTRCILL	72.00
0043082	10/07/94	OLAF SIVERSON	130.00
0043083	10/07/94	JASON STUTSMAN	72.00

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0043084	10/07/94	BRANDON MUELLER	108.00
0043085	10/07/94	MARK PEASLEE	72.00
0043086	10/07/94	BRIAN LOMBARDI	120.00
0043087	10/07/94	MARK LOMBARDI	114.00
0043088	10/07/94	CHRISTOPHER MULLEN	68.00
0043089	10/07/94	ROY G WARD	460.00
0043090	10/07/94	DOUGLAS J TAUBMAN	1,620.31
0043091	10/07/94	THOMAS E EASTMAN	1,650.71
0043092	10/07/94	RICHARD NORDQUIST	973.03
0043093	10/07/94	EDWARD A NADEAU	1,727.20
0043094	10/07/94	STEVEN THOMAS, JR	981.47
0043095	10/07/94	KEVIN HALWEG, JR	211.52
0043096	10/07/94	ROGER W BREHEIM	1,355.51
0043097	10/07/94	DAVID B EDSON	1,422.17
0043098	10/07/94	DAVID GERMAIN	1,324.42
0043099	10/07/94	ROBIN WARMAN	100.78
0043100	10/07/94	KAYLENE PETERSON	649.62
0043101	10/07/94	JULIE CORCORAN	740.35
0043102	10/07/94	TESSA LARSON	73.13
0043103	10/07/94	MICHAEL GRAF	343.75
0043104	10/07/94	LISA KELLY	79.63
0043105	10/07/94	JEAN GLASS	94.88
0043106	10/07/94	DARLENE SALITROS	95.78
0043107	10/07/94	SANDRA HALWEG	63.38
0043108	10/07/94	PHILIP COLEMAN	86.23
0043109	10/07/94	DENISE BARTEL	1,189.11
0043110	10/07/94	HELENE DAHL KIRWIN	63.38

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0043111	10/07/94	STEVEN FISCHER	1,184.31
0043112	10/07/94	IRENE PFAFF	65.00
0043113	10/07/94	BRIAN OSWALD	65.00
0043114	10/07/94	JANET FERNELIUS	116.85
0043115	10/07/94	ROBERTA BOETTCHER	68.25
0043116	10/07/94	JENNY MEINKE	63.38
0043117	10/07/94	JENNIFER FRAZER-JOHN	69.88
0043118	10/07/94	DEBORAH BAUERS	68.25
0043119	10/07/94	KATHLEEN STEWART	63.38
0043120	10/07/94	JOLENE CHLEBECK	60.13
0043121	10/07/94	DAWN TOLLEFSON	55.25
0043122	10/07/94	MELISSA COONS	60.13
0043123	10/07/94	RUSSELL SCHMIDT	61.75
0043124	10/07/94	DIANE EZTEVEZ	61.75
0043125	10/07/94	DOUGLAS GERICK	720.00
0043126	10/07/94	STEPHEN RYMER	722.35
0043127	10/07/94	RITA RENSLOW	84.50
0043128	10/07/94	SAUNDRA GOSSMAN	48.75
0043129	10/07/94	ARIEL JOHNSON	48.75
0043130	10/07/94	COLLEEN DIRKSWAGER	677.35
0043131	10/07/94	LAURIE KIVEL	94.25
0043132	10/07/94	SYLVIA DOLINSKI	53.63
0043133	10/07/94	MICHELE TROST	52.00
0043134	10/07/94	NANCY BEHR	50.38
0043135	10/07/94	CATHLEEN CASEY	34.13
0043136	10/07/94	KATHLEEN MOREFIELD	87.75
0043137	10/07/94	DARLA MC DONOUGH	53.63

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0043138	10/07/94	LORI LEHNEN	79.63
0043139	10/07/94	VIRGINIA OLEARY	55.25
0043140	10/07/94	TENA SAGER	74.75
0043141	10/07/94	JODIE CHRISTENSEN	52.00
0043142	10/07/94	DAVID JUNGMANN	1,232.31
0043143	10/07/94	MICHAEL JOHNSON	104.92
0043144	10/07/94	CARL D. CURTIS	966.23
0043145	10/07/94	STEVEN DEHMER	244.32
0043146	10/07/94	DENNIS M MULVANEY	1,439.60
0043147	10/07/94	GEORGE C SPREIGL	1,319.60
0043148	10/07/94	CONNIE WERMAGER	1,742.05
0043149	10/07/94	ELIZABETH J WEILAND	1,800.15
0043150 VOID	10/07/94	FIRST MINNESOTA (FICA)	11,499.62
0043151 VOID	10/07/94	PUBLIC EMP RETIREMENT ASSOC	6,206.52
0043152 VOID	10/07/94	MAPLEWOOD STATE BANK #1	25,560.52
0043153 VOID	10/07/94	MN STATE COMM OF REVENUE	10,920.26
0043154	10/07/94	ICMA RETIREMENT TRUST-457	7,793.20
0043155 VOID	10/07/94	FIRST MINNESOTA	525.00
0043156 VOID	10/07/94	CITY OF MAPLEWOOD (HCMA)	4,263.70
0043157	10/07/94	MN STATE RETIREMENT SYSTEM	4,228.27
0043158	10/07/94	GREAT WEST LIFE	900.00
0043159	10/07/94	CITY & COUNTY EMP CR UNION	32,957.00
0043160	10/07/94	MN. MUTUAL LIFE INS. 19-3988	1,546.00
0043161 VOID	10/07/94	UNITED WAY OF ST. PAUL AREA	159.80
0043162 VOID	10/07/94	COMMERCIAL LIFE INSURANCE	259.95
0043163 VOID	10/07/94	PUBLIC EMP. RETIREMENT ASSOC.	166.50
0043164	10/07/94	AFSCME 2725	695.25

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS AND PAYROLL DEDUCTION CHECKS
FOR THE CURRENT PAY PERIOD

CHECK NUMBER	CHECK DATED	PAYEE	AMOUNT
0043165	10/07/94	AFSCME 2725	7.99
0043166	10/07/94	METRO SUPERVISORY ASSOC	28.00
0043167 VOID	10/07/94	PUBLIC EMP RETIREMENT ASSOC	180.66
0043168 VOID	10/07/94	PUBLIC EMP RETIREMENT ASSOC	6,017.66
0043169	10/07/94	L.E.L.S.	750.00
0043170	10/07/94	L.E.L.S.	175.00
0043171	10/07/94	WASHINGTON COUNTY	330.00
0043172 VOID	10/07/94	FIRST MINNESOTA (FICA)	11,498.74
0043173 VOID	10/07/94	PUBLIC EMP RETIREMENT ASSOC	6,573.29
0043174 VOID	10/07/94	PUBLIC EMP RETIREMENT ASSOC	235.54
0043175 VOID	10/07/94	PUBLIC EMP RETIREMENT ASSOC	9,026.53
GROSS EARNINGS AND DEDUCTIONS			377,024.22

AGENDA NO. F-2

AGENDA REPORT

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: Mike McGuire, City Manager

FROM: Sherrie Le, Human Resource Director

RE: **EMERGENCY APPOINTMENT**

DATE: October 17, 1994

INTRODUCTION

On October 10, 1994, a temporary appointment was approved at the rate of $9.96/hour for the position of Custodial Maintenance Worker. This appointment was approved as an emergency solution to a severe staff shortage of custodial/maintenance staff for the Community Center.

Every attempt was made to fill the Community Center positions in a cost effective manner. We established a job title called Building Attendant at $5.50/hour to work less than 14 hours per week. We expected to fill up to 12 of these positions. We also created a part-time Custodian class at $6.56/hour (to start) to work 14-35 hours per week. These were more cost effective alternatives to using the existing Building Maintenance Worker class.

We advertised extensively and repeatedly to fill the Building Attendant position to no avail. We found only two qualified applicants. That left us with ten vacancies and a severe staff shortage right at the time of the Grand Opening.

We are re-examining our pay rates and will be coming back with a longer-term solution. In the meantime, we had to hire a temporary full-time employee as a Custodial Maintenance Worker to supplement our staffing.

We started the employee at $9.96/hour which is slightly below the starting rate established in the AFSCME contract for the job class of Building Maintenance Worker. This title does not presently exist as a union job class or a temporary job class under the Temporary/Seasonal Pay Rate Resolution.

We are, therefore, requesting retroactive approval of this emergency appointment to the position of temporary Custodial Maintenance Worker at $9.96/hour.

Based on the lack of qualified Building Attendant candidates at our established pay rate, I recommend we increase the rate of pay to a rate not to exceed $8.20/hour.

As a housekeeping item, I recommend we incorporate the titles for all separately established temporary/seasonal titles into the Temporary/Seasonal Pay Rate Resolution by amendment.

RECOMMENDATION

1. Amend the resolution establishing rates of pay for temporary/seasonal employees to include Custodial Maintenance Worker at a rate not to exceed $10.26/hour.

2. Increase the rate of pay for Building Attendant to a rate not to exceed $8.20/hour and incorporate the title and rate into the Temporary/Seasonal Pay Rate Resolution by amendment.

3. Incorporate all other temporary/seasonal titles separately established into the Temporary/Seasonal Pay Rate Resolution by amendment.

I recommend these actions be put into effective retroactively as of October 1, 1994.

AGENDA ITEM F-3

AGENDA REPORT

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager

FROM: City Engineer

SUBJECT: Water System Analysis Agreement

DATE: October 18,1994

The wholesale water contract with the St. Paul Water Utility requires Maplewood to locate and design water meter stations at the city border. In order to locate these feed points to the Maplewood water system an analysis of the distribution system is needed. This analysis is accomplished through the use of a computer model. The model simulates flow conditions in the pipes under a range of standard and extreme situations. Examples of extreme conditions are maximum daily demand (hot, dry, summer day when sprinkling is at its peak) or fire demands for certain major buildings in town.

The analysis also looks at long term issues. The future demands will be estimated and compared to existing capacities. Based on these results a capital improvement program may be prepared.

The cost for this study was included in the 1994 budget. It is proposed to hire a consultant, Progressive Consulting Engineers, Inc., to complete the work. They have submitted a proposal for the work and are proposing an hourly contract with a cost not to exceed $31,465.

It is recommended that staff be authorized to execute the contract with Progressive Consulting Engineers, Inc. to complete the water system analysis.

AGREEMENT

for

ENGINEERING SERVICES

THIS AGREEMENT, made and entered into this _____ day of October, 1994, by and between City of Maplewood, Minnesota, hereinafter called the City, and Progressive Consulting Engineers, Incorporated, hereinafter called the Consultant.

Whereas, the City intends to employ the services of the Consultant for the City Water System Analysis as described in the Consultant proposal dated September 13, 1994.

NOW the City and Consultant agree as follows:

Article 1 General Description of Work to be Done

The City agrees to employ the Consultant and the Consultant agrees to provide services described in the Consultant proposal dated September 13, 1994 and subsequent letter dated October 6, 1994.

Article 2 Completion of the Work

The Consultant agrees to complete the work in accordance with the following schedule:

Preliminary Report: January 6, 1995
Final Report: January 31, 1995

Article 3 Compensation

The Consultant shall bill the City for the time spent on an hourly basis as stated and described in the proposal. Unless additional work is authorized by the City, maximum billing for the Water System Analysis, including direct expenses, shall not exceed $31,465.00.

Article 4 Authorization to Proceed

The execution of this contract shall constitute authorization to proceed with the Water System Analysis.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF MAPLEWOOD

_____ BY: _____
Mayor

_____ BY: _____
City Administrator

PROGRESSIVE CONSULTING ENGINEERS, INC.

_____ BY: Naeem Qureshi
President

_____ BY: John Laporita
Project Engineer

F-4

MEMORANDUM

Action by Council

Endorsed_____
Modified_____
Rejected_____
Date_____

TO:	City Manager
FROM:	Thomas Ekstrand, Associate Planner
SUBJECT:	**Conditional Use Permit Termination**
LOCATION:	2633 Stillwater Road
PROJECT:	Carbone's Pizzeria
DATE:	September 30, 1994

INTRODUCTION

The City Council should end the conditional use permit (CUP) at 2633 Stillwater Road. (See the maps on pages 2 and 3.) This CUP allowed a restaurant in a BC-M (business commercial - modified) zoning district. Carbone's Pizzeria planned to use the permit. The applicant decided not to open the restaurant.

BACKGROUND

On July 26, 1993, the City Council granted this CUP, subject to twelve conditions.

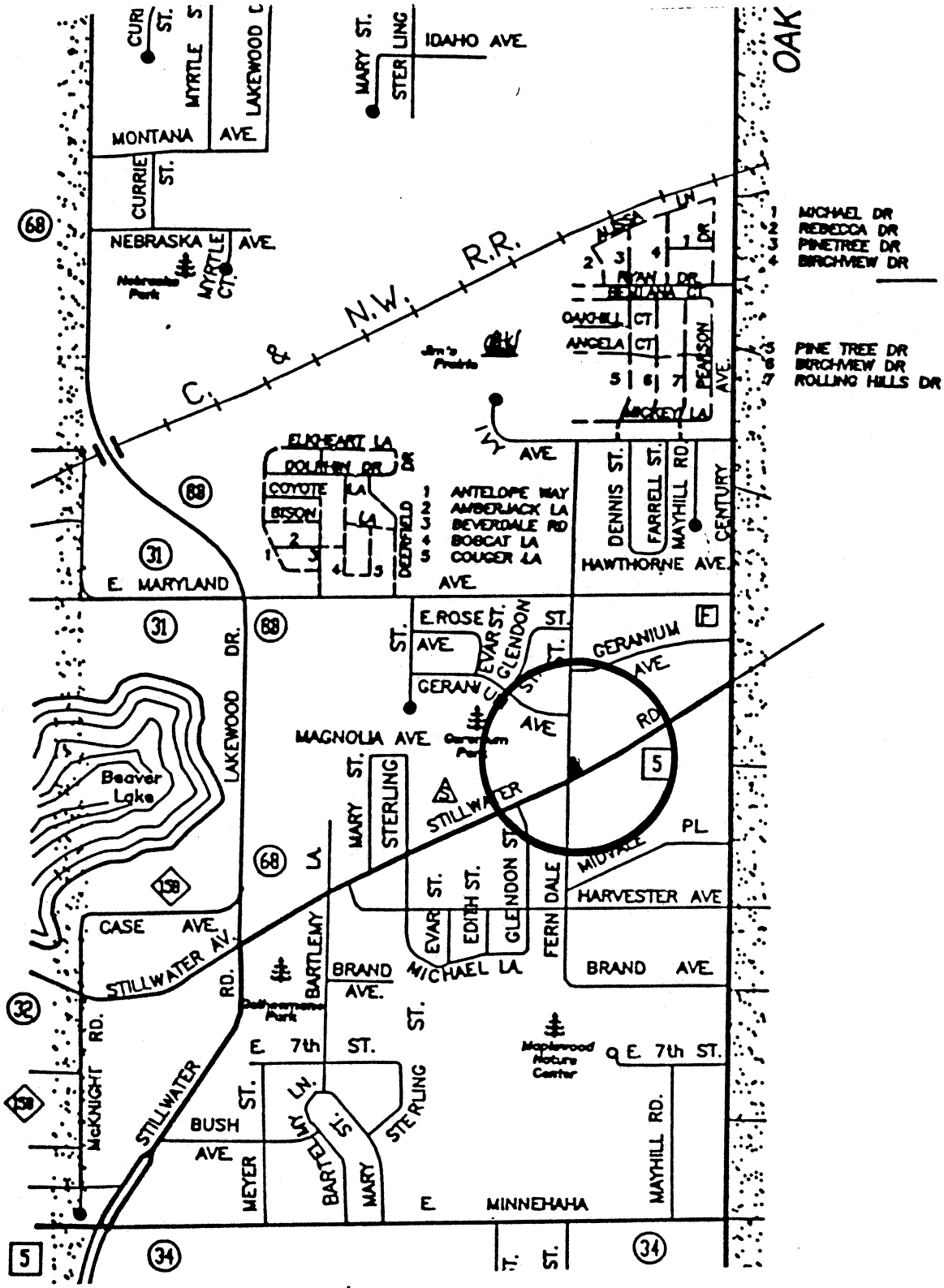
DISCUSSION

The applicant decided not to open his pizzeria. Section 36-446(a) states the Council may suspend or end the permit if the use is no longer in effect. The pizzeria operator and the building owner have agreed to the City ending the permit.

RECOMMENDATION

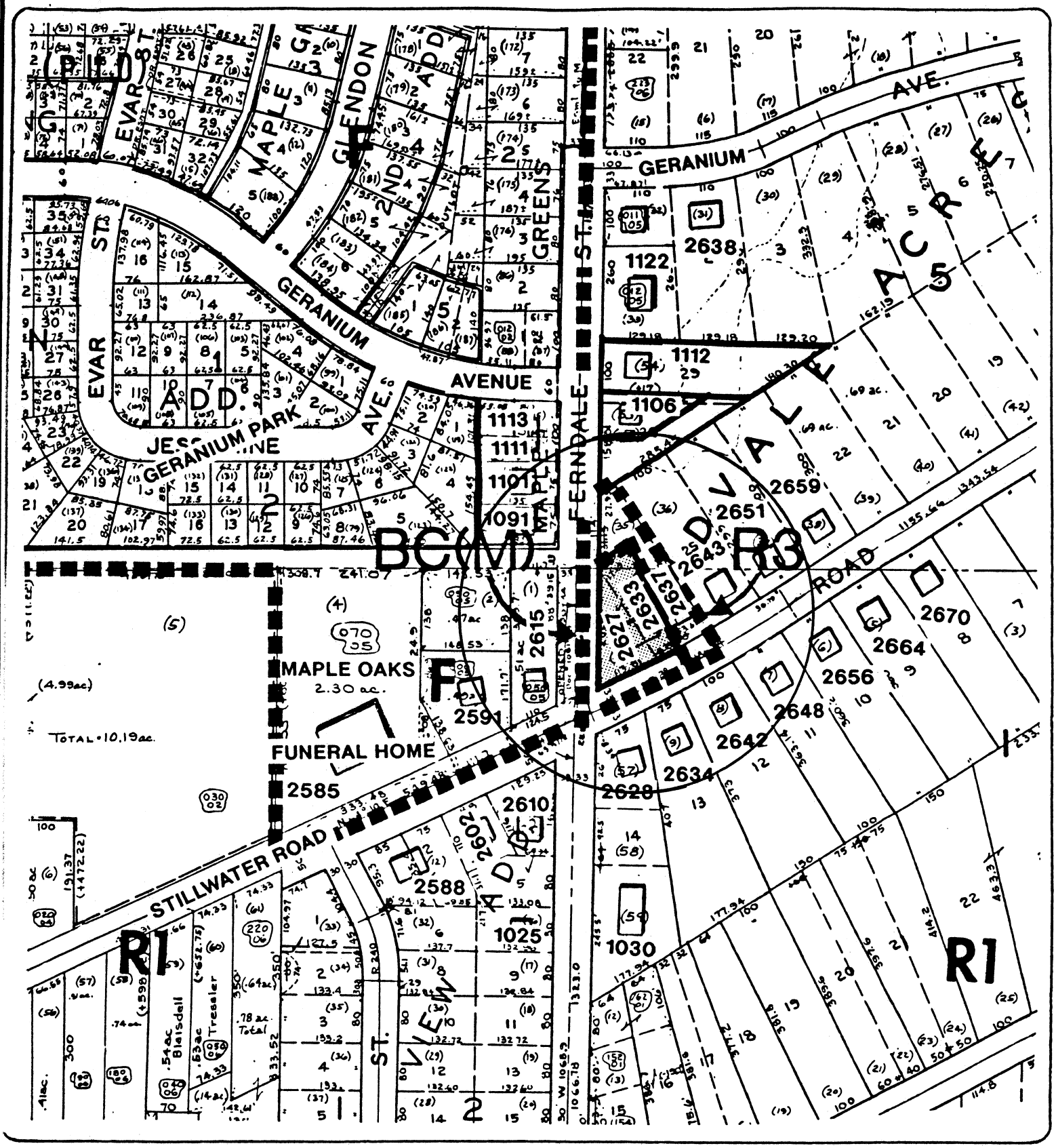
Adopt the resolution on page 4 ending the conditional use permit for a restaurant at 2633 Stillwater Road.

te\carbones.cup (25)
Attachments:
1. Location Map
2. Property Line/Zoning Map
3. Resolution to end the CUP



LOCATION MAP

N



PROPERTY LINE / ZONING MAP

SITE

N

CONDITIONAL USE PERMIT TERMINATION

WHEREAS, the Maplewood City Council granted a conditional use permit on July 26, 1993 for a restaurant in a BC-M (business commercial - modified) zoning district at the following described property:

> All of Lot 27, Block 5, and that part of Lot 26, Block 5, Midvale Acres No. 2 which lies southeasterly and southwesterly of the following described line: Beginning on the East line of Ferndale Street, 114 feet south from northwesterly line of Lot 26; thence northeasterly parallel to said lot line 59.06 feet; thence southeasterly to a point on southeasterly line of said lot and 53.67 feet southwesterly from east corner of Lot 26.
>
> This property is known as 2633 Stillwater Road.

WHEREAS, the applicant no longer wishes to open a restaurant at this location.

NOW, THEREFORE, BE IT RESOLVED, that the Maplewood Council hereby terminates the above-described conditional use permit since the applicant decided not to open this restaurant.

F-5

Action by Council

Endorsed_____
Modified_____
Rejected_____
Date_____

MEMORANDUM

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: **Conditional Use Permit Termination**
PROJECT: **Maplewood Outpatient Adolescent Chemical Dependency Center**
LOCATION: Maplewood Covenant Church—2691 White Bear Avenue
DATE: October 6, 1994

INTRODUCTION

The City Council should end the conditional use permit (CUP) for the Outpatient Adolescent Chemical Dependency Center at 2691 White Bear Avenue. (See the maps on pages 2–3.) The Riverside Medical center ran this program at the Maplewood Covenant Church but they moved it in 1991 to another location.

BACKGROUND

On April 10, 1989, the City Council approved the CUP for this outpatient program.
On October 9, 1989, the Council renewed the CUP for five years.

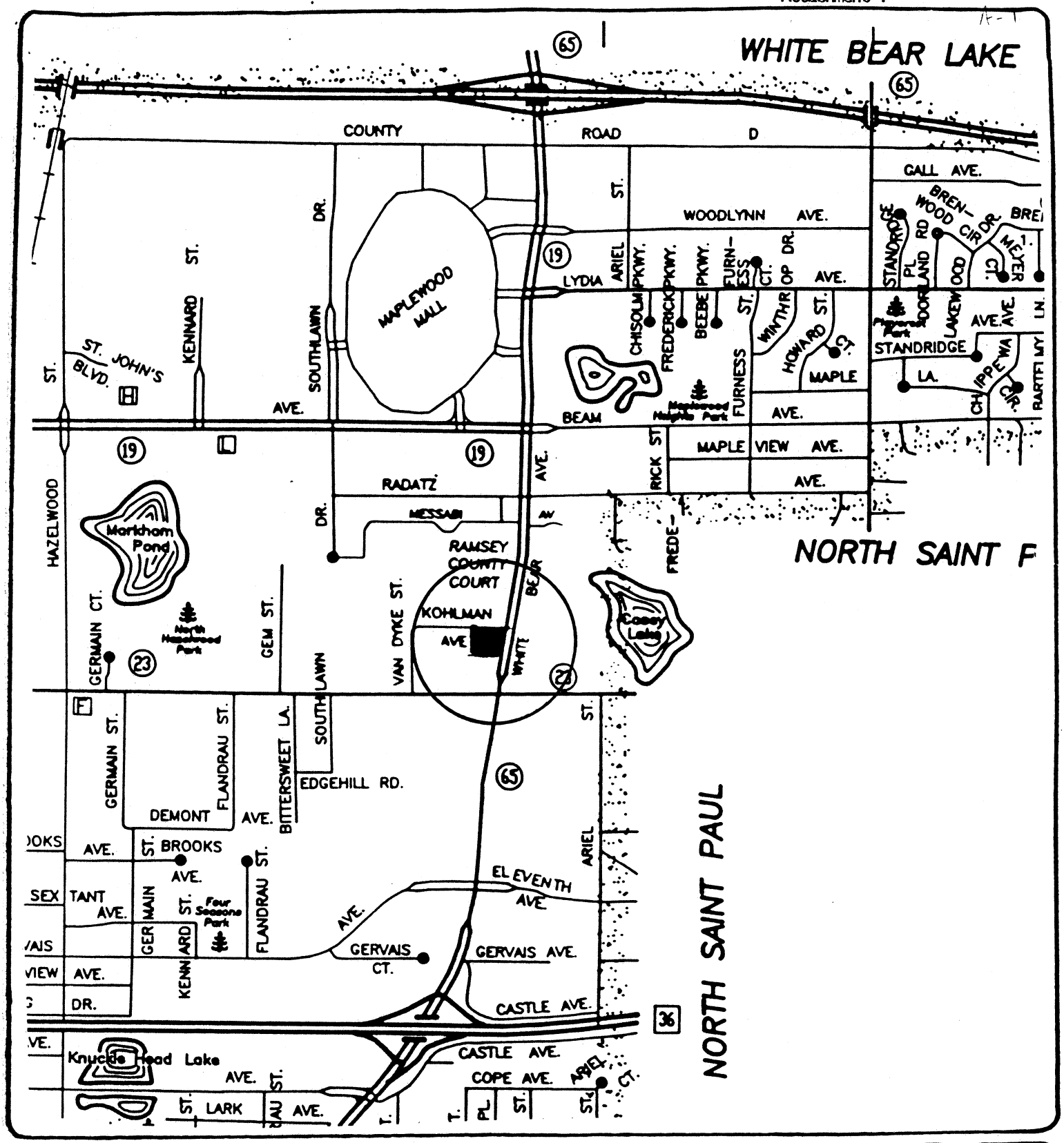
DISCUSSION

Pastor Roger Mollet of Covenant Church told me that the Outpatient Adolescent Chemical Dependency Center no longer meets at the church. As such, there is no need to continue the CUP. The City Code states that the City Council may end a CUP if the use is no longer in effect.

RECOMMENDATION

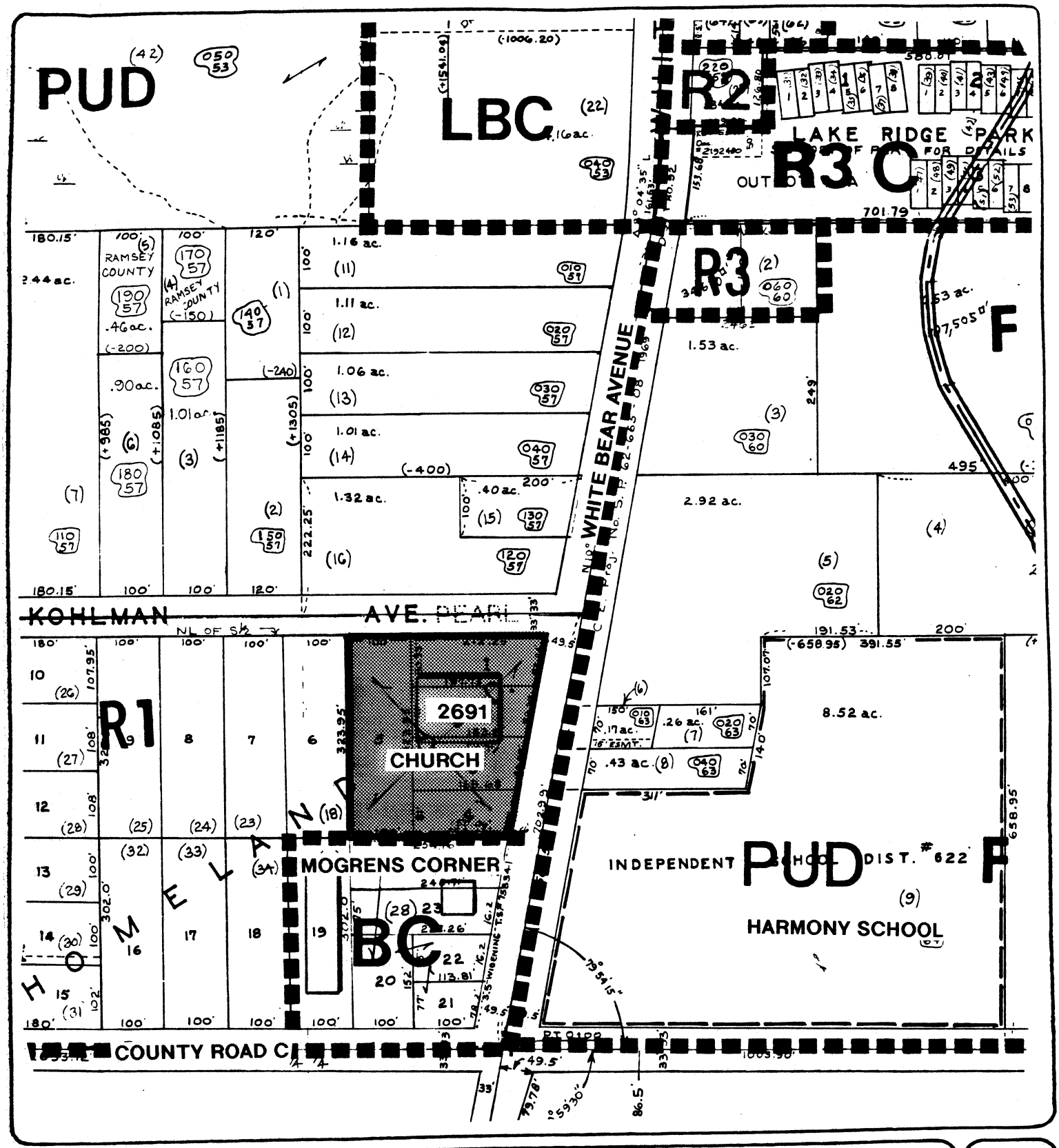
End the conditional use permit for an outpatient adolescent chemical dependency center at the Maplewood Covenant Church (2691 White Bear Avenue).

q:sec2S\covcup.mem
Attachments:
1. Location Map
2. Property Line/Zoning Map
3. Resolution



LOCATION MAP

N



PROPERTY LINE / ZONING MAP

N

Attachment 3

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, the City Council approved a conditional use permit (CUP) on April 10, 1989 for an outpatient adolescent chemical dependency center for the property legally described as Lots 1 through 5, Homeland Addition in Section 2, Township 29, Range 22, Ramsey County, Minnesota.

WHEREAS, the address of this property is 2691 White Bear Avenue.

WHEREAS, the City Council renewed the CUP for five years on October 9, 1989.

WHEREAS, this chemical dependency center is no longer meeting at the above-referenced property.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby ends the above-described conditional use permit since the use is no longer in effect.

Adopted by the Maplewood City Council on October 24, 1994.

F-6

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand—Associate Planner
SUBJECT: **Conditional Use Permit Review**
PROJECT: **Redeeming Love Church** (formerly Calvary Assembly of God)
LOCATION: 2425 White Bear Avenue
DATE: October 13, 1994

INTRODUCTION

The conditional use permit (CUP) at 2425 White Bear Avenue is due for a review. This permit is for a church. (See the maps and site plan on pages 2–4.)

BACKGROUND

On June 28, 1993, the City Council approved the following for this property:

1. A land use plan change from LBC (limited business commercial) to C (church)
2. A CUP subject to nine conditions. (See the CUP conditions on pages 5 and 6.)

On June 27, 1994, the City Council reviewed this permit and required review again on September 26. The September 26 review was to give the church time to finish some required site work.

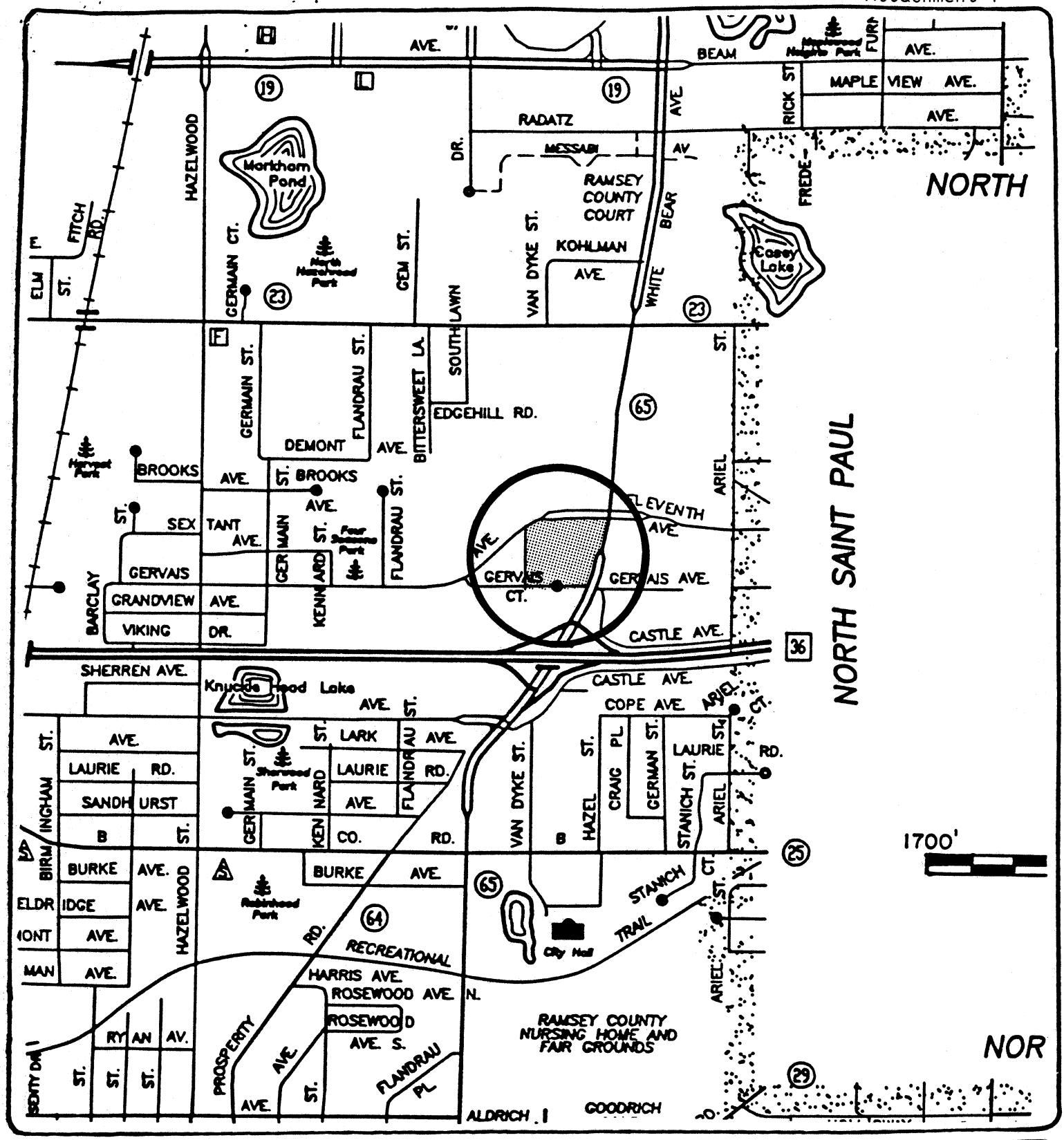
DISCUSSION

The church is meeting the permit conditions. Condition 8 (page 6) requires that the Church remove the concrete curb blocks surrounding the parking lot and replace them with continual concrete curbing. The City Council gave the church three years to do this. The church must complete this by June 28, 1996.

RECOMMENDATION

Review the conditional use permit at 2425 White Bear Avenue again in July 1996.

p:sec11\calvary2.mem
Attachments:
1. Location Map
2. Property Line / Zoning Map
3. Site Plan
4. CUP Conditions dated June 28, 1993

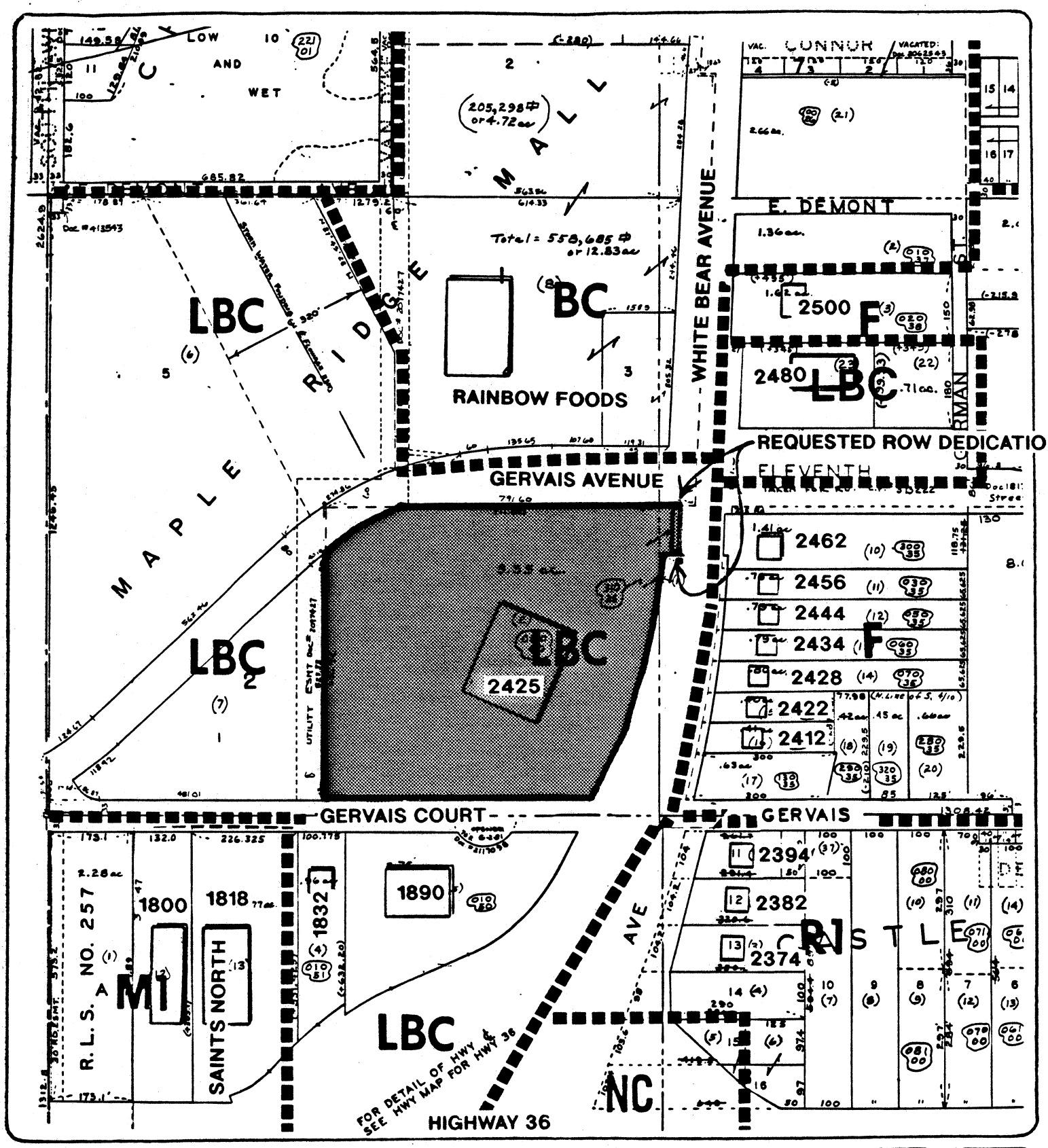


LOCATION MAP

SITE

2

N



PROPERTY LINE / ZONING MAP

SITE

N

Attachment 3

Orr
Schelen
Mayeron &
Associates, Inc.

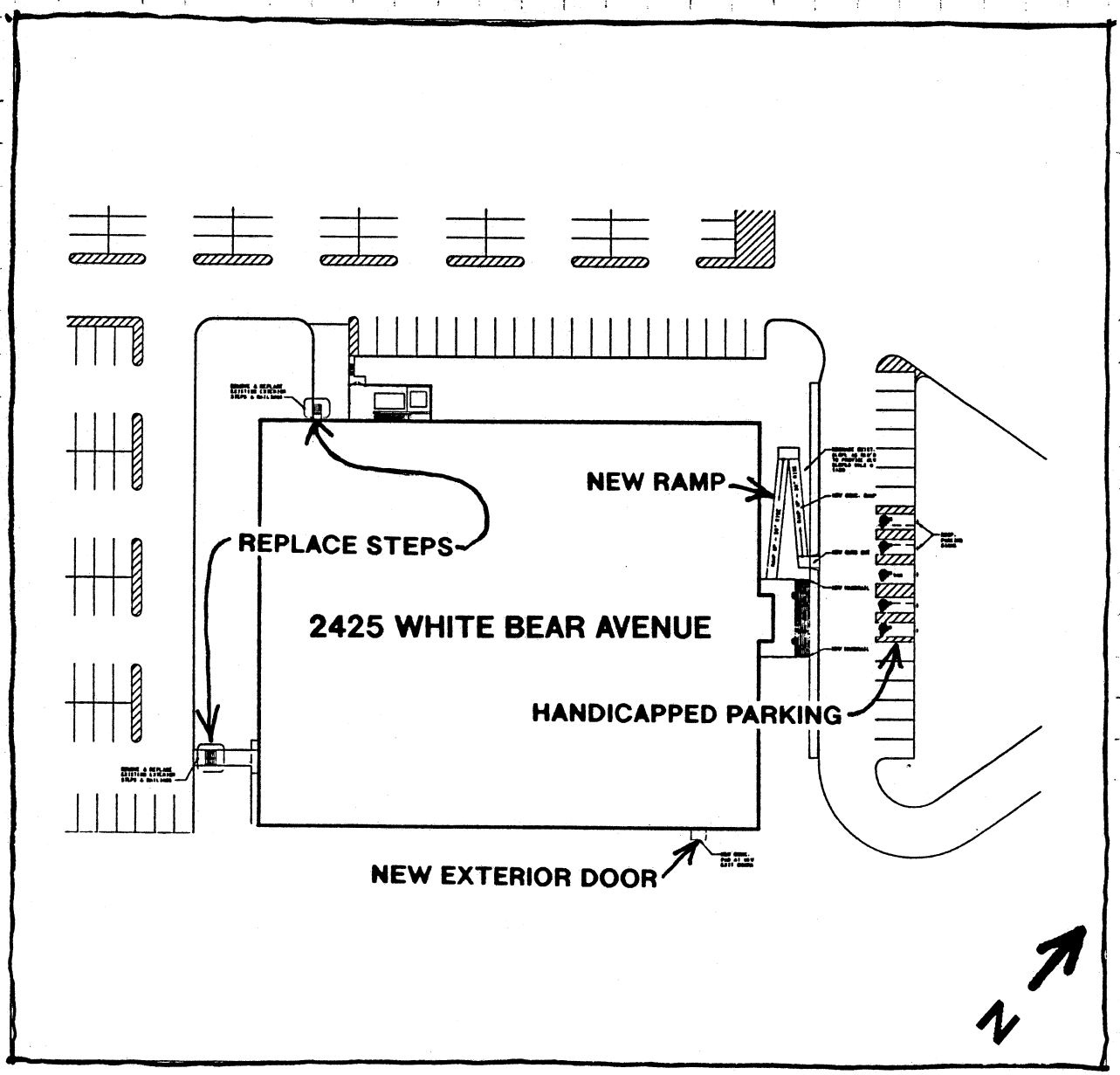
300 Park Place Center
5775 Wayzata Boulevard
Minneapolis, MN 55416-1228

612-595-5775
1-800-753-5775
FAX 595-5773

Client CALVARY ASSEMBLY OF GOD By DAN

Project _____ Sheet ____ of ____

Comm. No. 5052.00 Date 4.29.93



REDUCED BUILDING SITE PLAN: PHASE ONE SITE WORK.

PARTIAL SITE PLAN

MAY 3 1993

American Office Products – (612) 341-2002 258104-1

City Council approve this permit.

2. The City Council held a public hearing on June 14, 1993. The City staff published a notice in the paper and sent notices to the surrounding property owners. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.

2. The use would not change the existing or planned character of the surrounding area.

3. The use would not depreciate property values.

4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.

5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.

7. The use would not create excessive additional costs for public facilities or services.

8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.

9. The use would cause minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the plans that the City received on May 3, 1993. The Director of Community Development may approve minor changes.

2. The proposed construction must have substantially started or the building must be used for a church within one year of Council approval or the permit shall end. The City Council may grant up to one one-year extension of the permit.

3. Fill the potholes in the parking lot and driveways.

4. Sweep and restripe the parking lot to current City Code requirements.

5. Remove and clean up the old tires, junk and garbage on the property.

6. The church recording a deed with Ramsey County for five additional feet of right-of-way for White Bear Avenue at the northeast corner of the site. The church must record this deed within sixty days of getting fee title of the property. The County Traffic Engineer must approve this deed before the church records it.

7. Screen any outside mechanical equipment, as required by Code.

8. Remove the curb blocks and construct concrete curb around the parking lot perimeter, as the City Code requires. The church may complete this work with Phase II of the construction and shall have it done within three years of City approval.

9. The City Council shall review this permit in one year.

Seconded by Councilmember Carlson

Ayes - Mayor Bastian, Councilmembers Carlson, Juker, Rossbach
Nays - Councilmember Zappa

F-7

MEMORANDUM

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: **Planning Commission Resignation**
DATE: Ocotober 4, 1994

INTRODUCTION

Gary Gerke has resigned from the Planning Commission. I have attached his letter of resignation and a resolution of appreciation for him.

RECOMMENDATIONS

Approve the attached resolution of appreciation.

go/c:memo3.mem (6.1 Commission Terms)
Attachments:
1. 9-12-94 letter
2. Resolution

September 12, 1994

Mayor Gary Bastian
City of Maplewood
1830 E. County Road B
Maplewood, Minnesota 55109

Dear Mayor Bastian:

It is with regret that I must resign from the Planning Commission for the city of Maplewood. I have sold my home in Maplewood and am relocating to Lindstrom. My resignation will be effective Septemember 30.

I have enjoyed the involvement and have sincerely appreciated the opportunity given me to serve on the Commission these past years. Thank you.

Yours truly,

Gary F. Gerke

Gary F. Gerke
1252 Cope Ave. E.
Maplewood, MN 55109

JOINT RESOLUTION OF APPRECIATION

WHEREAS, Gary Gerke has been a member of the Maplewood Planning Commission since October 10, 1989 and has served faithfully in that capacity to the present time; and

WHEREAS, the Planning Commission has appreciated his experience, insights and good judgment and

WHEREAS, he has freely given of his time and energy, without compensation, for the betterment of the City of Maplewood; and

WHEREAS, he has shown sincere dedication to his duties and has consistently contributed his leadership, time and effort for the benefit of the City.

NOW, THEREFORE, IT IS HEREBY RESOLVED for and on behalf of the City of Maplewood, Minnesota and its citizens, that Gary Gerke is hereby extended our heartfelt gratitude and appreciation for his dedicated service, and we wish him continued success in the future.

Passed by the Maplewood City Council on

_____
Gary Bastian, Mayor

Passed by the Maplewood Planning Commission on October 3, 1994.

_____
Lester Axdahl, Chairperson

Attest:

_____
Lucille E. Aurelius, Clerk

regulated.

Commissioner Pearson seconded Ayes--all

The motion passed.

VI. NEW BUSINESS

A. Planning Commission Resignation

Ken Roberts, Associate Planner, presented the staff report. Mr. Roberts stated that because the City Council decided to consider Mr. Milo Thompson to fill Mr. Gerke's position, rather than to advertise, the staff recommendations have changed.

Commissioner Rossbach moved to approve the resolution of appreciation for Gary Gerke:

Commissioner Kittridge seconded Ayes--all

The motion passed.

VII. VISITOR PRESENTATIONS

There were no visitor presentations.

VIII. COMMISSION PRESENTATIONS

a. September 26 Council Meeting: Commissioner Axdahl reported on this meeting.

b. Representative for the October 10 Council Meeting: Commissioner Axdahl

IX. STAFF PRESENTATIONS

Commissioner Fischer spoke of the pine trees that were planted along the trail near Southwinds. She also questioned if truth-in-housing required that easements be stated on information that new owners of these units receive.

X. ADJOURNMENT

Meeting adjourned at 11:20

F-8

Action by Council

Endorsed_____
Modified_____
Rejected_____
Date_____

To: Lucille Aurelius, City Clerk

From: Connie Kelsey, Utility Billing Clerk Connie

Attached please find the certificaiton listing that will be forwarded to Ramsey County for collection on the 1995 property tax statements in the amount of $ 97,274.38.

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
010000321	1752 Ruth St.	14-29-22-34-0007-0	255.80
010000453	1706 Barclay St.	15-29-22-34-0021-3	255.62
010000586	1375 Larpenteur Ave. E.	15-29-22-33-0050-4	256.14
010000768	1699 Barclay St	15-29-22-34-0070-5	24.08
010000958	1954 Hazelwood Ave.	15-29-22-13-0050-6	235.52
010001105	1901 Hazelwood Ave.	15-29-22-3l-0023-8	253.70
010001261	938 Evar St.	25-29-22-42-0016-5	236.92
010001469	1367 Larpenteur Ave.	15-29-22-33-0049-4	71.04
010001527	1889 Clarence St.	15-29-22-32-0058-1	253.78
010001717	1455 Larpenteur Ave. E.	15-29-22-34-0081-5	256.14
010002038	1894 Flandrau St.	15-29-22-41-0033-4	157.28
010002111	1689 Barclay St.	15-29-22-34-0084-4	256.14
010002327	1757 Barclay St	15-29-22-34-0050-1	50.86
010002343	1736 Furness St.	14-29-22-41-0044-7	256.14
010002590	1860 Flandrau St.	15-29-22-41-0026-6	256.14
010002723	2505 Harvester Ave.	25-29-22-13-0050-5	252.64
010002830	1768 Flandrau St.	15-29-22-44-0036-4	255.72
010002905	1819 Flandrau St.	15-29-22-41-0062-2	256.08
010003143	1852 Flandrau St	15-29-22-41-0024-0	222.74
010003309	2321 Stillwater Rd.	25-29-22-33-0046-4	255.88
010003333	1925 White Bear Ave.	15-29-22-4l-0001-7	256.14
010003515	1785 McKnight Rd. N.	14-29-22-44-0001-1	256.14
010004414	1960 Clarence St.	15-29-22-23-0015-2	236.16
010005007	1800 English St.	15-29-22-33-0088-9	256.14
010005353	629 Ferndale St.	36-29-22-12-0036-8	256.14
010005569	2410 Hazelwood Ave.	10-29-22-13-0051-4	229.14
010005809	1830 Howard St	14-29-22-41-0021-4	48.00
010005932	1227 Lark Ave.	09-29-22-44-0017-2	256.14
010006153	2502 Stillwater Rd.	25-29-22-13-0052-1	48.00
010006203	2036 Chambers St.	16-29-22-14-0008-9	208.14
010006989	488 Ferndale St	36-29-22-14-0039-1	252.78
010007219	1810 Maryknoll Ave	15-29-22-42-0020-5	107.66
010007458	1442 Sandhurst Dr	10-29-22-34-0108-4	78.32
010007557	1211 Skillman Ave E	16-29-22-11-0063-5	100.78
010007607	2725 Conway Ave.	36-29-22-14-0058-2	267.26
010007680	1564 Gervais Ave.	10-29-22-42-0006-4	256.14
010008134	509 Farrell St	36-29-22-14-0045-6	222.74

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
010008209	1435 E County Road B	10-29-22-34-0114-9	222.74
010008480	521 Farrell St.	36-29-22-14-0047-2	125.80
010008555	1595 Viking Dr.	10-29-22-42-0028-4	256.14
010008803	1780 English St.	15-29-22-33-0090-2	256.14
010008902	1513 E. County Road B	10-29-22-34-0055-1	256.00
010009371	1107 Gordon Ave.	16-29-22-42-0050-3	256.14
010009546	1233 E. County Road B	09-29-22-44-0032-1	256.14
010009975	1515 Grandview Ave.	10-29-22-31-0018-1	256.08
010010031	1263 Junction Ave.	09-29-22-44-0110-0	158.04
010010254	2000 Dieter St.	15-29-22-24-0007-8	207.94
010010312	1640 Sextant Ave.	10-29-22-13-0035-2	256.14
010010692	1214 Lark Ave	09-29-22-44-0043-I	256.14
010010924	1279 Ripley Ave.	16-29-22-41-0010-8	147.72
010010932	2191 English St	09-29-22-44-0062-2	84.46
010010973	1585 Gervais Ave.	10-29-22-13-0046-2	255.72
010011310	795 Mary St.	25-29-22-34-0048-7	255.80
010011328	1115 Gordon Ave	16-29-22-42-0046-4	229.14
010011542	2027 English St.	16-29-22-14-0002-1	256.14
010012789	1694 Frank St	16-29-22-44-0084-0	171.06
010013001	2636 Harvester Ave	25-29-22-41-0056-6	97.32
010013126	1119 Ripley Ave.	16-29-22-42-0045-1	256.14
010013191	1061 Gordon Ave.	16-29-22-42-0026-0	256.14
010013357	1891 Barclay St.	15-29-22-31-0071-7	256.14
010013597	1950 E. County Road B	14-29-22-21-0023-2	256.14
010013639	549 Ferndale St.	36-29-22-13-0007-7	256.14
010013738	2152 Prosperity Rd.	15-29-22-11-0006-5	244.50
010013753	1702 Howard St	14-29-22-44-0014-7	158.86
010013803	2225 Prosperity Rd.	10-29-22-44-0031-4	254.76
010014066	1524 Grandview Ave.	10-29-22-31-0022-0	255.72
010014389	1745 Kennard St	15-29-22-43-0015-0	100.78
010014397	1246 E. County Road B	09-29-22-44-0069-3	254.90
010014504	592 Farrell St.	36-29-22-14-0016-8	118.80
010014769	1631 Gervais Ave	10-20-22-13-0041-7	100.78
010014801	1264 Ryan Ave.	16-29-22-14-0062-3	256.12
010014884	1485 Grandview Ave	10-29-22-31-0014-9	51.32
010014900	2229 Hazelwood Ave	10-29-22-34-0029-2	222.74
010015006	1137 E. County Road B	09-29-22-43-0008-1	64.68

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
010015311	1218 Lealand Rd.	09-29-22-44-0133-3	251.46
010015378	2643 Stillwater Rd.	25-29-22-11-0036-5	256.14
010015717	2546 Stillwater Rd.	25-29-22-13-0057-6	256.14
010015782	1890 Adele Ave.	16-29-22-42-0018-9	246.88
010015931	619 Farrell St	36-29-22-11-0042-6	222.74
010016038	1674 Lark Ave	10-29-22-44-0057-6	235.30
010016236	1984 Barclay St.	15-29-22-24-0032-4	256.14
010016392	2242 Hazel St.	11-29-22-34-0005-3	243.66
010016624	1251 Larpenteur Ave. E.	16-29-22-44-0022-2	241.80
010016798	1872 Manton St.	15-29-22-31-0064-9	256.14
010016871	1029 Century Ave. N.	25-29-22-14-0065-4	213.58
010016913	1452 Burke Ave.	15-29-22-21-0021-3	256.14
010017036	2189 Craig Pl.	11-29-22-34-0027-3	229.14
010017051	2206 Craig Pl.	11-29-22-34-0042-2	252.34
010017077	785 Meyer St.	25-29-22-34-0075-9	151.70
010017127	1488 Sherren Ave.	10-29-22-31-0064-4	256.14
010017499	2697 Minnehaha Ave.	25-29-22-44-0041-5	254.60
010017796	1280 Ripley Ave.	16-29-22-44-0005-7	256.14
010018232	1899 Flandrau St	15-29-22-41-0047-3	171.78
010018471	91 Dennis Lane	01-28-22-14-0090-5	256.14
010019099	92 Farrell St.	01-28-22-14-0060-4	256.14
010019172	16 Mayhill Rd.	01-28-22-14-0030-3	255.92
010019487	1216 Belmont Ln.	16-29-22-11-0057-0	231.58
010019586	2255 Craig Pl.	11-29-22-34-0017-6	256.14
010019669	77 Mayhill Rd.	01-28-22-14-0037-4	164.46
010019891	2484 Harvester Ave	25-29-22-31-0003-3	255.62
010019974	2711 Stillwater Rd.	25-29-22-11-0045-9	255.62
010020493	2044 Prosperity Rd	15-29-22-12-0021-1	229.14
010020543	2642 Harvester Ave.	25-29-22-41-0012-6	256.14
010020634	1871 McKnight Rd. N.	14-29-22-41-0008-1	233.18
010020675	1084 Sterling St.	25-29-22-12-0162-0	158.88
010021178	1660 Myrtle St.	24-29-22-22-0004-7	256.14
010021442	1744 East Shore Dr.	16-29-22-43-0045-8	253.78
010021533	1503 RipleySt	15-29-22-31-0043-2	48.00
010021954	1233 Belmont Ln.	16-29-22-11-0086-8	256.00
010022036	94 O Day St	01-28-22-13-0085-6	236.16
010022085	76 O Day St	01-28-22-13-0082-7	53.30

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
010022291	56 McClelland Ave.	01-28-22-13-0050-0	256.14
010022531	2554 Mayer Ln.	01-28-22-13-0086-9	246.52
010022978	1707 Ruth St.	14-29-22-34-0090-2	131.76
010023026	1872 Furness St.	14-29-22-41-0049-2	256.12
010023034	2310 Stillwater Ave.	25-29-22-33-0020-2	256.08
010023075	78 McClelland Ave	01-28-22-13-0053-9	48.00
010023109	1762 Howard St.	14-29-22-44-0020-2	243.66
010023208	1451 E County Road C	03-29-22-34-0015-5	141.26
010023562	15 Dennis Ln	01-28-22-14-0101-4	43.00
010023950	1819 Birmingham St	15-29-22-32-0023-5	255.26
010023992	1715 Howard St.	14-29-22-44-0035-4	255.66
010024610	1547 Grandview Ave.	10-29-22-42-0009-3	256.14
010024636	1461 Grandview Ave.	10-29-22-31-0011-0	256.08
010024651	1835 Flandrau St.	15-29-22-41-0059-6	256.14
010024727	1928 Manton St.	15-29-22-24-0068-3	256.14
010024800	2671 Midvale Pl.	25-29-22-14-0021-4	256.14
010095016	1956 Hazelwood Ave.	15-29-22-13-0050-6	251.96
010123214	953 Century Ave. N.	25-29-22-41-0001-6	256.14
010123222	953 Century Ave. N.	25-29-22-41-0001-6	256.14
020025078	2695 Fremont Ave	36-29-22-14-0009-0	114.86
020025201	1261 Skillman Ave.	16-29-22-11-0071-6	252.78
020025375	2053 Prosperity Rd.	15-29-22-12-0022-4	256.14
020025425	2452 Germain St.	10-29-22-13-0023-9	244.36
020025854	2567 Upper Afton Rd.	01-28-22-13-0071-7	235.48
020025896	2462 White Bear Ave	11-29-22-24-0010-6	106.58
020026050	1565 E County Road B	10-29-22-43-0069-2	48.00
020026308	2633 Edgehill Rd	11-29-22-22-0038-0	256.14
020026514	2700 Geranium St.	25-29-22-11-0024-2	255.88
020026605	1744 Prosperity Rd.	15-29-22-43-0017-6	256.14
020026795	1774 Lark Ave.	10-29-22-44-0015-2	251.96
020027082	106 Roselawn Ave. E.	18-29-22-42-0016-7	256.14
020027520	1771 Agate St.	18-29-22-43-0041-0	236.16
020027868	2090 McMenemy St	17-29-22-22-0105-1	179.54
020028007	1932 Gervais Ave.	11-29-22-31-0037-9	256.08
020028940	206 Bellwood Ave.	18-29-22-42-0034-5	86.70
020029054	1817 City Heights Dr	18-29-22-42-0109-8	229.76
020029187	1250 McKnight Rd. N.	24-29-22-33-0015-3	255.88

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
020029294	1534 E. County Road C	10-29-22-21-0002-7	255.62
020029443	1755 City Heights Dr	18-29-22-43-0066-9	139.50
020029575	1745 Edgerton St.	17-29-22-34-0070-0	256.14
020029591	15 Kingston Ave.	18-29-22-34-0020-1	240.50
020029831	623 E. Larpenteur Ave.	17-29-22-43-0048-4	256.14
020029856	157 Mount Vernon Ave.	18-29-22-13-0048-4	246.40
020030003	1865 Arcade St.	17-29-22-41-0074-9	256.14
020030672	1740 City Heights Dr	18-29-22-43-0050-4	108.00
020030698	1756 Edgerton St.	17-29-22-43-0016-7	256.14
020030847	1683 Abel St.	18-29-22-34-0047-6	158.86
020031068	1718 Edgerton St	17-29-22-43-0025-1	117.94
020031134	1801 Desoto St.	17-29-22-33-0001-6	256.14
020031449	1760 Desoto St	17-29-22-34-0031-4	76.28
020031506	1693 Jessie St.	17-29-22-34-0055-0	229.14
020031886	1746 Edgerton St	17-29-22-43-0018-3	253.70
020031977	1720 Sylvan St	18-29-22-34-0038-2	158.86
020032298	1050 Frost Ave	16-29-22-31-0001-5	48.00
020032371	1969 Greenbrier St	17-29-22-13-0008-9	48.00
020032553	2190 Edgerton St.	17-29-22-12-0021-5	256.14
020032868	608 Price Ave.	17-29-22-43-0038-7	256.14
020032926	1780 McMenemy St	17-29-22-32-0029-7	222.74
020033221	2366 White Bear Ave	11-29-22-31-0004-9	222.74
020033601	1873 Jackson St.	18-29-22-31-0019-0	256.14
020033817	1955 McMenemy St	18-29-22-14-0006-7	48.00
020033932	1703 Jessie St.	17-29-22-34-0052-1	256.14
020034864	2124 Barclay St	15-29-22-21-0086-0	101.14
020035614	157 Summer Ave. E.	18-29-22-42-0055-2	256.78
020035986	624 Price Ave.	17-29-22-43-0034-5	252.38
020036075	2191 Payne Ave.	08-29-22-43-0019-4	178.68
020036166	1957 Castle Ave	11-29-22-31-0012-0	157.86
020036596	800 Roselawn Ave. E.	17-29-22-41-0003-7	255.92
020036976	2709 Maryland Ave.	24-29-22-44-0061-2	245.92
020037644	1991 Adolphus St.	18-29-22-13-0054-9	256.14
020037651	306 Roselawn Ave. E.	18-29-22-41-0005-0	238.42
020037800	2244 Burr St	08-29-22-34-0043-5	158.86
020038063	2153 McMenemy St	18-29-22-11-0001-1	242.78
020038667	154 Summer Ave. E.	18-29-22-42-0082-4	255.94

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
020038907	1605 Myrtle St.	24-29-22-22-0019-9	252.32
020039293	2091 Radatz Ave.	02-29-22-42-0018-2	231.22
020039400	666 E. County Road B	17-29-22-12-0004-0	256.14
020039640	2004 Radatz Ave.	02-29-22-31-0029-6	240.36
020039699	2253 Radatz Ave	02-29-22-41-0047-3	16.46
020039806	2196 Desoto St	08-29-22-34-0061-3	48.00
020040200	108 Skillman Ave. E.	18-29-22-13-0038-7	256.14
020040432	1861 Radatz Ave.	02-29-22-32-0020-6	251.96
020040770	2253 Mapleview Ave.	02-29-22-41-0015-6	232.60
020040945	1742 Duluth St	16-29-22-44-0061-7	100.78
020041067	1728 Duluth St.	16-29-22-44-0059-4	254.90
020041299	2014 Radatz Ave	02-29-22-31-0030-6	26.76
020041646	1737 Duluth St	16-29-22-44-0076-9	122.24
020041745	1561 Brooks Ave.	10-29-22-13-0078-9	255.88
020042065	2599 White Bear Ave.	11-29-22-21-0037-0	255.80
020042156	2716 Gem St.	03-29-22-44-0010-9	256.14
020042321	1829 Frank St.	16-29-22-42-0069-7	256.14
020042362	1976 Radatz Ave.	02-29-22-31-0061-0	87.70
020043097	1775 Atlantic St.	16-29-22-44-0040-0	256.08
020043261	395 Kingston Ave.	17-29-22-33-0030-4	256.14
020043295	1711 Clarence St.	15-29-22-33-0069-8	82.82
020043345	2208 Hendry Pl.	08-29-22-34-0026-0	256.14
020043477	2695 Maryland Ave.	24-29-22-44-0060-9	256.14
020043550	2114 Mapleview Ave	02-29-22-42-0021-8	136.26
020043675	645 Roselawn Ave. E.	17-29-22-13-0037-7	239.74
020044061	2666 Margaret Ave.	36-29-22-11-0038-7	236.16
020044822	1729 Clarence St	15-29-22-33-0066-9	100.78
020045027	2204 DesotoSt.	08-29-22-34-0062-6	15.16
020045704	2091 Birmingham St.	15-29-22-22-0003-2	255.86
020045928	163-165 E Larpenter Ave	18-29-22-43-0017-7	18.32
020045951	2225 Beam Ave.	02-29-22-14-0106-5	211.44
020046108	1675 - 1677 Co. Rd. C	03-29-22-44-0038-7	512.24
020046389	2184 Beam Ave	02-29-22-41-0004-6	53.06
020046702	1912 Maryknoll Ave.	15-29-22-42-0003-0	255.86
020046967	1621 Sandhurst Dr.	10-29-22-43-0027-8	256.14
020047098	1278 E County Road B	09-29-22-44-0074-5	158.86
020047544	2540 Clarence St.	10-29-22-22-0015-0	256.14

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
020047791	666 Belmont Ln	17-29-22-12-0038-3	100.80
020047866	1224 E. County Road C	09-29-22-11-0065-3	256.14
020048013	2471 Maplewood Dr.	09-29-22-13-0006-8	243.66
020048203	1264 Kohlman Ave.	04-29-22-44-0016-4	256.14
020048427	365 Skillman Ave. E.	17-29-22-22-0048-9	256.14
020048500	730 E. County Road B	17-29-22-11-0016-6	236.16
020048955	1898 Manton St.	15-29-22-31-0060-7	255.62
020049201	2929 McKnight Rd. N.	02-29-22-14-0012-1	255.88
020487211	2530 Woodlyn Ave	01-29-22-12-0019-1	178.48
030002158	1863 Barclay St.	15-29-22-31-0066-5	48.24
030015127	1321 Frost Ave	15-29-22-23-0054-7	18.68
030025977	1351 Frost Ave	15-29-22-23-0038-5	397.64
030032015	1674 Laurie Rd	10-29-22-44-0072-5	256.14
030035737	2626 White Bear Ave.	11-29-22-21-0012-1	857.94
030037709	1949 Arcade St.	17-29-22-14-0077-2	256.06
030042501	749 Century Ave. N.	25-29-22-44-0013-0	423.78
030044150	215 Larpenteur Ave. E.	18-29-22-43-0022-9	239.34
030046007	1800 Edward St	16-29-22-42-0074-9	100.78
030048433	1235 Frost Ave.	16-29-22-14-0087-2	803.06
030048979	165 Century Ave. N.	01-28-22-11-0018-2	73.72
030050165	2728 Gem St.	03-29-22-44-0006-0	137.26
030050371	2938 Howard Ct	02-29-22-14-0022-8	149.60
030051593	2406 Highwood Ave.	13-28-22-31-0080-8	256.06
030051767	1243 E. County Road C	04-29-22-44-0026-1	251.38
030051833	3052 Bellaire Ave.	01-29-22-12-0005-2	232.56
030052781	1741 Edgerton St.	17-29-22-34-0069-9	424.86
030053458	1499 Brooks Ave.	10-29-22-24-0006-0	256.06
030053623	1769 White Bear Ave	15-29-22-44-0006-3	158.86
030053631	1779 White Bear Ave	15-29-22-44-0004-7	106.66
030053805	1721 White Bear Ave	15-29-22-44-0012-8	154.44
030053813	1773 White Bear Ave.	15-29-22-44-0005-0	256.06
030053862	1871 White Bear Ave	15-29-22-41-0009-1	63.88
030054092	1845 Lakewood Dr.	13-29-22-32-0083-3	256.06
030054233	2280 E. County Rd. D	01-29-22-22-0061-1	222.76
030054449	2271 Londin Lane	12-28-22-22-0006-1	48.00
030054845	1828 Walter St.	16-29-22-42-0051-6	255.82
030055032	2720 Highway 61	04-29-2-44-0009-6	497.54

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
030055370	214 Ferndale St	01-28-22-11-0002-7	84.82
030055388	934 Bartelmy Ln	25-29-22-31-0010-1	48.00
030055404	1192 Frisbie Ave.	16-29-22-41-0019-5	256.06
030056279	2457 Seventh St. E.	25-29-22-31-0020-8	256.06
030056618	900 Kohlman Ave.	04-29-22-33-0017-1	214.54
030057020	2392 Standridge Ave	01-29-22-24-0073-8	232.14
030057145	2338 Bush Ave.	25-29-22-33-0017-6	256.06
030057756	2306 Maple Lane	01-29-22-23-0039-1	232.56
030058002	1470 Lark Ave	10-29-22-34-0074-2	58.66
030058564	130 E County Road B	18-29-22-12-0005-0	101.16
030058903	2951 Bartelmy LN	01-29-22-24-0099-0	48.36
030059703	2895 Mary Lane	01-29-22-24-0064-4	232.56
030060503	2887 Bartelmy LN	01-29-22-24-0091-6	118.84
030061055	1009 Glendon St.	25-29-22-13-0035-6	256.06
030062103	1404 Cope Ave.	10-29-22-33-0045-7	244.64
030062160	1839 Frank St.	16-29-22-42-0068-4	256.06
030062624	415 O Day St	12-28-22-13-0042-5	26.66
030062665	1832 Gervais Ave.	11-29-22-32-0004-6	256.06
030063093	1824 English St	15-29-22-32-0085-3	229.14
030063150	2356 Teakwood Dr	12-28-22-32-0015-4	158.86
030064091	1978 Stanich Ct.	14-29-22-21-0010-6	34.90
030064208	2597 Geranium St.	25-29-22-12-0088-3	97.36
030064398	1775 E. County Road C	03-29-22-44-0018-3	255.74
030064463	1700 McMenemy St	17-29-22-33-0012-6	216.90
030064885	2329 Stillwater Rd	25-29-22-33-0071-0	37.92
030064935	1165 Ferndale St	25-29-22-12-0171-4	158.86
030065221	1830 English St	15-29-22-32-0084-0	100.78
030065262	1547 E County Road B	10-29-22-32-0071-5	48.00
030065353	2501 Highwood Ave.	13-28-22-24-0008-8	256.06
030065726	1708 McMenemy St.	17-29-22-33-0011-3	254.02
030066088	966 McKnight Rd. S.	13-28-22-32-0011-9	52.80
030066310	3030 Mary Ct N	01-29-22-21-0030-0	49.64
030066724	1164 Sterling St. N.	25-29-22-12-0062-1	254.60
030068258	2191 Birmingham St.	10-29-22-33-0021-1	255.62
030068399	2349 Linwood Ave.	12-28-22-33-0090-2	118.38
030068407	2300 Linwood Ave.	13-28-22-22-0007-1	255.74
030068852	2261 Timber Trl	13-28-22-23-0032-4	48.00

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
030068951	3027 Bellaire Ave.	01-29-22-21-0037-1	217.02
030069165	2355 Highwood Ave.	13-28-22-23-0004-9	254.30
030069207	1252 Ferndale St.	24-29-22-44-0034-0	255.78
030069231	1240 Ferndale St.	24-29-22-44-0039-5	251.96
030069249	1244 Ferndale St.	24-29-22-44-0037-9	211.88
030069298	1630 Cope Ave.	10-29-22-43-0018-4	256.06
030069546	1292 Lark Ave	09-29-22-44-0061-9	54.02
030070528	1299 Farrell St.	24-29-22-44-0003-6	256.06
030070619	1900 Myrtle Ave	13-29-22-32-0005-3	264.12
030070866	2619 Forest St.	09-29-22-21-0046-1	254.60
030071435	2511 Geranium Ave	25-29-22-12-0065-0	255.62
030072250	2656 Hawthorne Ave	24-29-22-44-0100-6	100.78
030072995	219 McClelland Ave	01-28-22-12-0017-6	144.24
030073225	1292 Dennis St.	24-29-22-44-0106-4	255.72
030073282	2575 Germain St.	10-29-22-12-0048-1	236.16
030073324	705 Century Ave. N.	36-29-22-11-0056-5	1214.84
030073571	986 Demont Ave.	09-29-22-24-0012-9	125.98
030073738	2516 Geranium St.	25-29-22-12-0155-2	240.24
030073845	1266 Dennis St.	24-29-22-44-0112-9	48.00
030074785	2334 Hillwood Dr.	12-28-22-33-0072-4	254.60
030075014	1241 Dennis St.	24-29-22-44-0141-7	100.80
030075154	2303 Mailand Rd.	12-28-22-23-0243-5	66.90
030075170	2301 Mailand Rd	12-28-22-23-0242-2	165.88
030075451	409 Dorland Rd	12-28-22-23-0219-2	48.00
030075501	417 Dorland Rd.	12-28-22-23-0220-2	256.06
030076319	1291 Dennis St	24-29-22-44-0082-9	163.34
030077267	996 Glendon St	25-29-22-13-0028-8	251.96
030077374	2331 Dahl Ave.	13-28-22-22-0042-4	237.88
030077549	2246 English St.	10-29-22-33-0076-1	256.06
030078042	1581 Sterling St N	24-29-22-21-0052-9	153.06
030078232	1587 Sterling St. N.	24-29-22-21-0051-6	255.62
030078653	1561 Lakewood Dr	24-29-22-21-0040-6	158.86
030078786	2602 English St.	10-29-22-22-0028-6	256.14
030079826	925 Palm Circle	09-29-22-22-0038-7	255.62
030080394	2080 McMenemy St	17-29-22-22-0102-2	48.00
030081350	2278 Valley View Ave	13-28-22-23-0071-9	85.88
030082564	1640 Sandhurst Dr	10-29-22-43-0034-6	48.00

ACCOUNT	STREET ADDRESS	PROPERTY IDENTIFICATION	AMOUNT $
030084479	2188 English St	10-20-22-33-0077-4	251.22
030084495	956 Currie Ct.	13-28-22-23-0064-1	255.72
030084842	2400 Gall Ave	01-29-22-21-0087-6	48.00
030084966	2454 Schadt Dr	13-28-22-34-0047-2	236.16
030085195	1256 Mayhill Rd	24-29-22-44-0156-9	222.74
030085757	1210 Beam Ave	04-29-22-41-0016-3	48.00
030086623	76 Kingston Ave.	18-29-22-34-0084-5	251.96
030087043	2076 English St.	15-29-22-22-0045-6	253.84
030087894	2317 Boxwood Ave.	13-28-22-33-0085-7	252.78
030088793	1388 Dorland Rd.	24-28-22-23-0037-5	100.78
030089940	1829 Burr St.	17-29-22-31-0088-9	114.54
030090500	1930 Castle Ave.	11-29-22-31-0022-7	182.22
030090914	734 Viking Dr.	08-29-22-44-0026-9	66.36
030091433	1043 O Day ST	13-28-22-42-0078-1	352.34
030092142	1516 Sherren Ave	10-29-22-31-0083-5	291.56
030092191	2952 Walter St	04-29-22-13-0059-7	207.88
030092407	552 Mcknight Rd S	12-28-22-32-0051-0	111.88
030093165	375 Crestview Dr	12-28-22-24-0050-2	181.14
030093413	2633 Duluth St	09-29-22-11-0104-7	133.18
030093678	2311 Hillwood Dr	12-28-22-32-0091-8	158.86
030094171	2236 Ide Ct	10-29-22-33-0126-5	48.00
030094411	2437 Linwood Ave	12-28-22-34-0011-6	125.10
032000317	2492 Highwood Ave	13-28-22-31-0067-5	13.72
040043747	1760 Adolphus St.	18-29-22-44-0016-1	2093.24
040043762	1780 Adolphus St.	18-29-22-44-0016-1	2093.24
040051997	1820 Rice St.	18-29-22-32-0024-9	89.44
040064875	1975 E County Road D	35-30-22-34-0007-7	390.54
040071789	1566 Beam Ave	03-29-22-13-0006-6	481.18
040082141	2565 Ivy Ave.	24-29-22-42-0004-5	9299.96
040082158	2585 Ivy Ave.	24-29-22-42-0004-5	9301.78

F-9

MEMORANDUM

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Clerk
FROM: Environmental Health Official
SUBJECT: **Unpaid Weed Cutting Bill**
DATE: September 26, 1994

Please have the attached unpaid weed cutting bill assessed to Mr. Pipkorn's taxes.

jl

PIN - 15-29-22-11-0047

CITY OF MAPLEWOOD

FINANCE DEPARTMENT
TELEPHONE 770-4509 1830 E COUNTY ROAD B FED. I.D. 41-6008920
MAPLEWOOD, MN 55109

HOWARD PIPKORN
1622 LAKE JOHANNA BLVD
ARDEN HILLS, MN 55112

ACCOUNT MIS PIPK0894
BILL DATE 8/26/94

FOR: TALL GRASS/WEED CODE VIOLATION

DESCRIPTION	AMOUNT
GRASS/WEED CUTTING CHARGES THISTLES ON VACANT PROPERTY BETWEEN WHITE BEAR AVENUE, PROSPERITY ROAD & BURKE AVENUE	90.00
PAID TO DATE	.00
BALANCE DUE	90.00

MAKE CHECKS PAYABLE TO: CITY OF MAPLEWOOD
**** PLEASE RETURN A COPY WITH YOUR REMITTANCE ****

CITY OF MAPLEWOOD

FINANCE DEPARTMENT
TELEPHONE 770-4509 1830 E COUNTY ROAD B FED. I.D. 41-6008920
MAPLEWOOD, MN 55109

HOWARD PIPKORN
1622 LAKE JOHANNA BLVD
ARDEN HILLS, MN 55112

ACCOUNT MIS PIPK0894
BILL DATE 8/26/94

FOR: TALL GRASS/WEED CODE VIOLATION

DESCRIPTION	AMOUNT
GRASS/WEED CUTTING CHARGES THISTLES ON VACANT PROPERTY BETWEEN WHITE BEAR AVENUE, PROSPERITY ROAD & BURKE AVENUE	90.00
PAID TO DATE	.00
BALANCE DUE	90.00

MAKE CHECKS PAYABLE TO: CITY OF MAPLEWOOD
**** PLEASE RETURN A COPY WITH YOUR REMITTANCE ****

CITY OF
MAPLEWOOD
1830 E. COUNTY ROAD B MAPLEWOOD, MINNESOTA 55109
OFFICE OF COMMUNITY DEVELOPMENT 612-770-4560

June 24, 1994

Howard Pipkorn
1622 Lake Johanna Boulevard
Arden Hills, MN 55112

THISTLES ON VACANT PROPERTY

The City of Maplewood has received a complaint regarding the thistles growing on your undeveloped property between White Bear Avenue, Prosperity Road and Burke Avenue--PIN 15-29-22-11-0047. Our City Code and state law requires that thistles be kept cut or sprayed. This must be done by July 4, 1994. If the thistles are not taken care of by that date, the City will have them cut and assess the cost to the property.

If you have any questions, please contact me at 770-4560.

Robert J. Wenger

ROBERT J. WENGER - ENVIRONMENTAL HEALTH OFFICIAL

mb

RUFF-CUT

8581 135th Street
Apple Valley, Minnesota 55124
432-6916

94138

14 July 94

City of Maplewood
1830 E. C.R. B
Maplewood,MN. 55109

QTY.	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
		Cutting of weeds at		
		~~Cutting of thistles between White Bear,~~		
		~~Prosperity, and Burke Ave~~		90.00
		~~Corner of C.R. B and Arial~~		40.00

PLEASE PAY FROM THIS INVOICE	SUB TOTAL	
	TAX	
	TOTAL	130.00

G-1

MEMORANDUM

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: **Conditional Use Permit Revision**
PROJECT: **Aladdin's Castle—Maplewood Mall**
DATE: October 10, 1994

INTRODUCTION

Request

Mr. B. Brent Maples, of Namco Cybertainment Inc., is requesting that the City revise a conditional use permit (CUP). The permit is for an amusement center at the Maplewood Mall. (See the maps on pages 3–4.) Aladdin's Castle is now using the permit. Mr. Maples is proposing to add 1,026 square feet of floor area to Aladdin's Castle for a total of 4,783 square feet. The City Code requires a CUP for places of amusement and recreation.

Project Description

The expanded facility would have coin-operated games. Part of the expansion would be for birthday parties. There would not be food service, but parents could arrange to bring birthday cakes, soft drinks and other food. (See the applicant's statment starting on page 5.)

BACKGROUND

History

On May 1, 1975, the City Council approved a CUP for Aladdin's Castle.

On February 1, 1979, the Council revised the CUP to allow Aladdin's Castle to expand.

Code Requirements

Section 36-151(b)(3) requires a CUP for a place of amusement, recreation or assembly, other than an indoor theater, indoor athletic activity or itinerant carnival.

Section 36-448 states that any change involving structural alteration, enlargement, intensification of use, or similar change not specifically allowed by the CUP, shall require an amended permit.

Section 36-442(a) states that, to approve a CUP, the City Council must base it on the findings in the resolution on page 10–11.

RECOMMENDATION

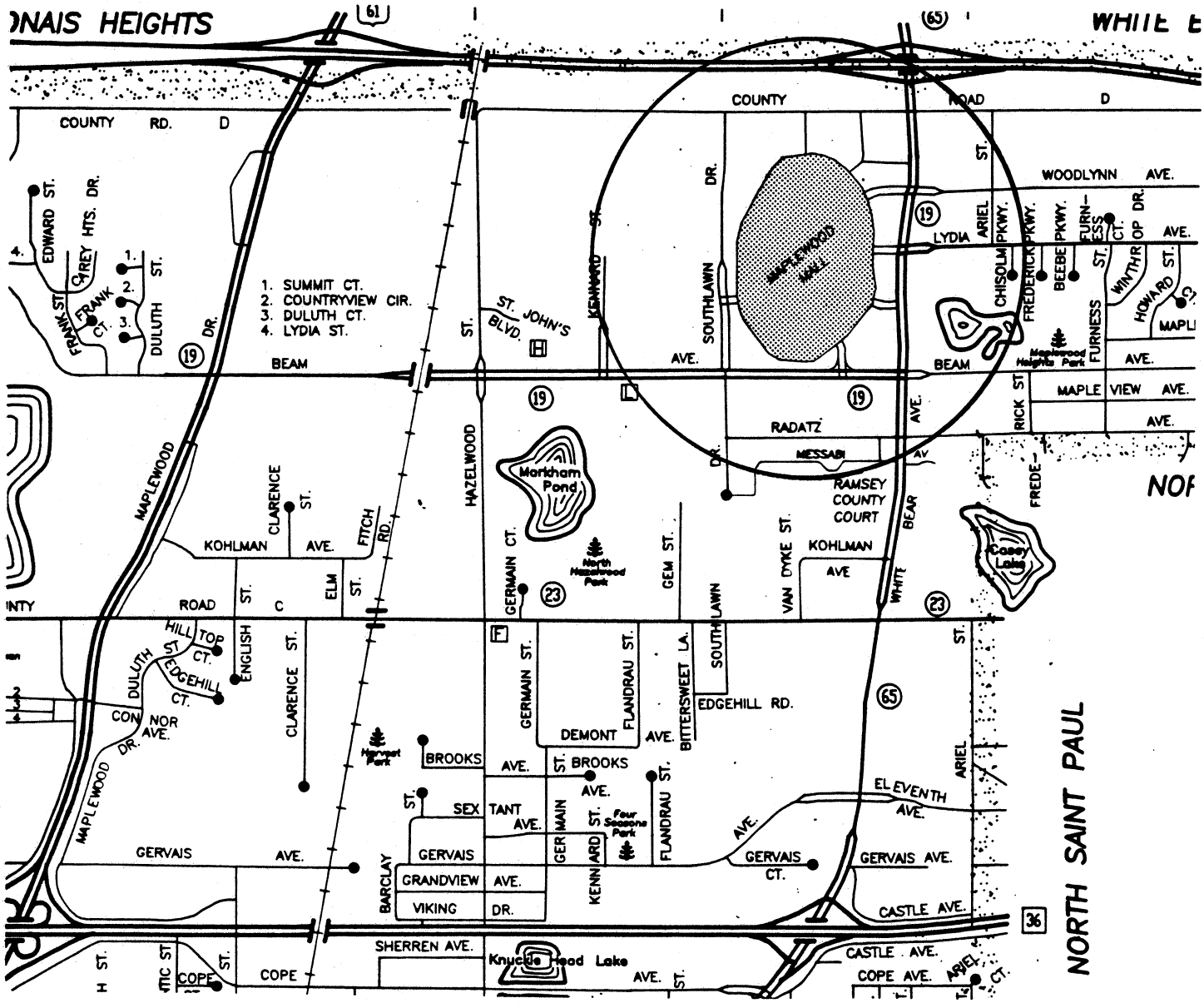
Adopt the resolution on page 10. This resolution revises the conditional use permit for an amusement business at the Maplewood Mall. The revision allows the business to expand. Approval is based on the findings required by the Code and subject to the following conditions:

1. The construction shall be in the area shown on the store location map that the City stamped September 29, 1994. The Director of Community Development may approve minor changes.

2. The proposed construction must be substantially started within one year of Council approval or the permit shall end. The Council may extend this deadline for one year.

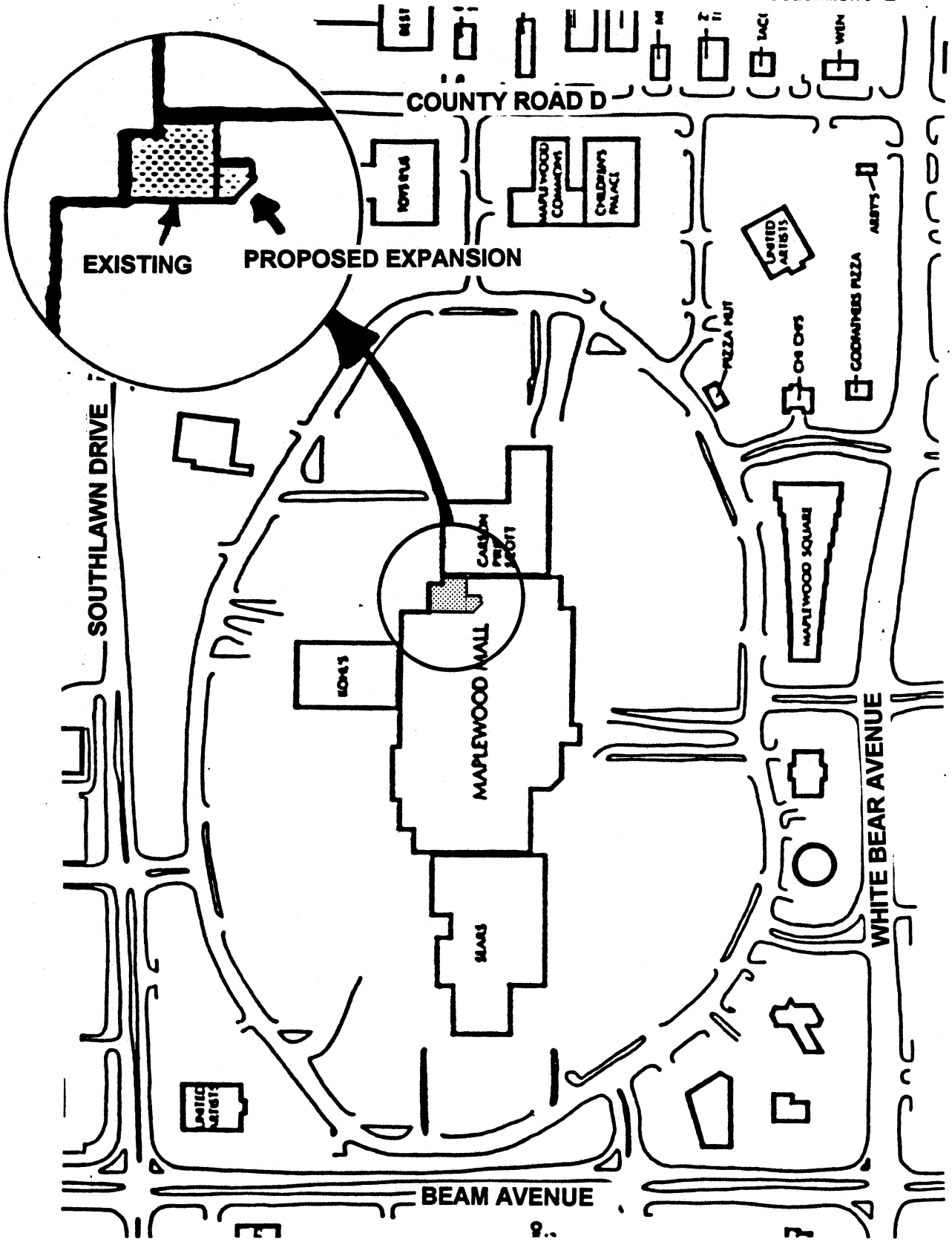
3. The City Council shall review this permit in one year if the expansion has not been finished. If the expansion is finished within one year, future reviews shall be waived.

p:2N\aladdin.mem
Attachments:
1. Site Location Map
2. Store Location Map
3. Statement of the Intended Use
4. Resolution



LOCATION MAP

N



STORE LOCATION MAP

RECEIVED
SEP 29 1994

N

Attachment 3

STATEMENT OF THE INTENDED USE OF THE PROPERTY REQUIRING THE CONDITIONAL USE PERMIT AND REQUEST FOR APPROVAL OF THE CONDITIONAL USE PERMIT

Aladdin's Castle, through its care in planning and design, its strict adherence to the highest standards of operation, its family focus and commitment to providing a wholesome environment, has become a valued and welcome member of more than 275 communities nationwide in which our Aladdin's Castle Family Entertainment Centers are located.

The proposed expansion of Aladdin's Castle in the Maplewood Mall will be no exception.

Aladdin's Castle currently occupies space number 1022 in the Maplewood Mall and wishes to combine its current space with adjacent space to create a store containing a total of 4,783 square feet. The proposed expansion will include remodeling the store to update it to Aladdin's Castle's current prototype store. The expanded store will continue to emphasize family entertainment focusing on games to be played by children with their parents, as well as games consistent with its existing store such as video, crane and redemption games. In keeping with the family entertainment theme, a clearly defined portion of the expanded premises will be dedicated to a birthday party area. Aladdin's Castle does not contemplate the sale of food or beverages in connection with the birthday party area. However, parents can make arrangments to bring birthday cakes, soft drinks and other food items to the area for such parties. Aladdin's Castle requires all food and beverages to be kept within the defined birthday party area within in the store.

Aladdin's Castle has been operating a family entertainment center at the Maplewood Mall since 1975 and relocated its premises to a larger store in 1991. Aladdin's Castle was not required to renew or amend its existing conditional use permit when it expanded in 1991. However, it is the opinion of the City of Maplewood's Community Development Office that this proposed expansion will require Aladdin's Castle's existing conditional use permit to be amended or re-granted due to the implementation of a 1989 zoning ordinance.

Aladdin's Castle respectfully requests that its existing conditional use permit be amended or re-granted to allow for the proposed expansion of its premises in the Maplewood Mall.

The following is a detailed description of how our use will meet or exceed the standards set forth by the City of Maplewood for a conditional use permit:

RECEIVED
SEP 16 1994

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's comprehensive plan and Code of Ordinances.

The City of Maplewood 's current comprehensive plan for the Maplewood Mall assumes that the Maplewood Mall will be used for normal retail trade. The proposed use is part of this trade and compliments the other forms of retail trade within the Mall.

Aladdin's Castle completely complies with all local, municipal, state and federal regulations applicable to each of our locations throughout the country; such compliance is stipulated in each of our leases, including the one for the proposed expansion at the Maplewood Mall.

2. The use would not change the existing or planned character of the surrounding area.

Aladdin's Castle has been a part of the Maplewood community for nearly twenty years. The proposed expansion would be a continuation of the successful, well-run business that has been a welcome component of the Maplewood Mall since 1975. Aside from creating a larger store in which Aladdin'swill continue to provide wholesome family entertainment, the granting of the conditional use permit will not affect the existing character of the Maplewood Mall.

3. The use would not depreciate property values.

Aladdin's Castle, by virtue of our pro-active attitude, participation in mall activities and our efficient management system, is considered by most national developers to be a model tenant. As such, we add to the value of their property and the property around the mall.

4. The use would not involve any activity, process, material, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property because of excessive noise, glare, smoke, dust, odor, fumes, water or air-pollution, drainage water run-off, vibration, general unsightliness, electrical interference or other nuisances.

Now, more than any time since Aladdin's Castle was founded in 1968, there seems to be a need in communities across the nation for safe, wholesome places in which families and young people can enjoy good, clean fun. Nowhere is this need more evident than in shopping centers and malls which have, in many respects become another "Town Square," where familes go to enjoy an afternoon or evening.

In response to this need, mall developers have added quality family entertainment facilities. More than any other chain in America, Aladdin's Castle has been their choice for family entertainment. Due to Aladdin's Castle's impeccable reputation in the family entertainment industry, the management of the Maplewood Mall has selected our company for this use. We will meet the City of Maplewood's standards by using our time-tested three step formula for quality entertainment: a) providing the right family environment; b) promoting wholesome entertainment; and c) good citizenship.

The front of the Aladdin's Castle will be brightly lit. The store will include a dedicated birthday party area, a well-stocked redemption counter and ticket dispensing games such as Skeeball, ball toss games and other children's games. Select video games and other attractions games will be merchandised predominantly toward the rear of the store. This design has been most effective for inviting families, while discouraging undesirable elements.

The store manager will be an adult professional and, along with our store employees, he or she will be uniformed and highly trained in the operation of our business and in attracting a family-customer mix, through strict adherence to our standards. With the exception of carefully planned birthday parties, no food or beverages are allowed in our store. Smoking, loitering or annoying conduct is never permitted.

Aladdin's Castle also has a very strict policy against truancy. School-aged patrons are not permitted in our stores during school hours. Their presence in the Mall will be reported to the proper authorities.

b) Promoting wholesome fun.

Aladdin's Castle actively promotes family fun. Direct mail advertisements promoting our birthday party packages and other value pricing offers are sent to families in the areas surrounding the Maplewood Mall. Aladdin's Castle also develops other national promotions with other family-oriented companies.

For example, we recently concluded our second Nabisco promotion with Nabisco's Bubble Yum brand bubble gum. During the event, tens of thousands of families participated in bubble blowing contests in hundreds of malls across America. The contest culminated at the Lincoln Park Zoo in Chicago for the final round, where the Charlotte Hornets' Muggsy Bogues appeared as a guest celebrity. Major television networks covered the event.

We also have been involved with a national promotion with Kellogg's Corn Pops brand of cereal. Millions of boxes of Corn Pops contained a special offer from Aladdin's Castle.

Our efforts produce results. In 1993 approximately 400,000 children between the ages of four and fifteen attended over 40,000 birthday parties at Aladdin's Castles nationwide. This number does not include the thousands of parents who also attended.

c) Family fun starts with good citizenship.
We realize that we could never have become the nation's largest family entertainment chain without strong community support.

In appreciation of the support Aladdin's Castle has received, we are committed to give back to those who have been so generous to us. Aladdin's Castle contributes time, effort and money to many worthy youth and to charities and organizations. (A list of some of these organizations is attached.) In 1987 we were honored in Washington, D.C. as the first corporate sponsor of the "Just Say No!" substance abuse prevention campaign

We offer the local school systems Good Citizenshp and Scholastic gift certificates free of charge. These gift certificates can be used by school administrators to foster exemplary behavior and academic excellence.

Finally, Aladdin's Castle keeps in close contact with local law enforcement authorities to help keep our stores in strict compliance with local rules and regulations City of Maplewood Police Chief Ken Collins confirmed with us that Aladdin's Castle in the Maplewood Mall has not caused problems for local law enforcement.

5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.

Traffic patterns for the Maplewood Mall have been previously approved by the City of Maplewood. The proposed use, being located on the lower level of the Mall, is not seen as having any effect on these traffic patterns.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.

All of these elements previously have been verified and/or approved by local authorities in connection with the original construction and subsequent expansions of the Maplewood Mall. The proposed use will be located on the lower level of the Mall, and the Mall's management has made provision for the applicable items in each of the retail spaces within the Mall.

7. The use would not create excessive additional costs for public facilities or services.

Since the proposed use will be located within the Maplewood Mall, we do not anticipate that the expansion of the Aladdin's Castle would create any additional costs for public facilities or services.

8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.

As a retail tenant of the Maplewood Mall, Aladdin's Castle is required to conform with the Mall management's standards on design and appearance. These standards were developed by the Mall's managers to maintain a constant appearance throughout the Mall. Since the proposed use will be inside the Maplewood Mall, Aladdin's Castle will continue to incorporate those features of the development design as are required by the Maplewood Mall, thus maximizing the preservation of and incorporating the site's natural and scenic features of the Mall's design as was contemplated by the City of Maplewood when the Mall was developed.

9. The use would cause minimal adverse environmental effects.

The proposed use as a retail tenant inside the Maplewood Mall will not have minimal, if any, adverse effects on the environment.

Respectfully submitted,
Namco Cybertainment Inc.
dba "Aladdin's Castle"

By: Brent Naples
Its: V.P. FIELD ADMINISTRATION

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Namco Cybertainment Inc., applied for a conditional use permit to expand an existing indoor amusement center at the Maplewood Mall.

WHEREAS, this permit applies to 3001 White Bear Avenue. The legal description is:

SUBJ TO ESMTS & EX PART DESC AS COM AT A PT ON EL OF LOT 7 DIST 258.25 FT S OF NE COR THEREOF TH E 44.08 FT TO THE ACTUAL PT OF BEG TH N 3 DEG 32 MIN 27 SEC E 282.72 FT TH NELY 304.55 FT ALONG A 654.67 FT RADIUS CURVE CONCAVE TO SE TH E NOT TAN TO SD CURVE 220 FT TH S 27.9 FT TH E 64.97 FT TH S 80 FT TH E 125 FT TH S 90 FT TH E 55 FT TH S 200 FT TH W 55 FT TH S 80 FT TH W 125 FT TH S 93.5 FT TH W 390 FT TO BEG; THE FOL; LOT 5 BLK 1

WHEREAS, the history of this conditional use permit is as follows:

1. On October 17, 1994, the Planning Commission recommended that the City Council approve this permit.

2. On October 24, 1994, the City Council held a public hearing. The City staff published a notice in the paper and sent notices to the surrounding property owners. The Council gave everyone at the hearing a chance to speak or present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described revision to the conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.

2. The use would not change the existing or planned character of the surrounding area.

3. The use would not depreciate property values.

4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.

5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.

7. The use would not create excessive additional costs for public facilities or services.

8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.

9. The use would cause minimal adverse environmental effects.

The permit is subject to the following conditions:

1. The construction shall be in the area shown on the store location map that the City stamped September 29, 1994. The Director of Community Development may approve minor changes.

2. The proposed construction must be substantially started within one year of Council approval or the permit shall end. The Council may extend this deadline for one year.

3. The City Council shall review this permit in one year if the expansion has not been finished. If the expansion is finished within one year, future reviews shall be waived.

The Maplewood City Council adopted this resolution on October 24, 1994.

G-2

MEMORANDUM

Action by Council:
Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: **Conditional Use Permit and Design Review**
PROJECT: **Goodrich Dome**
LOCATION: Van Dyke Street and Ripley Avenue
DATE: October 7, 1994

CONTENTS

INTRODUCTION 2
- **Project Description** 2
- **Requests** 2

DISCUSSION 2
- **Location** 2
- **Traffic** 3
- **Parking** 3
- **On-Street Parking Ban** 4
- **Building Design** 4
- **Landscaping and Screening** 5
- **In-Ground Sprinklers** 5

OPTIONS 5

RECOMMENDATIONS 5

CITIZENS' COMMENTS 8

REFERENCE INFORMATION 10
- **SITE DESCRIPTION** 10
- **SURROUNDING LAND USES** 10
- **PLANNING** 10
- **PUBLIC SAFETY** 11
- **OTHER AGENCIES** 11

INTRODUCTION

Project Description

Fred Paul, of Kelsey Enterprises, wants to build an inflatable dome for public golfing. The proposed location is the northwest corner of Van Dyke Street and Ripley Avenue, south of Aldrich Arena. (See the Location Map on page 12 and the Property Line Map on page 13.) Ramsey County owns this property. Kelsey Enterprises would build and manage the dome under a license agreement with the County. The dome would be white fabric, and 65 feet tall. The base of the dome would be 160 feet by 210 feet. The dome would have 31 hitting stalls. There would be a one-story, 46' x 50' rock-face concrete-block building on the east side of the dome. (See the proposed site plan on page 14.) This building would be the entrance to the dome (through an airlock) and would have restrooms, office space and support space for the dome. (See the building elevations and drawings on the enclosed plans.) The developer wants to operate the golf dome between 8 a.m. and 9 p.m. seven days a week. They may have the golf dome open for fewer hours in the winter. (See Mr. Paul's letter on page 17 and the newspaper column on page 18.)

Requests

To build this project, Mr. Paul and Ramsey County are requesting that the City approve:

1. A conditional use permit (CUP)

   Section 36-437 of the City Code allows the City Council to approve a CUP for a public service or public building uses in any zoning district.

2. The building design, site and landscape plans

DISCUSSION

Location

Several people have expressed concerns about the proposed location of the dome. The County staff felt that being near the existing streets, parking areas and utilities would be a benefit. In addition, the County expects the golf dome to compliment the facilities at Goodrich golf course. They want golfers to use the dome for a warm-up area before playing on Goodrich Golf Course. The County plans to have a paging system in the dome to alert golfers to their start time. Street access to the proposed site is good and there would be no need to build additional parking. This makes for a more efficient use of the existing public facilities and lessens the project costs.

Another location suggested for the golf dome is the former race track area north of the County Parks building. The purpose of this location would be to hide the dome. However, this site has six

problems: poor access, lack of parking, lack of utilities, an existing storm water pond and the William's Brothers pipeline.

The nearest existing paved parking area is about 500 feet to south in front of the County Parks building. To use this site, the County would have to pave more parking next to the dome. In addition, access to the north site is not as convenient as the proposed site on Ripley Avenue. Vehicles would have to go north from Ripley on Van Dyke Street or east from Frost Avenue around the barn and nursing home to get to the facility. An alternative access to this area would be another driveway to White Bear Avenue near the horseshoe pits.

A storm water pond is in the center of the track area. The Maplewood storm water plans (page 16) show this pond as part of the City's planned storm water system. The dome could not be built in the pond. The City Engineer does not feel that the pond could be relocated.

Another problem with the north site is the William's Brothers pipeline. It crosses the site from Goodrich Golf Course on the southeast to the DNR Trail on the northwest. (See the map on page 16.) The City Code requires any new building to be at least 100 feet from the nearest pipeline.

The best alternative location to the proposed site would be on the south end of the parking lot that is east of the Nursing Home. The disadvantage is the distance from the golf course entrance.

Traffic

Mr. Paul told me that he hopes to average about 1,000 customers a week at the golf dome. This would be an average of 143 users per day. For a twelve-hour day, this would be an average of twelve customers per hour or one every five minutes. The County traffic engineer told me that the dome should not cause any traffic problems.

Parking

The County and the developer are not proposing any additional parking for the dome. Dome users would use the Aldrich Arena parking lot and the lot across Van Dyke Street to the east. With the lot across Van Dyke Street, the County could segregate the dome parking from Aldrich Arena parking. The City Code does not have a parking standard for a golf dome. The proposed facility would have 31 tee boxes and a 2,300 square-foot support facility building. At the most, the proposed golf dome should need no more than 74 parking spaces. This would include 62 spaces for the 31 tee boxes and 12 for the service building. The County feels that the existing parking lots are large enough for their needs. If a problem develops, there is a vacant area west of the proposed golf dome site to add more spaces.

When the County repaved the Aldrich Arena lot, they striped the lanes but not individual parking stalls. Section 36-22(e) of City Code requires that all parking lots have single-striped parking spaces. The County should finish striping their entire parking lot as required by Code (9.5-foot-

wide stalls or 9-foot-wide signed employee stalls). The parking lot does not have curbing. Section 36-22(c) requires continuous concrete curbing. Since the County did not previously have curbing, they should at least curb the south side of their lot.

On-Street Parking Ban

The City has already posted the north side of Ripley Avenue, from White Bear Avenue to North Saint Paul Road, for no parking. The Police Department recommends that the County post both sides of Ripley Avenue for no parking. With the business curb cuts on the south side, the City should keep the street clear of parked cars. This will improve visibility for cars leaving the driveways. In addition, this will help insure that fewer pedestrians will be trying to cross Ripley Avenue to the County property.

The County has already posted part of Van Dyke Street north of Ripley Avenue for no parking. However, the installer put the signs parallel to the street instead of perpendicular to the curb. The County should turn these signs so they are visible from Van Dyke Street. In addition, the County should post the curve on Van Dyke Street north of Ripley for no parking.

Building Design

The Code requires three findings to approve a building design. These findings are on pages 10–11. The second finding states that "the design and location of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly and attractive development contemplated by this article and the City's comprehensive municipal plan." The third finding states that "the design and location of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures and colors."

The existing buildings around the site have a mix of exterior materials and color. They range from wood siding with fake-stone accents (South China Island) to concrete block (Aldrich Arena and Mid America Bank) to stucco (Perkins). The support and service building for the dome would be built with rock-face concrete block and a standing seam metal mansard. It should be compatible with the surrounding buildings.

The design of the dome would be unique to the area. It would be much taller (65 feet) than the surrounding buildings. It would be 30 feet taller than the Arena. The owner of the Perkins Restaurant complained that the dome would block the view of their sign and restaurant from White Bear Avenue. However, the dome may bring Perkin's additional business. The question is whether the design would aesthetically fit the surrounding area. This is a subjective decision that will vary with individuals. If the Council is not sure how the dome would look, they could require that the County hire a consultant to produce a computer generated photo. A drawing of the dome could be inserted in a photo of the background. The Council could then see how the dome would look in comparison to the surrounding uses.

Landscaping and Screening

The developer is proposing an attractive landscaping plan. (See the plan on page 15.) There is a need for more landscaping or berming on the dome's west end. This would help screen part of the dome from the residential area to the west.

In-Ground Sprinklers

The City Code requires that the developer or owner install an in-ground sprinkler system for the new landscaped areas. The City should require that the County install this system around the proposed landscaping for the dome.

OPTIONS

1. Approve the requests.

2. Table this request until the County revises their plan by moving the dome north of Aldrich Arena.

3. Table this request for a computer-generated drawing showing how the dome would look against the existing buildings.

4. Deny the request.

RECOMMENDATIONS

A. Approve the resolution on page 19. This resolution approves a conditional use permit for a public indoor golf dome on the northwest corner of Van Dyke Street and Ripley Avenue. The permit is based on the findings required by Code and subject to the following conditions:

   1. All construction shall follow the site plan approved by the City. The Director of Community Development may approve minor changes.

   2. The proposed construction must be substantially started within one year after the Council approves this permit or the permit shall end. The Council may extend this deadline for one year.

   3. If the City Council determines there is not enough on-site parking, the Council may require that the property owner or operator provide additional parking.

   4. The City Council shall review this permit in one year.

B. Approve the site and landscape plans (received September 6, 1994) and building elevations the City received on July 26, 1994 for the Goodrich Golf Dome, subject to the findings required by the Code. The developer shall do the following:

1. Repeat this review in two years if the City has not issued a building permit for this project.

2. Complete the following before the City issues a building permit:

   a. Submit a grading, drainage, utility and erosion control plan for the City engineer's approval. The erosion control plan shall be consistent with the Ramsey Soil and Water Conservation District Erosion Control Handbook.

   b. Revise the landscape plans for staff approval. This plan shall show:

      (a) All deciduous trees at least 2 1/2 inches in caliper, balled and burlapped
      (b) All evergreen trees at least six-feet-tall
      (c) The plan shall show additional plantings along the west side of the dome.

3. Complete the following before occupying the dome:

   a. Install reflectorized stop signs at all exits and an address on the building.

   b. Construct an enclosure as required by City Code for all outside dumpsters (including those for the arena). The enclosure(s) must match the building color. Submit plans for the enclosure(s) to staff for approval.

   c. Install an in-ground sprinkler system for the landscaped areas. (Code requirement)

   d. Construct continuous concrete curbing along the south side of the Arena parking lot. (Code requirement)

   e. Replace property irons that are removed because of this construction.

   f. Restore and sod damaged boulevards.

   g. Sod all turf areas.

   h. Install handicap-accessible parking spaces and signs that meet the requirements of the ADA (Americans with Disabilities Act).

j. Screen all roof-mounted equipment visible from streets or adjacent property. Submit screening plans to the Design Review Board for approval. (Code requirement)

k. Post both sides of the curve on Van Dyke Street, north of Ripley Avenue, for no parking and turn the existing no parking signs so they are perpendicular to the curb.

l. Post the south side of Ripley Avenue, between White Bear Avenue and North St. Paul Road, for no parking.

4. Finish striping the entire arena parking lot to meet Code requirements (9.5-foot-wide stalls or 9-foot-wide signed employee stalls) by September 1, 1995.

5. Provide at least a 30-foot setback between the buildings and the property line along Ripley Avenue and from Van Dyke Street. (Code requirement)

6. This approval does not include the signs.

7. All work shall follow the approved plans. The Director of Community Development may approve minor changes.

8. If any required work is not done, the City may allow temporary occupancy if:

   a. The City determines that the work is not essential to the public health, safety or welfare.

   b. The City receives a cash escrow or an irrevocable letter of credit for the required work. The amount shall be 150% of the cost of the unfinished work.

   c. The City receives an agreement that will allow the City to complete any unfinished work.

Appeals

Anyone may appeal the Board's decision to the City Council. An appellant must notify someone in the Community Development Department within fifteen days after the Board's meeting.

CITIZENS' COMMENTS

I surveyed owners of the four properties within 350 feet of the proposed Golf Dome site. The owners of two of these properties replied. Both owners were against the proposal. In addition, we surveyed the 34 property owners on the west side of White Bear Avenue between Larpenteur and Frost Avenues. Of the 12 who responded, six were for the proposal, four were against the proposal and two had no comment.

For

1. It is a positive addition to the other recreational facilities in the area and will bring some revenue into Ramsey County. (Hejny - 1829 White Bear Avenue)

2. A very good idea, everyone whom we talked with would enjoy going there. (Strobel - 1849 White Bear Avenue)

3. I would rather see the land left the way is now—undeveloped. But for some reason, if someone feels the need to put something there, it might as well be a golf dome. I think a golf dome is better than a lot of other things they could put there. (Schaeppi - 1899 White Bear Avenue)

4. Great—more tax dollars for Maplewood. (Mirsch - Saint Paul)

Against

1. It will block our sign at Perkins and view of the restaurant from White Bear Avenue. Move the dome to the far west corner. (Tom Cory, Perkins - 1829 North Saint Paul Road)

2. I sounds like an eyesore. It also sounds like an elitist use of taxpayer dollars that the County could put to better use. Leave it be an open space; we need more open space. Perhaps put in more trees and some flowers, or plant a prairie there for everyone to enjoy—not just golfers. (Sturm - 1759 White Bear Avenue)

3. The only concern I would have is increased traffic. (Allhiser - 1799 White Bear Avenue)

4. I don't want to look at it. Make it an outdoor driving range. (Arndt - 1783 White Bear Avenue)

5. The City of Maplewood and Ramsey County are continually talking and bemoaning the loss of green grass and open spaces. The grass area along Ripley and White Bear Avenue makes a good border for the Aldrich Arena area. I am sure that at some future time the strip along Ripley will be needed for additional parking area for Aldrich Arena activities. An inflatable dome sure wouldn't add anything to improve the open view of the residences on White Bear

Avenue. The County Fair has indicated its demise at the present location. The area formerly used as a racetrack and other agricultural activities should now be available. This area is more or less screened from the residences and traffic on White Bear Avenue by trees and soil berms. It also adjoins the golf course. (Holt - 1895 White Bear Avenue)

6. Additional commercial projects on east side of White Bear Avenue increases traffic flow for residential owners. Consideration should be made concerning rezoning west side of White Bear Avenue for commercial use. (Gustafson - Lake Elmo)

REFERENCE INFORMATION

SITE DESCRIPTION

Site size: 65,920 square feet (1.5 acres)
Existing land use: undeveloped

SURROUNDING LAND USES

North: Aldrich Arena and parking lot
East: Goodrich Golf course and parking lot across Van Dyke Street
South: South China Island, Perkins and bank across Ripley Avenue
West: Vacant County property and houses across White Bear Avenue

PLANNING

Land Use Plan designation: P (park)

Zoning: F (farm residence)

Ordinance requirements:

Section 36-442(a) states that the City Council may grant a CUP if based on nine findings. (See the findings in the resolution on pages 19 and 20.

Section 25-70 of the City Code requires that the CDRB make the following findings to approve plans:

1. That the design and location of the proposed development and its relationship to neighboring, existing or proposed developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood; that it will not unreasonably interfere with the use and enjoyment of neighboring, existing or proposed developments; and that it will not create traffic hazards or congestion.

2. That the design and location of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly and attractive development contemplated by this article and the City's comprehensive municipal plan.

3. That the design and location of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures and colors.

PUBLIC SAFETY

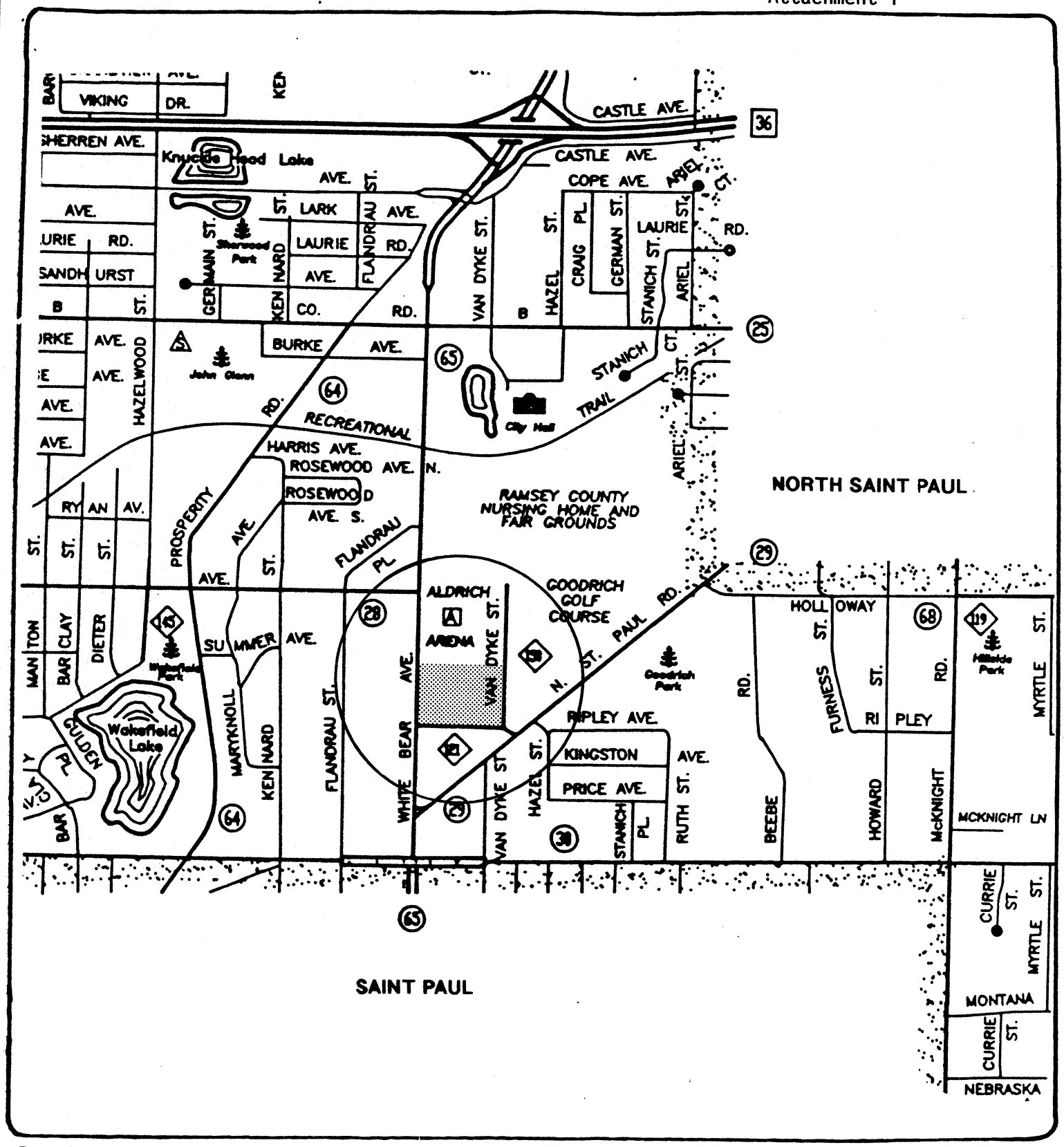
The Police Department recommends the following:

1. The applicant should install adequate site lighting for around-the-clock.
2. There should be no parking on both sides of Ripley Avenue and Van Dyke Street.

OTHER AGENCIES

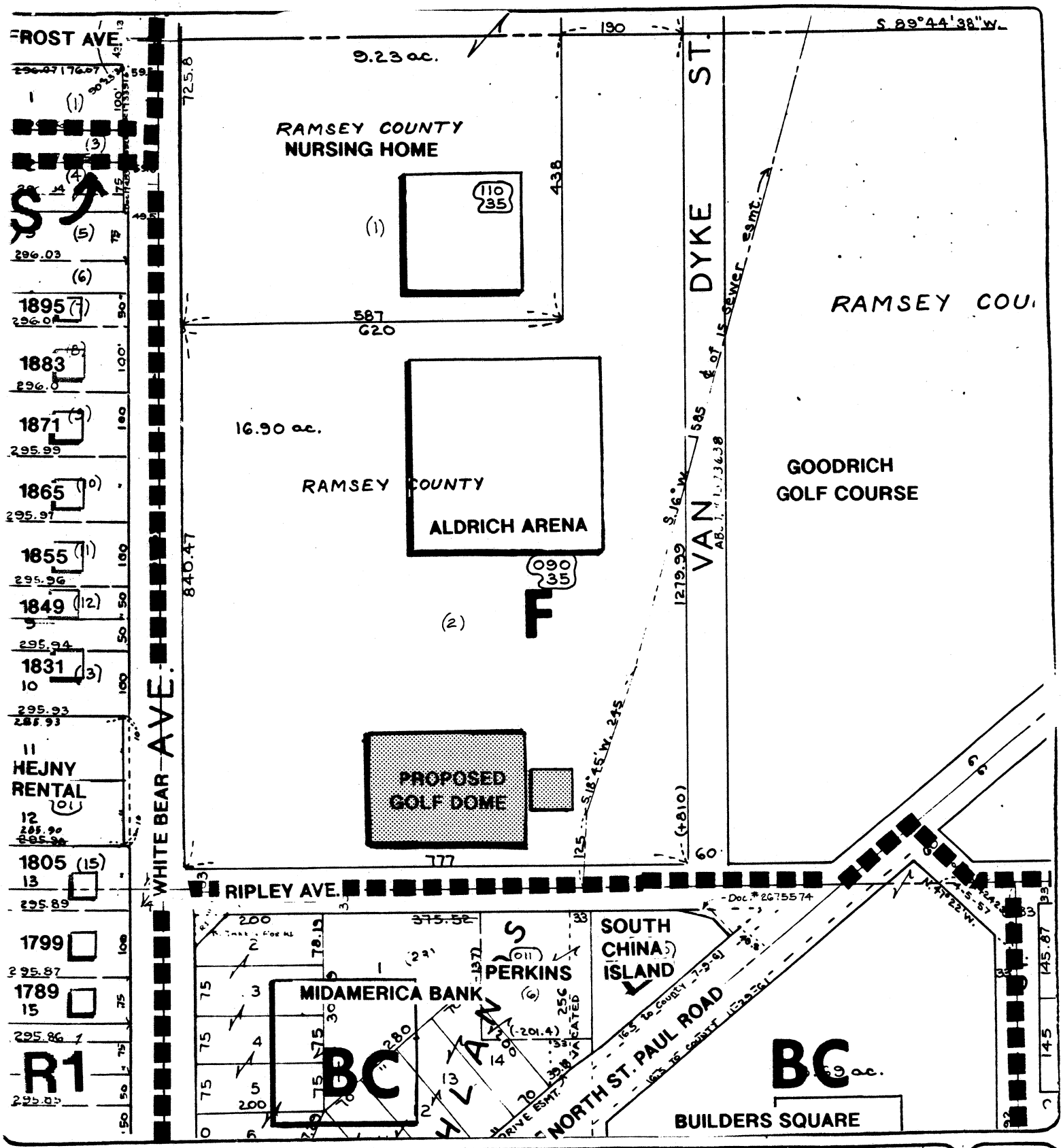
The Ramsey County Board has approved this proposal.

q:sec14\golfdome.mem
Attachments:
1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. Landscape Plan
5. Maplewood Storm Water System Map
6. Applicant's letter dated July 26, 1994
7. Newspaper column by Hal Norgard
8. Conditional Use Permit Resolution
9. Plans stamped July 26, 1994 and September 6, 1994 (separate attachment)



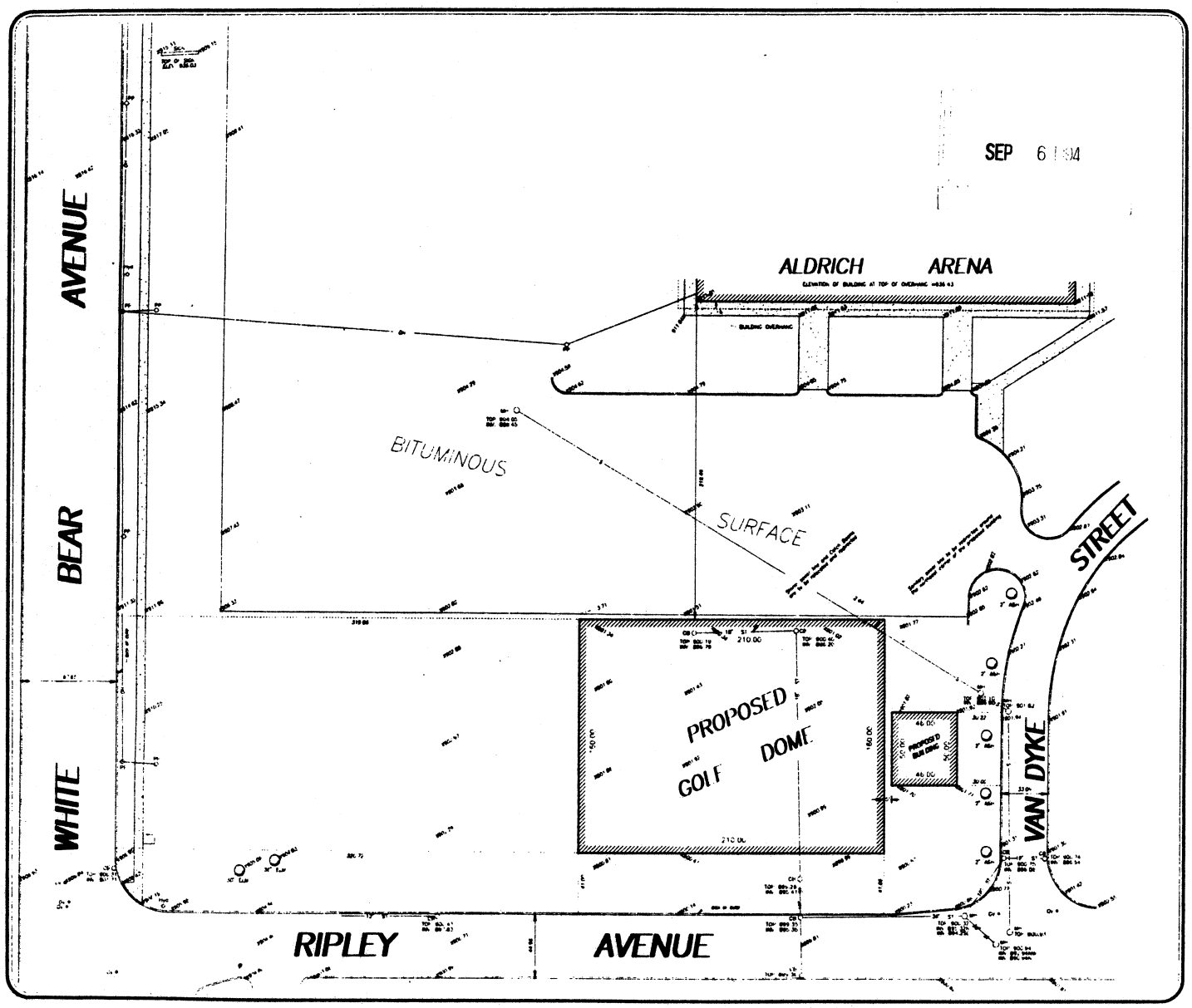
LOCATION MAP

N



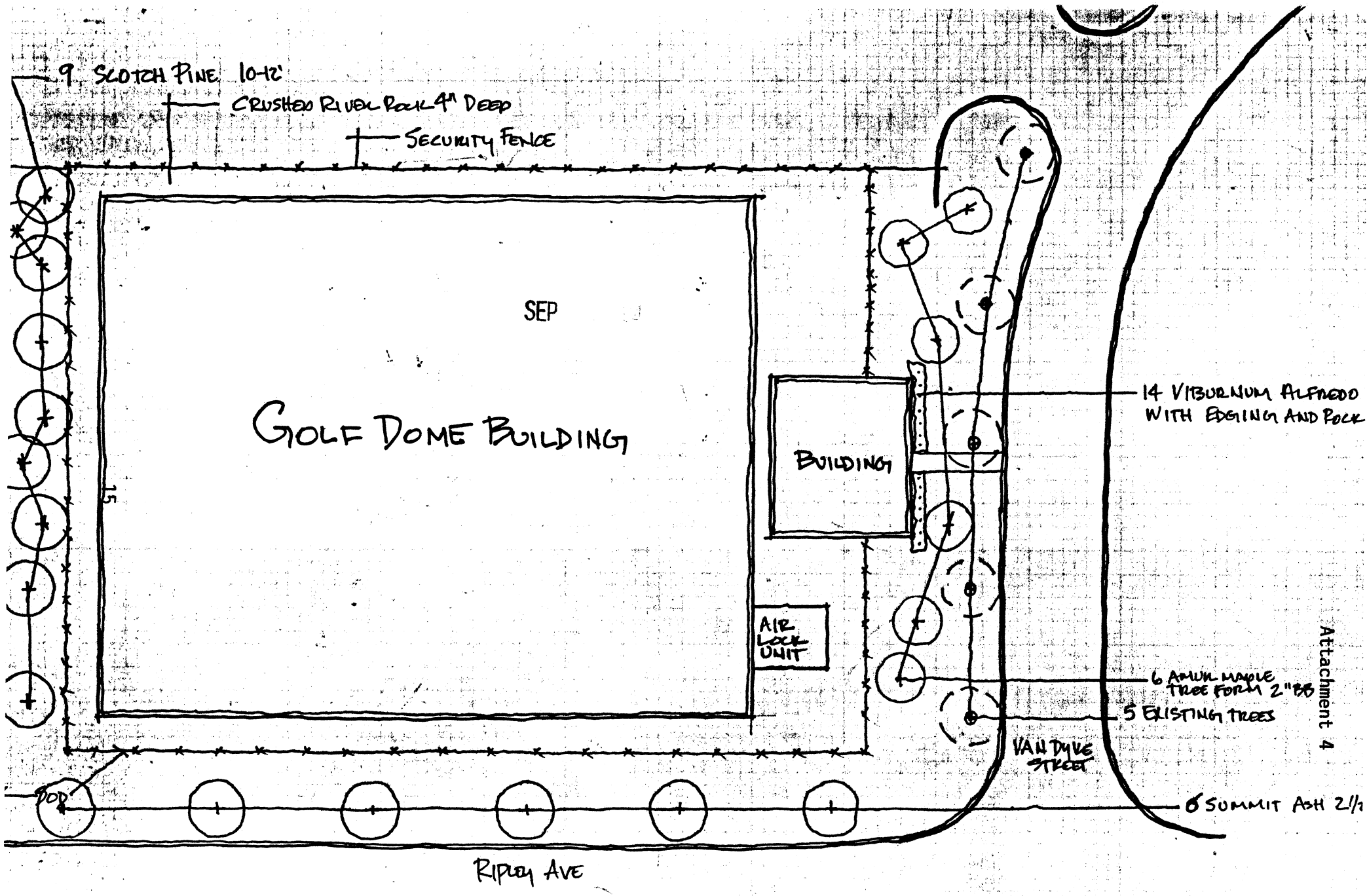
PROPERTY LINE / ZONING MAP

Attachemnt 3



SITE PLAN

N



Attachment 4

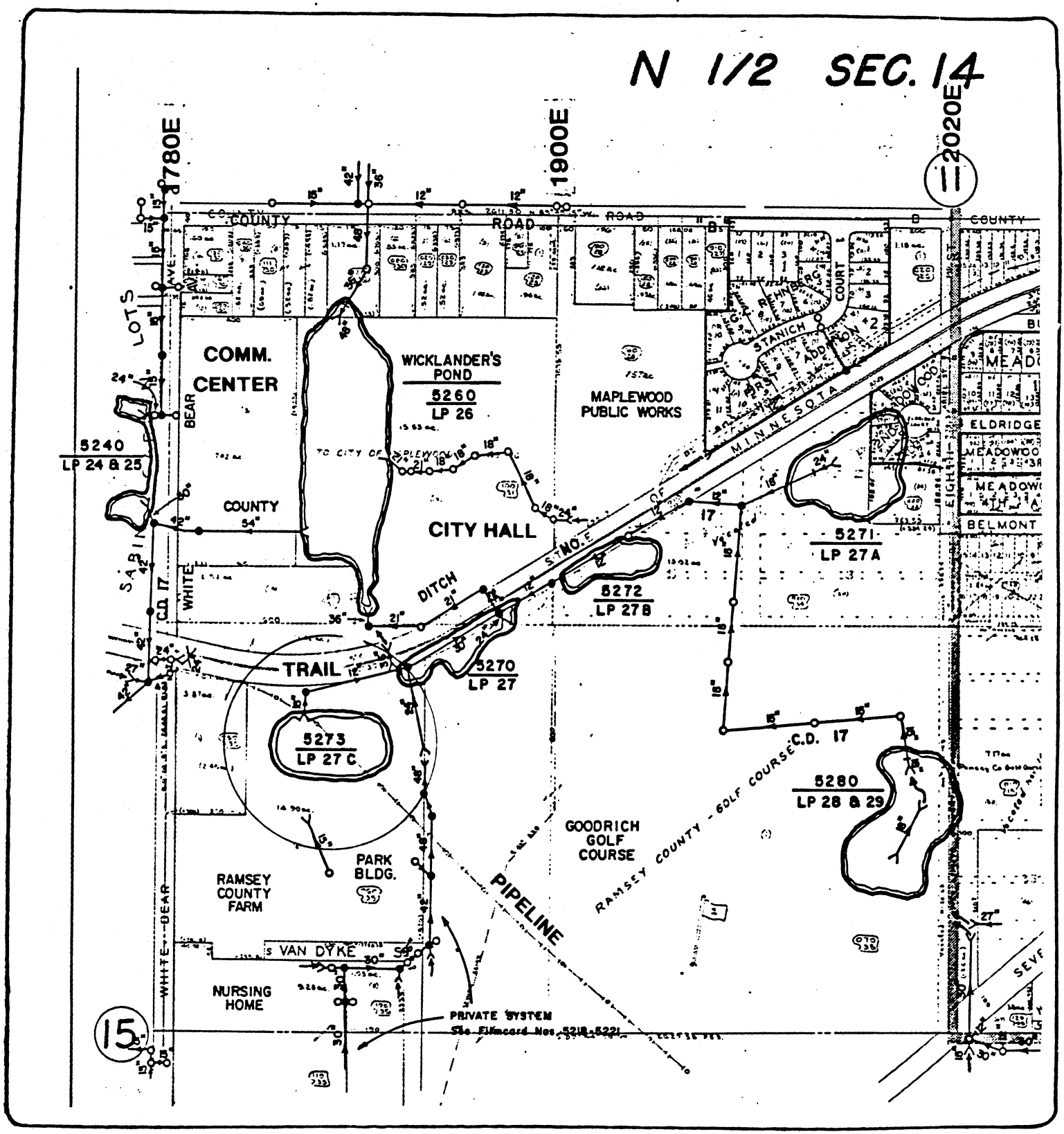
CERTIFICATION
I hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly registered _____ under the laws of the State of Minnesota.
MN Reg. No _____
Date _____ Signature _____

COPYRIGHT
Federal law prohibits reproduction of any part of this proprietary design without permission.
© 1990 WINDSOR Landscapes

NORTH
SCALE 1" = 30'
DATE 8/15/94 9/3/94
Design: HH Draw: HH Chkd _____

WINDSOR
Landscapes
1175 East Highway 36
St. Paul, MN 55109-9949
(612) 482-0205

PROJECT
GOLF DOME BUILDING
ALDRICH ARENA SI



MAPLEWOOD STORM WATER SYSTEM

N

KELSEY ENTERPRISES, INC.
404 Industrial Boulevard
Minneapolis, Minneapolis 55413

July 26, 1994

Mr. Geoffrey Olson
Community Development Director
City of Maplewood
1830 East County Road B
Maplewood, MN 55109

Dear Mr. Olson:

As requested, this letter is to identify the purpose and use of the facility identified in the Request for a Conditional Use Permit.

Ramsey County (owner of the property) and Kelsey Enterprises entered into an agreement allowing Kelsey the right to erect a dome structure solely for the purpose of operating a public golf dome adjacent to the Goodrich Golf Course. This use shall include a practice/teaching range, and services normally provided in association with the operation of such a facility.

The goal of this facility will be to provide an opportunity for users of all levels of playing abilities to develop and improve their golfing skills. In this joint effort between Ramsey County, Kelsey, and in the City of Maplewood it would be the goal of this project to further enhance the quality of life for this community by providing a year-round recreational facility for its residents.

If you require further information, or clarification, please call me at 773-8959. Thank you for your consideration in this matter.

Sincerely,

Fred R. Paul

reporting in recent Twin Cities history, the Star Tribune used a second-hand account to supply of nail polish to go along with them.

After all, if it's in the newspaper, it must be true.

Golf dome opportunities explained

Every once in a while, an opportunity comes along that fits well into the flexibility of services a community can offer its citizens. That is the case of a golf dome the county has proposed to build on its property next to Aldrich Arena in the southeast corner of the property.

HAL NORGARD

Ramsey County Board Chairperson

We feel this dome would be a complement to golfing services offered by the county's Goodrich Golf Course located in the same area. The dome would offer indoor-golf driving-range services year around with a two-tier system of 31 tees.

At present, there are no indoor golf range facilities in the area. A person needs to travel several miles out of the community for services offered by such a facility. This indoor golf range would be the first of its kind to be built next to a golf course offering both convenient summer and winter recreational opportunities. In the summer months, a golfer would have the opportunity to park a car (one time), loosen up at the range while waiting their tee time at Goodrich golf course, a short walk away. In winter months the recreational opportunities for all of us in the community are unlimited. Even if we are not avid golfers, the dome still will offer us an opportunity for alternative recreational activity. Maybe we would like to try our hand at hitting a few balls to test our skills. For the golfer the facility will offer an opportunity to keep golfing skills keen for the day when the snow once again goes away. For the young people in our community, the indoor dome golfing range offers a wholesome alternative in recreational entertainment.

The proposed dome will complement the local businesses offering something that is needed for the local business center. It will generate interest in the area, giving business a shot in the arm, hopefully by its presence helping local business a shot in the arm, hopefully by its presence helping local business to enjoy a healthy economy that is important for a healthy community.

In addition to the driving range experience, the facility will offer club fitting, contract for lessons and you can buy tee time or balls by the bucket.

The proposed dome will be 210 feet long, 160 feet wide and 65 feet high. It will be built on county property that currently sits idle, grows weeds, and is currently of little use to our community. The facility will be a public-private partnership. The county will provide the land and Kelsey Enterprises Inc. (a local company) will provide the investment — a cost estimate of about $700,000 (with no investment obligations from the county), build the facility and manage it. The county will receive for its part in the partnership a percentage of the revenues that is estimated at about $18,600 a year and a recreational opportunity for the community.

The dome would be built as far east on the south corner of the property as possible and as close to the golf course as it can be placed. Kelsey Enterprises Inc. will landscape around the dome with trees and other appropriate landscaping to complement the area. The recreational piece of a year-around indoor golf driving range will fit well for the recreational activities already in place for this recreational corridor that include Ramsey County's Goodrich Golf Course, Aldrich Arena ice and exhibition facilities, parks and open space area and Maplewood's new community center.

Opportunities of this kind don't happen by accident, they take good solid planning. The new facility will offer our community many years of good recreational opportunities. It will complement our already existing activities in the area. It will be a good neighbor to the community and a new attraction to the area providing new business opportunities for our local business center. It will be a new service that will add to the quality of life we enjoy. It is a winner and it makes all of us winners. I look forward to seeing you on the tees, with family or friends or just out enjoying life.

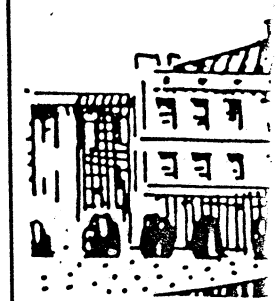
8-17-94 MAPLEWOOD REVIEW

Lynn Carver, Don R
Mulcahy, North St. Pa
Bill Sandberg and other
of this fine school dist
been active in the org
"Citizens Concerned fo
Education."

While this letter is s
behalf of myself and n
organization, I can ta
pride in knowing that t
district has a group o
who are truly concerne
children of this school
along with the taxpayer
St. Paul, Maplewood,
Lake Elmo, Woodb
Landfall.

CCQE has been re

A-7



LILLIE SUBURBAN NEWSPAPERS, INC.

PUBLISHERS OF
RAMSEY COUNTY REVIEW
Publication No. 454980
Published Weekly — 2nd Class Postage Paid, North St. Paul, Minnesota

MAPLEWOOD REVIEW
Publication No. 328680
Published Weekly — 2nd Class Postage Paid, North St. Paul, Minnesota

OAKDALE-LAKE ELMO REVIEW

NEWS STAFF
MANAGING EDITOR
Mary Lee Hagert
NEWS EDITOR
Holly Wenzel
STAFF WRITERS
Amelia Swisher
Pamela O'Meara
BUSINESS WRITER
Edie Grossfield
SPORTS
Wally Wakefield

To encourage deb
of topics. All letters
The Review, 2515 E.
publish letters in thei

Writers should al
numbers will not be

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Kelsey Enterprises applied for a conditional use permit for a public golf dome.

WHEREAS, this permit applies to the property on the northwest Corner of Van Dyke Street and Ripley Avenue. The legal description is:

The East 310 feet of the West 625 feet of the South 192 feet of the North 1/2 of the Southwest 1/4 of Section 14, Township 29, Range 22.

WHEREAS, the history of this conditional use permit is as follows:

1. On October 3, 1994, the Planning Commission recommended that the City Council _____ this permit.

2. On October 24, 1994, the City Council held a public hearing. The City staff published a notice in the paper and sent notices to the surrounding property owners. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.

2. The use would not change the existing or planned character of the surrounding area.

3. The use would not depreciate property values.

4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water runoff, vibration, general unsightliness, electrical interference or other nuisances.

5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.

7. The use would not create excessive additional costs for public facilities or services.

8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.

9. The use would cause minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the site plan approved by the City. The Director of Community Development may approve minor changes.

2. The proposed construction must be substantially started within one year after the Council approves this permit or the permit shall end. The Council may extend this deadline for one year.

3. If the City Council determines there is not enough on-site parking, the Council may require that the property owner or operator provide additional parking.

4. The City Council shall review this permit in one year.

The Maplewood City Council approved this resolution on _____, 1994.

PUBLIC HEARING NOTICE

The Maplewood City Council invites you to a public hearing. This hearing is about a request for a conditional use permit for a 160- by 210-foot inflatable public golf dome. The applicant is Kelsey Enterprises. The location is the northwest corner of Van Dyke Street and Ripley Avenue, south of Aldrich Arena. The Council will hold this hearing on Monday, October 24, 1994, at 7:15 p.m. or later in the City Hall Council Chambers (1830 East County Road B).

Call Geoff Olson at 770-4562 for more information.

Sign language interpreters are available. You must request this service at least 96 hours in advance. Call 770-4524 to make arrangements.

The City Council must make the following findings to approve a conditional use permit. Please address these findings in your comments.

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's comprehensive plan and code of ordinances.

2. The use would not change the existing or planned character of the surrounding area.

3. The use would not depreciate property values.

4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing, or cause a nuisance to any person or property because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage water run-off, vibration, general unsightliness, electrical interference or other nuisances.

5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.

7. The use would not create excessive additional costs for public facilities or services.

8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.

9. The use would cause minimal adverse environmental effects.

PUBLISH: October 12, 1994

6.* Provide all easements required by the City Engineer. These shall include:

a. Give the City wetland easements over the wetlands. These easements shall cover the wetlands and any land within twenty feet surrounding a wetland. The easement shall prohibit any building or structures within twenty feet of the wetland or any mowing, cutting, filling or dumping within ten feet of the wetland or within the wetland itself. The purpose of this easement is to protect the water quality of the wetlands from homeowners' fertilizer and to protect the wetland habitat from residential encroachment.

b. Drainage easements for the off-site drainage areas and wetlands that this project would affect. This shall include an easement on the lot that will be south of Lot 19, Block 2.

If the developer decides to final plat part of the preliminary plat, the City may waive any conditions that do not apply to the final plat.

*The developer must complete these conditions before the City issues a grading permit or approves the final plat.

Commissioner Pearson seconded

Ayes--Fischer, Sandell, Rossbach, Pearson, Sigmundik, Kopesky, Frost

Nays--Axdahl, Kittridge

The motion passed.

Secretary Olson noted that the Maplewood City Council will hear this item on October 24, 1994.

B. Conditional Use Permit: Goodrich Dome (Van Dyke Street and Ripley Avenue)

Ken Roberts, Associate Planner, presented the staff report and directed the PlanningCommission to focus on the conditional use and the use of the property. Fred Paul, representing Kelsey Enterprises, answered questions and assured the Commission that the facility would be paying various taxes. Bill DeWitt of Kelsey Enterprises, Greg Mack, Director of Ramsey County Parks and Recreation, Kevin Finley, Director of Operations for Ramsey County Parks, and Gary Hook of Kraus Anderson, the contractor, were also present to answer questions. The applicant presented a sketch of the proposed building. The Commission discussed the appearance of the building and its suitability to this location.

Commissioner Kittridge moved the Planning Commission recommend the City Council:

A. Approve the resolution on page 19. This resolution approved a conditional use permit for a public indoor golf dome on the northwest corner of Van Dyke Street and Ripley Avenue. The permit is based on the findings required by Code and subject to the following conditions:

1. All construction shall follow the site plan approved by the City. The Director of Community Development may approve minor changes.

2. The proposed construction must be substantially started within one year after the Council approves this permit or the permit shall end. The Council may extend this deadline for one year.

3. If the City Council determines there is not enough on-site parking, the Council may require that the property owner or operator provide additional parking.

4. The City Council shall review this permit in one year.

Commissioner Frost seconded

Ayes--Axdahl, Sandell, Rossbach, Pearson, Sigmundik, Kopesky, Frost, Kittridge

Nays--Fischer

The motion passed.

C. Home Occupation License Ordinance

Ken Roberts, Associate Planner, presented the staff report and answered questions. The Commission and staff discussed some of the conditions being targeted to a specific occupation.

Commissioner Rossbach moved that the Planning Commission recommend the City Council approve the following changes to the Maplewood Code of Ordinances:

(a)

(2) Customers or customers' vehicles on the premises.

(6) If the home occupation produces any waste that should be treated or

G-3

MEMORANDUM

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: **Mapleleaf Estates**
LOCATION: Forest and Cypress Streets, north of Gervais Avenue
APPLICANT: Gonyea Company, Inc.
DATE: October 14, 1994

CONTENTS

INTRODUCTION 2
- **Project Description** 2
- **Requests** 2

DISCUSSION 3
- **Open Space** 3
- **Land Use Plan and Zoning Changes** 3
- **Street Vacations** 3
- **Utility Easement Vacation** 4
- **Preliminary Plat** 4
  - **Intersection of Demont Avenue and Cypress Street** 4
  - **Wetlands** 4
  - **Drainage** 5
  - **Density and Lot Size** 5
  - **Parks** 5
  - **Forest Street Connection** 5
  - **Trail** 6
- **Conclusion** 6

RECOMMENDATIONS 7

CITIZEN COMMENTS 11

REFERENCE 15
- **HISTORY** 15
- **SITE DESCRIPTION** 15
- **SURROUNDING LAND USES** 16
- **LEGAL** 16
- **PLANNING** 16
- **TREES** 16
- **SOILS** 17
- **HOUSING POLICIES** 17

INTRODUCTION

Project Description

Mr. Dennis Gonyea, representing Gonyea Company, Inc., is proposing to develop lots for 78 homes. The project's name is Mapleleaf Estates. This plat would be on a 32.5-acre site along Forest and Cyprus Streets, north of Gervais Avenue. (See the location maps on pages 19 and 23.)

Requests

To develop this site, Mr. Gonyea is requesting that the City:

1. Change the City's land use plan map. This change would be from R-1S (small lot single dwellings) and M-1 (light industrial) to R-1 (single dwellings). (See the land use maps on pages 20 and 21.)

2. Change the City's zoning map. This change would be from F (farm residential), R-1S (small lot single dwellings) and M-1 (light manufacturing) to R-1 (single dwellings). (See the zoning maps on pages 22 and 23.)

3. Vacate the undeveloped streets within the proposed plat. (See the map on page 27.)

4. Approve a cul-de-sac width variance of twenty feet. The Code requires 120 feet of right-of-way. Mr. Gonyea is proposing a 100-foot-wide right-of-way at the end of Demont Avenue. (Note: This cul-de-sac is not shown on the preliminary plat. Demont Avenue is shown as a through street between Forest Street and Cypress Street. The developer proposed a the cul-de-sac after submitting the plat to the City. See the detail drawing on page 25 for the cul-de-sac design.)

5. Approve a preliminary plat for 78 lots. (See the proposed plat on page 24.)

The City staff is proposing the following additional changes:

1. Drop Forest Street as a major collector street from the land use plan map. (See the land use maps on pages 20–21.)

2. Vacate part of an existing utility easement between proposed Gervais Avenue and Sextant Avenue. (See the map on page 24.)

DISCUSSION

Open Space

Many neighbors prefer to keep this property for open space or a park. The City would have to buy this property to keep it as open space. In 1992, the Maplewood Open Space Committee rated 67 sites for permanent open space. The area west of Forest Street and south of Brooks Court (site #116) was thirteenth on the list of all sites. (See the map on page 26.) The Committee ranked this site first of seven sites in the neighborhood. The Committee strongly recommended that the City buy nineteen sites. On November 2, 1993, the voters approved a $5 million bond issue for open space. The City is currently studying the purchase of all or part of this site.

The City Attorney advised me that buying this site for open space should not affect the City's land use plan, zoning and platting decisions. The City cannot use land use controls to get a better price on land they intend to buy. The City could approve the preliminary plat and later buy the land.

Land Use Plan and Zoning Changes

The density of this plat was a concern to some neighbors. The proposed land use plan and zoning changes would reduce the possible number of housing units on part of the site. The developer could plat the land that the City has planned and zoned R-1S (small-lot single dwellings) with 7,500-square-foot lots. Instead, he is proposing a zoning change to R-1 (single dwellings) with a minimum lot size of 10,000 square feet. The average lot size would be 14,617 square feet, which would be similiar to the adjacent neighborhood.

The City's land use plan shows Forest Street connecting County Road C and Keller Parkway. (See the land use plan on page 20.) Because of this connection, the City has classified Forest Street as a major collector. The proposed plat would eliminate the connection to Keller Parkway. If the City approves this plat, the City should drop the major collector designation for Forest Street from the land use plan map. This is because it would not connect to Keller Parkway and serve as a collector street. The developer could still connect a local street to Forest Street.

Street Vacations

The developer is requesting that the City vacate the following rights-of-way in the plat:

1. Connor Avenue, east of Cypress, Meadow Lane

2. Brooks Avenue

3. A 16.5-foot-wide undeveloped public road between the east side of Meadow Lane and the east side of the proposed plat site

4. The part of the Gervais Avenue easement that is west of the end of the existing street

These rights-of-way are shown on the map on page 27. They were dedicated in 1950. State law states that a city cannot vacate a street unless it is in the public interest. There is no public interest in building streets on these existing rights-of-way. The developer will be dedicating new street rights-of-way with the plat. The City should keep a 25-foot-wide utility easement for the existing water main that runs through the Gervais Avenue right-of-way.

Utility Easement Vacation

The City Engineer is recommending that the developer move part of an existing water main that is between the proposed Gervais Avenue and Sextant Avenue. (See the map on page 24.) The City Engineer prefers having the water main in the street. The City would then not have to dig up yards to repair or maintain the main. This water main is now in a utility easement that runs through the site. If the City requires the developer to move the water main, then the City should vacate the part of the easement that is no longer needed.

Preliminary Plat

Intersection of Demont Avenue and Cypress Street

As mentioned above, the developer is proposing to cul-de-sac Demont Avenue and Cypress Street. The advantages of this cul-de-sac are that it would save part of a small wetland and keep additional traffic off of Demont Avenue. (See the wetland on the preliminary plat on page 24.) However, to save the wetland, the developer is requesting a cul-de-sac width variance. While the substandard width will work, it would not be the normal width.

A long dead end is another problem. If the City buys the west half of the site for open space, the developer would not connect to Forest Street or Keller Parkway. The streets south of Cypress Street and Conner Avenue would be a dead end longer than 1,000 feet. The City Code limits dead ends to 1,000 feet , unless no other alternative is possible. Connecting to Demont Avenue is possible. If the City buys the west half of the site for open space, the developer should connect Demont Avenue to Cypress Street. If this connection is made, the developer should redesign the Demont Avenue/Cypress Street intersection with a four-way design. Speeding may become a problem on Cypress Street because it would be a long straight street. Future residents may want a four-way stop at the Demont Avenue intersection. The jog intersection on the plat would make a hazardous four-way stop intersection.

Wetlands

Several of the residents were concerned about the loss of the wetlands on the site. There are several wetlands on the site. (See the wetlands on the preliminary plat drawing on page 24 or the larger plat drawings that are attached.) The developer will preserve most of these wetlands. He is proposing to fill part of one wetland at the northwest corner of Outlot B (to build Cypress

Street). The developer may want to reconfigure the south half of the Outlot B wetland to realign the Demont Avenue/Cypress Street intersection. Any wetland filling requires a Watershed Board permit. The developer must mitigate by adding twice the wetland area that the developer fills. The City should require wetland buffer easements to protect the wetlands.

Drainage

Several neighbors complained about the existing drainage on Cypress Street. These neighbors were concerned that the new development would increase these problems. The City Engineer is requiring that the developer's drainage plan not add to any existing drainage problems. The City Engineer told me that the developer's engineer could design the project so the drainage would not harm nearby properties. The staff is recommending that the developer acquire off-site easements for any off-site wetlands that he plans to drain into.

Density and Lot Size

Several neighbors thought there are too many lots in this plat. The proposed lot sizes range from 10,049 square feet to 38,483 square feet with an average lot size of 14,617 square feet. The average lot size is larger than many of the lots on Brooks Court and Demont Avenue. These range in size from 10,140–21,466 square feet. The City Code requires at least 10,000 square feet above a drainage easement and 75 feet of width. In addition, the average size of the lots within the shoreland must be at last 15,000 square feet. All of the proposed lots meet or exceed City standards. The City cannot reduce the number of lots if the developer is meeting the City's ordinances.

Parks

A concern of several of the neighbors was the amount of park land available in the area. They feel there is a need for additional park land in the area. The City's Director of Parks and Recreation told me that Kohlman Park would serve this development. He also told me that the City is planning a trail extension and additional playground equipment to Kohlman Park in 1995. The City is also planning for a possible land purchase on the east side of the park for a tennis court. The City has listed these improvements in the 1995–1998 Maplewood Capital Improvement Program.

Forest Street Connection

The connection to Forest Street is controversial with many of the neighbors. If the City does not buy the west half of the plat for open space, the developer needs a second means of access, other than Cypress Street. There are four options: Forest Street, Gervais Avenue, a street to the east over the drive-in property or Keller Parkway.

The developer is proposing a connection to Forest Street. Many neighbors are opposed to this because it would add traffic to Forest Street. Since Forest Street would not be connected to Keller Parkway, the traffic would be local only.

Several neighbors suggested connecting to Gervais Avenue. Gervais Avenue is a substandard commercial street. It is in poor quality and is too close to the loading docks of the adjacent businesses to the south. Semi-trucks back into the loading docks and block most of the street. Cars have to singly go around the semis, often onto the dirt boulevard. Fork lifts dart onto the street to unload pallets. For these reasons, the Director of Public Safety recommends against using Gervais Avenue as an access to this plat. To make Gervais Avenue useable, the City would have to buy out the homes to the north and move Gervais Avenue to the north. The City had previously considered this project and denied it. The denial was because of the cost and objections from surrounding home owners. People did not want Gervais Avenue connected to Forest Street. They feared trucks would go up Forest Street to County Road C.

A street to the east over the drive-in property has problems. Mr. Gonyea does not own this property. The drive-in owner still owns this. He plans to develop this property into a commercial use. He does not want a public road. This option raises the question of who pays for this street? A drive-in road would be longer and more expensive than a connection to Keller Parkway.

Connecting the developer's plat to Keller Parkway, with or without a connection to Forest Avenue, is the last option. The people on Cypress Street want a connection to Forest Street to take the traffic off of Cypress Street. The people on Forest Street do not want their street connected to the plat for the same reason. A compromise would be to connect the developer's plat to Keller Parkway without connecting to Forest Street. This would take some traffic off Cypress Street without connecting to Forest Street. The problem is who pays for the street extension to Keller Parkway?

Trail

A trail should connect this neighborhood to Keller Parkway and the regional park at Spoon Lake. The best location would be through the property to the west. The trail would then come out across the street from the regional park. The City should build this trail if the City buys the property to the west for open space. If the City does not buy this property, the City should require that the developer build a trail between Lots 24 and 25, south of Gervais Avenue. The City should extend this trail from the plat to Keller Parkway. The developer is proposing to build a sanitary sewer line from the proposed Gervais Avenue between Lots 24 and 25 to the south. (See the map on page 24.) In addition to pedestrian and bicycle access, the trail would provide access to maintain the sewer.

Conclusion

The City should allow the developer to plat the east half of the project, but the City should table the west half until the City decides how much land they will buy for open space. Until the City

makes this decision, it is difficult to plan the streets and utilities. The developer has agreed to give the City a time extension on the west half of the site. The Council should make sure that the developer provides a written time extension or agrees to an extension at the meeting.

RECOMMENDATIONS

A. Adopt the resolutions on pages 36 and 37. These resolutions change the land use plan and zoning map from R-1S (small lot single dwellings) and M-1 (light industrial) to R-1 (single dwellings). The resolution also drops the major collector designation for Forest Street. This change is for the Mapleleaf Estates plat. In addition to the findings required by the Code, this change is for the following reasons:

   1. The developer is proposing to develop the site for single dwellings.

   2. This change would reduce the allowable intensity and traffic from this site.

   3. The R-1 classification would be more compatible with the surrounding homes than the present classifications.

   4. Forest Street would no longer serve as a major collector Street.

B. Adopt the resolution on page 39. This resolution vacates the undeveloped street rights-of-way (Connor Avenue east of Cypress Street, Meadow Lane, Brooks Avenue, the 16.5-foot-wide undeveloped public road and the west end of Gervais Avenue). The City should vacate these street rights-of-way because:

   1. It is in the public interest.
   2. The City has no plans to build streets on these rights-of-way.
   3. The adjacent properties have street access.

   This vacation is subject to the City retaining a 25-foot-wide utility easement over the east end of Gervais Avenue.

C. Table the request to vacate the utility easement that would be on the property line of Lots 7, 8 and 9, Block 6 of the proposed plat until January 23, 1995.

D. Approve the resolution on page 41. This resolution approves a cul-de-sac width variance for a cul-de-sac at the end of the existing Demont Avenue for the following reasons:

   1. The variance would save part of a wetland.

   2. The City Engineer stated that the cul-de-sac would be large enough for snow-plowing.

E. Approve following parts of the Mapleleaf Estates preliminary plat (received by the City on July 26, 1994): Block 1; Block 2, Lots 1–17; Block 3; Block 4, Lots 1–4 and Block 5, Lots 1–8. Table the remaining parts of the plat until January 23, 1995. Before the City Council approves the final plat, a developer shall complete the following conditions:

1. Sign an agreement with the City that guarantees that the developer or contractor will:

   a. Complete all grading for overall site drainage, complete all public improvements and meet all City requirements.

   b.* Place temporary orange safety fencing and signs at the grading limits.

   c. Pay the City for the cost of traffic-control and street identification signs.

   d. Install permanent signs around the edge of the wetland buffer easements. These signs shall mark the edge of the easements and shall state there shall be no mowing, vegetation cutting, filling or dumping.

   e. Install survey monuments along the wetland boundaries.

   f. Have NSP install street lights in three locations, primarily at street intersections. The exact location and type of lights shall be subject to the City Engineer's approval.

2. The developer shall complete all grading for public improvements and overall site drainage. The City Engineer shall include in the developer's agreement any grading that the developer or contractor has not completed before final plat approval.

3.* Have the City Engineer approve final construction and engineering plans. These plans shall include: grading, utility, drainage, erosion control, tree, trail and street plans. The plans shall meet the following conditions:

   a. The erosion control plan shall be consistent with the Ramsey Soil and Water Conservation District Erosion and Sediment Control handbook.

   b. The grading plan shall:

      (1) Include proposed building pad elevation and contour information for each home site.

      (2) Include contour information for the land that the street construction will disturb.

(3) Show sedimentation basins as required by the watershed board.

c. The drainage plan shall show catch basins between Lots 5 and 10, Block 3 and dedicate necessary easements for these drains and pipes.

d. Provide storm water storage and/or an off-site outlet pipe between Outlots A and B, based on a drainage study done by the developer's engineer. The City Engineer shall approve the exact location, capacity and outlet for this storage. If the City requires more pond capacity, the developer may have to drop lots. The lots shall meet the Shoreland requirements.

e. Provide adequate storm water capacity for the wetlands on Lots 19 and 26, Block 2. The developer's engineer shall provide a drainage study to determine adequate capacity. The City Engineer shall approve the exact location, capacity and outlet for these. If the City requires more pond capacity, the developer may have to drop a lot(s).

f. The tree plan shall show the size, species and location of any trees that the developer will plant as replacement trees.

4. Show the following changes on the final plat:

a. Show drainage and utility easements along all property lines on the final plat. These easements shall be ten feet wide along the front and rear property lines and five feet wide along the side property lines.

b. Change Street C to Demont Avenue and change Street D to Adele Street.

c. Drainage easements for drainage areas and wetlands that this project would affect. This shall include an easement on the lot that will be south of Lot 19, Block 2.

d. Drop Lots 1,2 or 3 from Block One or channel the drainage between Outlots A and B through a drainage pipe.

e. Redesign the Demont Avenue/ Cypress Street intersection to eliminate the jog and make a four-way intersection. The developer shall redesign the Demont Avenue/Cypress Street intersection to eliminate the jog and make a four-way-stop design. If the City decides not to buy the west half of the plat, the developer may cul-de-sac Demont Avenue.

5. Show the wetland boundaries on the final plat as approved by the Watershed District.

6.* Provide all easements required by the City Engineer. These shall include:

a. Give the City wetland easements over the wetlands. These easements shall cover the wetlands and any land within twenty feet surrounding a wetland. The easement shall prohibit any building or structures within twenty feet of the wetland or any mowing, cutting, filling or dumping within ten feet of the wetland or within the wetland itself. The purpose of this easement is to protect the water quality of the wetlands from homeowners' fertilizer and to protect the wetland habitat from residential encroachment.

b. Drainage easements for the off-site drainage areas and wetlands that this project would affect. This shall include an easement on the lot that will be south of Lot 19, Block 2.

If the developer decides to final plat part of the preliminary plat, the City may waive any conditions that do not apply to the final plat.

---

*The developer must complete these conditions before the City issues a grading permit or approves the final plat.

CITIZEN COMMENTS

We asked the nearby property owners for their opinion of these requests. We sent surveys to the property owners within 350 feet of the site. Out of 102 properties, we received 31 replies. Nine were for the requests, 17 were against, four had comments and one had no comment.

Those for the requests had the following comments:

1. It meets City concerns for eliminating commercial traffic from residential areas. (Herringer - Minneapolis)

2. As a local church, we like to see new families move into the area. (Lakeview Lutheran Church)

3. It will improve the appearance of the area. (Ambler - 1065 Viking Drive)

4. This plan is the best one presented in the seven years I have lived here - The only thing that could possibly help would be a road connection to Gervais Avenue or Keller Parkway on the north end. Traffic flow to County Road C could present a problem. I know this has been looked at before, and the concern is the use of the frontage road on Highway 61 - some traffic would go west to Arcade if access was provided through. (Berry - 984 Brooks Court)

5. R-1 zoning is best for me - should keep resale of my home up. Nice expansion to tax base. Forest not connected - like keeping the isolation. If connected, Forest will turn into a freeway! Would like to see park improvement as part of the plan. (Blautuss - 962 Demont Avenue)

6. I would rather the land be used as R-1 than anything else. Comments:

   a. I would like to see stop signs and other appropriate signage to warn drivers of children playing.

   b. It would be nice if the trees could be left in place as much as possible until lots are sold to avoid having views of a barren wasteland until homes are in.

   c. Another concern is that the new homes be of a value that would not lower existing homes values. (Gore - 974 Demont Avenue)

7. There are no through streets. This should promote slower speed and hopefully less crime. However, many of the lots are smaller than the current homes have. Enlarge the size of the lots to encourage similar homes to what exist. (Kiekhoeter - 969 Demont Avenue)

Those with comments gave the following:

1. I do not object to the development but I would like to see some changes in the proposal. We live on County Road C between Cypress and Forest. There is already way to much unsafe traffic on County Road C. I know that it is collector road, but at some point there has to be some alternative. There is no other way out for the 100-home development next to the proposed development and for people that live north of Gervais and west of Kohlman Lake. Beam does not go through and they changed County Road D so you can't enter Highway 61 so we get all that traffic.

   I would like to see you punch a road out on the other side of this development, either Cypress or Forest or Gervais Avenue. You are also planning on running the traffic by a Maplewood City park (Kohlman) were children play everyday. County Road C is a hazard, someone is going to get hurt! there is no other exit for the people in the development behind us now. We were promised when they built the last development, they would put through Forest. I would just like to see at least one out exit. (Huot - 988 County Road C)

2. We are for the rezoning to R-1 but our main objection is that we do <u>not</u> want Forest Street to go through. We feel access to this new neighborhood should come from other sources (such as Gervais) because of the already heavy traffic on Forest from our neighborhood. This will give the new neighborhood its own privacy and improved quality of area because of no through traffic. The streets of both neighborhoods will be safer and less busy. We also feel that some open space for a <u>park</u> is necessary. With the two areas (Mapleleaf Estates and Carsgrove Meadows) there will be over 150 home. Kohlman Park is at one end of Carsgrove Meadows but isn't much of a park! If Mapleleaf Estates has as many children as Carsgrove Meadows does, this is a definite need. (Wahlstrand - 972 Brooks Court)

3. See the letter on page 28 for additional comments.

Those against the requests had the following comments:

1. I would first like this space considered for open space. If that is not feasible, I would like to see Forest Street remain as is (as a dead end) fewer lots and as much wildlife and as many trees maintained as possible in the proposed development plan. Rezoning to R-1 is a must. (Peters - 948 Brooks Court)

2. I object to this proposal because Maplewood has very few open spaces where deer and wildlife can exist. In the past we have been able to enjoy this beautiful piece of land that house fox, deer and other animals in their natural habitat. We sincerely hope the City will be able to purchase part of this land to maintain its beauty and not develop lots 9 through 15 by rezoning this piece of land OS (open space). We also oppose Forest Street as being

a main traffic route to this piece of land. If possible, we prefer an entrance at Gervais Avenue to access the proposed development. (Leafgren - 954 Brooks Court)

3. The changes are too great for the neighborhood. I would support the proposal however with a few changes as follows. The following changes to the proposal would make it acceptable to me and I believe will improve the neighborhood and still be attractive to the developer:

   a. Leave Forest Street as is. Do not extend it but rather add a new entrance to the new development at Gervais or somewhere else on the south side.

   b. Add a park to the new development. There are lots of children in the area and I presume many more in the new development. Parks and open space add a lot to a neighborhood and should be included in the proposal. I suggest lots 9-15 and on the end of Forest Street. If the area must be developed, I do favor R-1. (Varberg - 960 Brooks Court)

4. Traffic flow, schools and parks would be greatly strained to unacceptable levels. I would not be opposed to this plan with the following changes:

   a. Do not let Forest go through to the new development except bike and walking path.
   b. Neighborhood park with no parking.
   c. Reduce the number of homes by making the lots bigger (15 less homes).
   d. Make entrance from County Road C and Gervais.

   I voted for the school referendum because of current student teacher ratios and facility problems. Lets not over build again. (Sargent - 965 Brooks Court)

5. There are negatives to my neighborhood I would want addressed. First, I very much approve of the rezone to R-1 classification. I would however disagree that 78 homes should be constructed here. Maplewood has a chance to incorporate some open space with this development, thus reducing the number of homes which would have a negative impact. The negatives of concern are:

   a. Increased traffic flow through the neighborhood putting the many children here at risk.

   b. Putting Forest Street through will bring traffic in and out of our neighborhood that doesn't necessarily live here.

   c. Building that many homes without leaving some type of open space will have a negative affect on the aesthetics of the community and the environment (greater pollution, too much run-off and reduction of wildlife).

To preserve the beauty and quietness of our neighborhood, I would suggest making a cul-de-sac out of Forest Street, create a community park behind the homes on Brooks Court accessible by walking path only, and exit traffic from homes along proposed Street A to either Gervais or Keller Parkway. (Dey - 966 Brooks Court)

6. The destruction of open space and increased traffic in area. I feel that this area should not be developed. One of the reasons we built in this area was due to the open, undeveloped woods around the area. The proposed development would not only destroy these areas but drive out the wildlife that thrives there. My proposal would include the developer making a nature preserve out of this area in conjunction with the nearby chain of lakes. Another option would be to sell the area to the City as part of the open space acquisition program that our taxes were raised for.

   I realize the City will look at this from income stand point in the form of additional tax base. Therefore, the City will probably not consider the views of the few residents who presently live in the area. If this area is inevitably developed, I oppose the extension of Forest Street to access this area. I feel that access to this area should be made off Keller Parkway to the south of this area rather than burden the residents of Carsgrove Meadows with the increased traffic flow. (Thomalla - 971 Brooks Court)

7. I think it would be OK to develop the theater for housing but I strongly object to the development of the little treed area directly behind my house. In that section are numerous wild life - birds, fox . . . even a family of deer. It seems a shame to destroy their precious habitat with one more housing plan. The deer actually come into our yards during the early morning or evenings. Then in the day, they go right back to their quiet haven in the small forest. Destroying this last vestige of their habitat in this area is sad. My hope would be that the City would make the developers limit their plan and avoid this section, thus preserving a nature trail (many locals hike through this area) and one of the few remaining deer habitats right here in Maplewood. (Johnson - 978 Brooks Court)

8. The details are unclear concerning the types of buffer created between existing properties and the new development. What about the City easement? Between the Farm and theater property and the current homeowners on the farthest eastern side of Carsgrove Meadows. I do not like to see Forest as a main vain disrupting a current community for another. It will be the biggest roadblock to gain neighborhood approval. (Warner - 983 Brooks Court)

9. Demont Avenue east would no longer be a dead-end street to the east. Would increase traffic. Make Demont Avenue east a cul-de-sac or dead-end to the east of Forest. Also, decrease the number of new single family houses from the proposed 78. Fifty is much more reasonable. Finally, increase the size of Kohlman Park. (Kutrubs - 950 Demont Avenue)

10. There are approximately 20 children that are age 8 and younger that play on Demont Avenue east which would no longer be a dead-end street. (Haubrich - 980 Demont Avenue)

11. The number of lots is too dense and there isn't a provision for parks and open space. We would support it if parks or open space were incorporated into the plan and Forest were preserved. Also Forest Street should not go through to Gervais or Keller Parkway. (Seppala - 2462 Forest Street)

12. This change would make my property more difficult to use or sell. Develop within the limits of the current zoning. (Let them buy us out.) (Lund - 2411 Maplewood Drive)

13. Do not want zoning changed - leave it as it exists. (Zuercher - North St. Paul)

14. See the letters on pages 30–34 and the petition starting on page 42.

REFERENCE

HISTORY

On September 23, 1958, the City Council approved a rezoning from F (farm residence) to BC (business commercial) for the Maple Leaf Drive-in.

On May 28, 1991, the City Council approved land use plan and zoning changes for the area west of Highway 61, north of Highway 36. This was for the Comprehensive Plan update. These changes included much of the property in this proposal. The land use plan changes were from RL (low-density residential), RM (medium-density residential) and LSC (limited service commercial) to RM (medium-density residential) and BW (business warehousing). The zoning changes were from R-1 (single dwellings), F (farm residence) and BC (business commercial) to R-1S (small-lot single dwelling) and M-1 (light manufacturing). These are the land use and zoning designations now in the area.

SITE DESCRIPTION

Gross Area:	32.5 acres
Net Area:	26.2 acres
Proposed Density:	2.98 homes per net acre
Existing land use:	undeveloped and drive-in movie theater

SURROUNDING LAND USES

North: houses on Brooks Court, Cypress Street and a manufactured home park
East: commercial properties and houses on the west side of Highway 61
South: undeveloped and commercial property on Gervais Avenue
West: undeveloped property and houses in Carsgrove's Meadows

LEGAL

For street vacations, Chapter 412.851 of Minnesota State law states that "No such vacation shall be made unless it appears in the interest of the public to do so ..."

PLANNING

The existing R-1(S) land use plan designation is for small lot single dwellings and the M-1 designation is for light manufacturing.

The proposed R-1 (single dwellings) land use designation is for low-density residential land uses like single dwellings.

Lot Sizes: The average lot size in the proposed plat is 14,617 square feet. This is similar to the lot sizes (10,140– 21,466 square feet) on Brooks Court and Demont Avenue. The City Code requires at least 10,000 square feet above a drainage easement and 75 feet of width for each lot outside the shoreland zone. All of the proposed lots meet or exceed City standards.

The shoreland rules require an average lot area of at least 15,000 square feet in shoreland districts. The proposed lots in the shoreland district have an average lot area of 15,190 square feet.

TREES

The developers tree plan shows 95 large trees of a variety of species scattered across the site. They are proposing to keep 31 of the large trees and remove 64 large trees. In addition, they are proposing to plant 64 trees to replace the 64 large trees that they would remove. The City's tree ordinance defines large trees as those over eight inches in diameter. Large trees do not include box elder, cottonwoods or poplar trees. The developer plans to grade most of this site.

SOILS

The Ramsey Soil and Water Conservation District informed us that the soils on this site are suitable for development if the developer controls the erosion. The District recommends that the developer get specific soils data before developing the site.

HOUSING POLICIES

The land use plan has eleven overall land use goals. Of these, four apply to this proposal. They are: provide for orderly development, protect and strengthen neighborhoods, minimize land planned for streets, and provide safe and attractive neighborhoods and commercial areas. The land use plan also has several general development and residential development policies that relate to this project. They are:

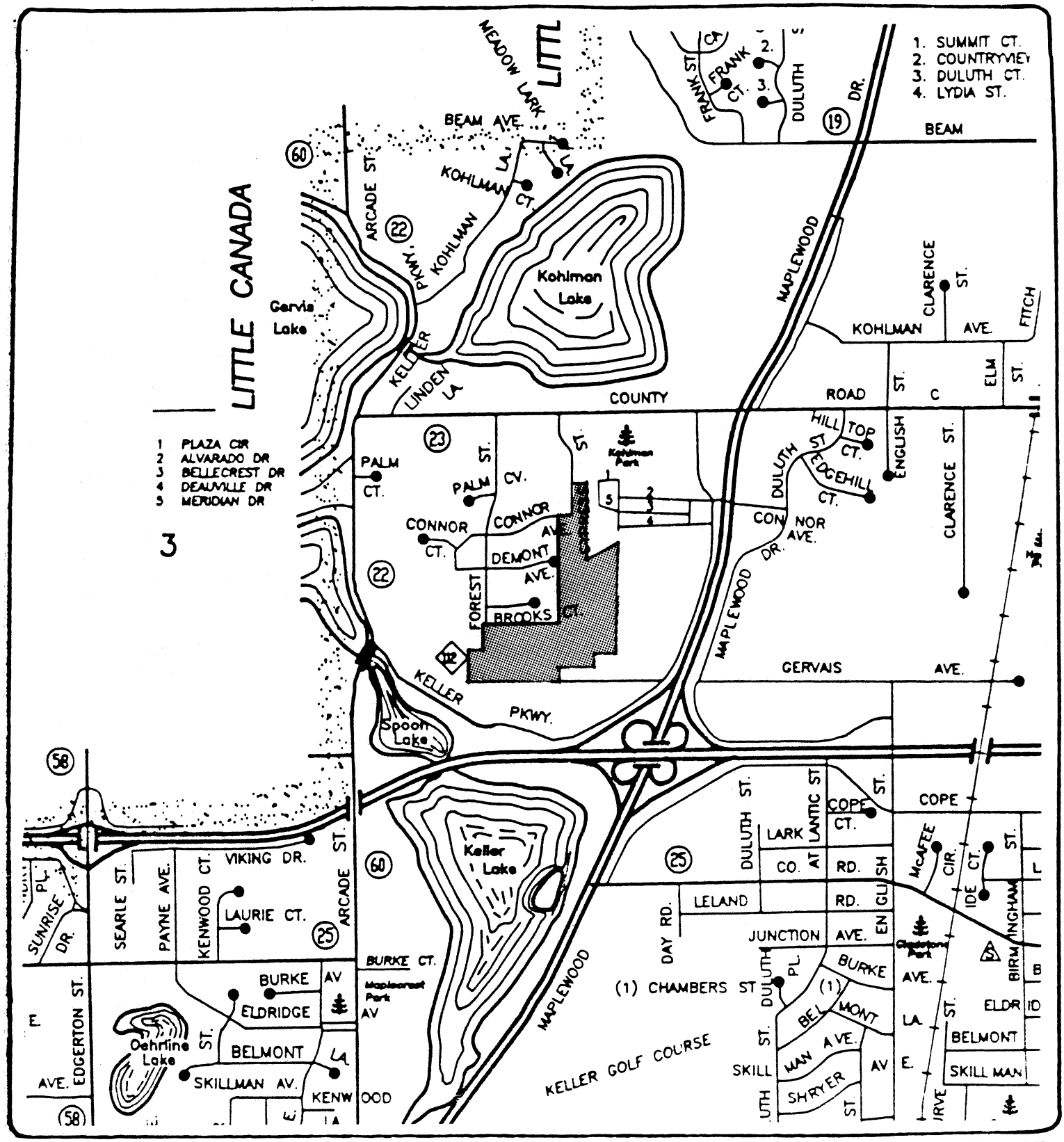
- Safe and adequate access will be provided for all properties.
- Transitions between distinctly differing types of land uses should not create a negative economic, social or physical impact on adjoining developments.
- Whenever possible, changes in types of land uses should occur so that similar uses front on the same street or at borders of areas separated by major man-made or natural barriers.
- The City requires drainage and erosion control plans with new developments. Such plans shall not increase the rate of runoff and shall prevent erosion.
- Protect neighborhoods from activities which produce excessive noise, dirt, odors or which generate heavy traffic.
- Protect neighborhoods from encroachment or intrusion of incompatible land uses by adequate buffering and separation.

The housing plan also has policies about housing quality that the City should consider with this development. They are:

- Plan and design new housing to:
- Protect existing housing, natural features and neighborhood identity and quality.
- Assure there are adequate utilities, community facilities and convenient shopping.
- Maintain or strengthen the character of established neighborhoods and assure that all housing units are safe, sanitary secure and free from blight.

p:sec9\maplelf.mem
Attachments:

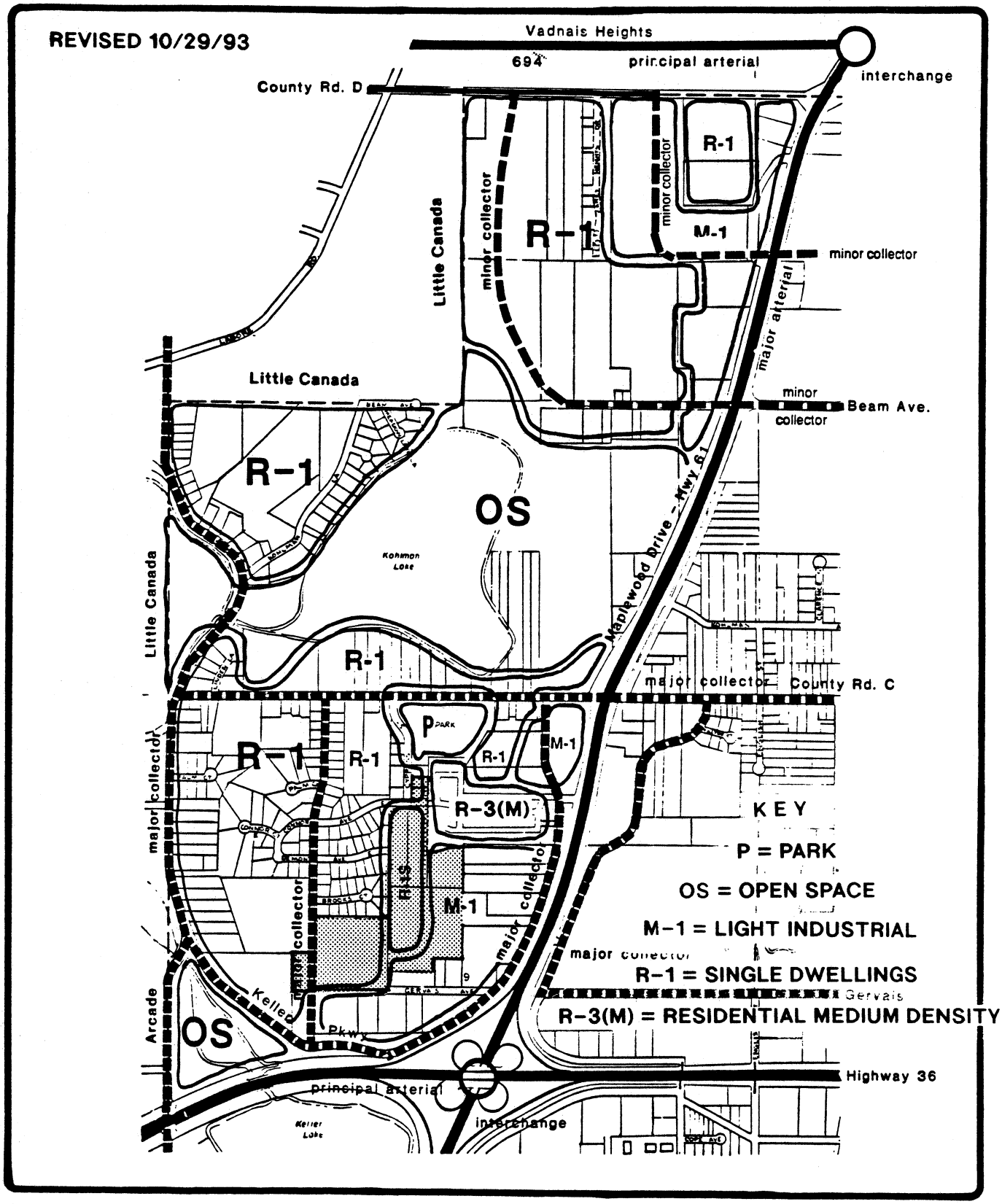
1. Location Map
2. Land Use Plan Map (Existing)
3. Land Use Plan Map (Proposed)
4. Property Line/Zoning Map (Existing)
5. Property Line/Zoning Map (Proposed)
6. Proposed Mapleleaf Estates Preliminary Plat
7. Demont Ave. Cul-de-sac Detail
8. Property Line Map (Open Space)
9. Property Line Map (Vacations)
10. 8-11-94 letter from Moore-Foster
11. Statement from Wiermann
12. Statement from Kornmann
13. Letter from Van Elsberg (Northernaire)
14. 8-11-94 letter from Oak Ridge Pond Rentals
15. Letter from the Seversons
16. Land Use Plan Change Resolution
17. Zoning Map Change Resolution
18. Street Vacation Resolution
19. Cul-de-sac Width Variance Resolution
20. Petition
21. Project Plans (separate attachment)



LOCATION MAP

SITE

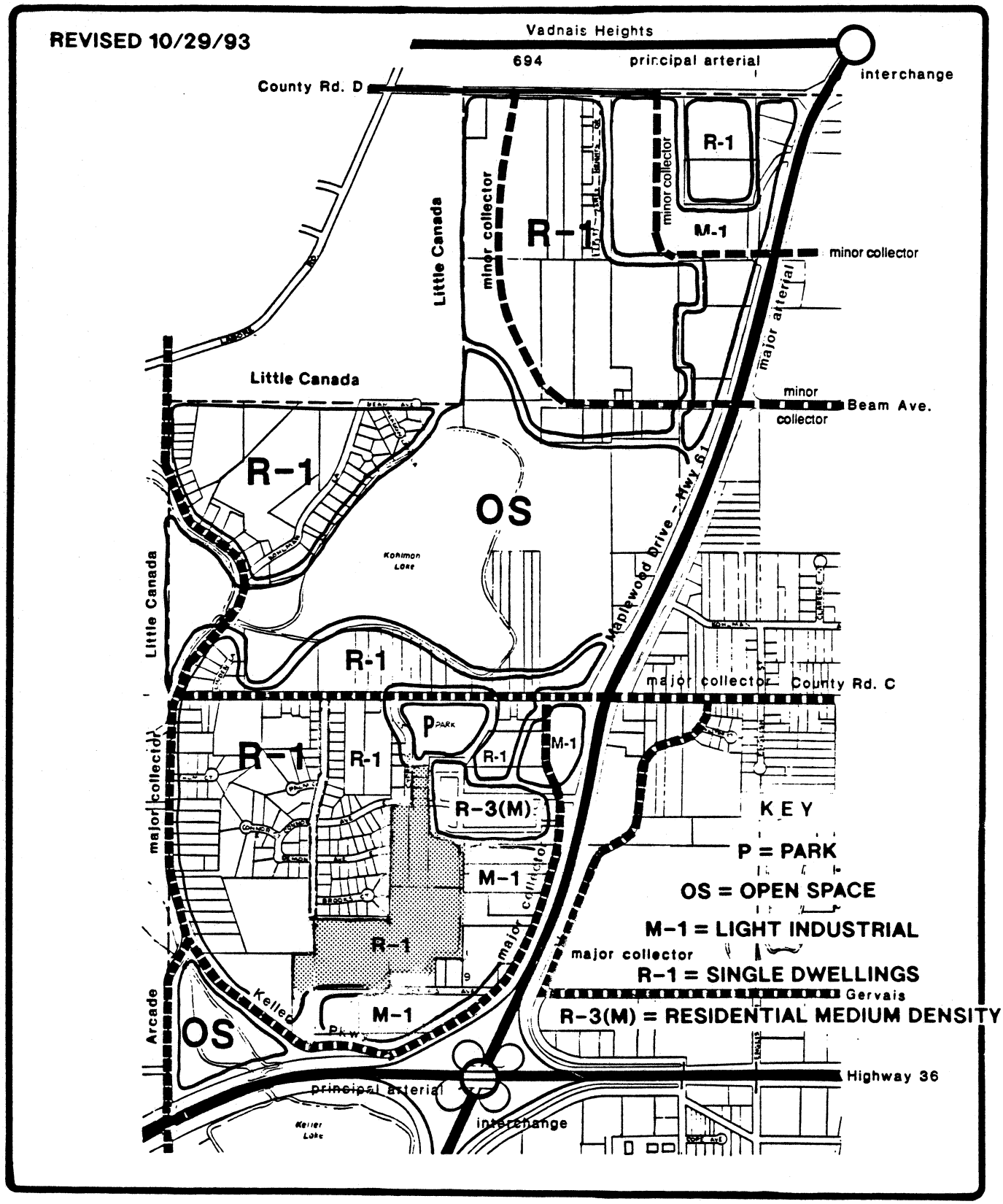
N



KOHLMAN LAKE
NEIGHBORHOOD LAND USE PLAN
(EXISTING)

SITE

N

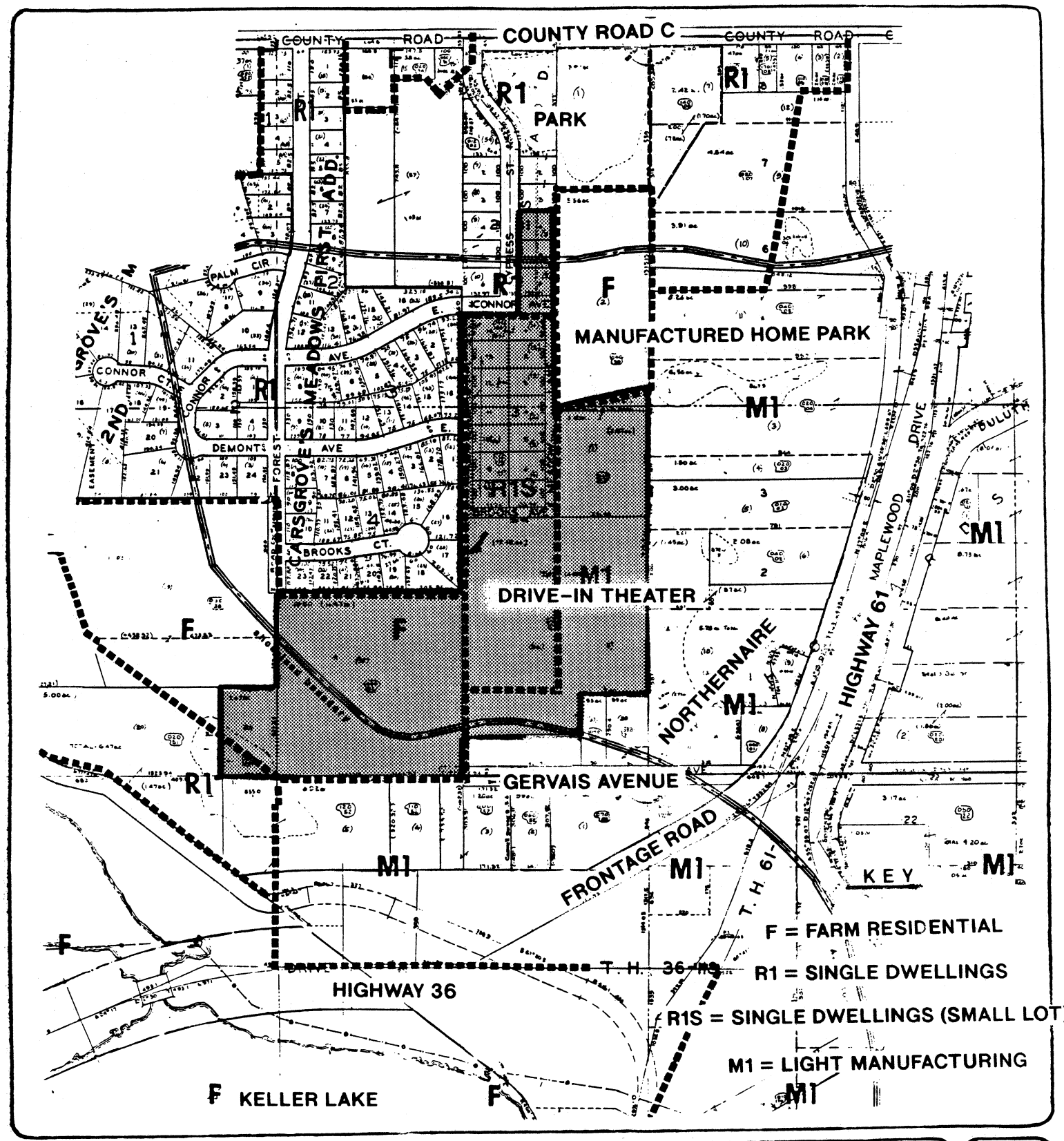


KOHLMAN LAKE NEIGHBORHOOD LAND USE PLAN

SITE

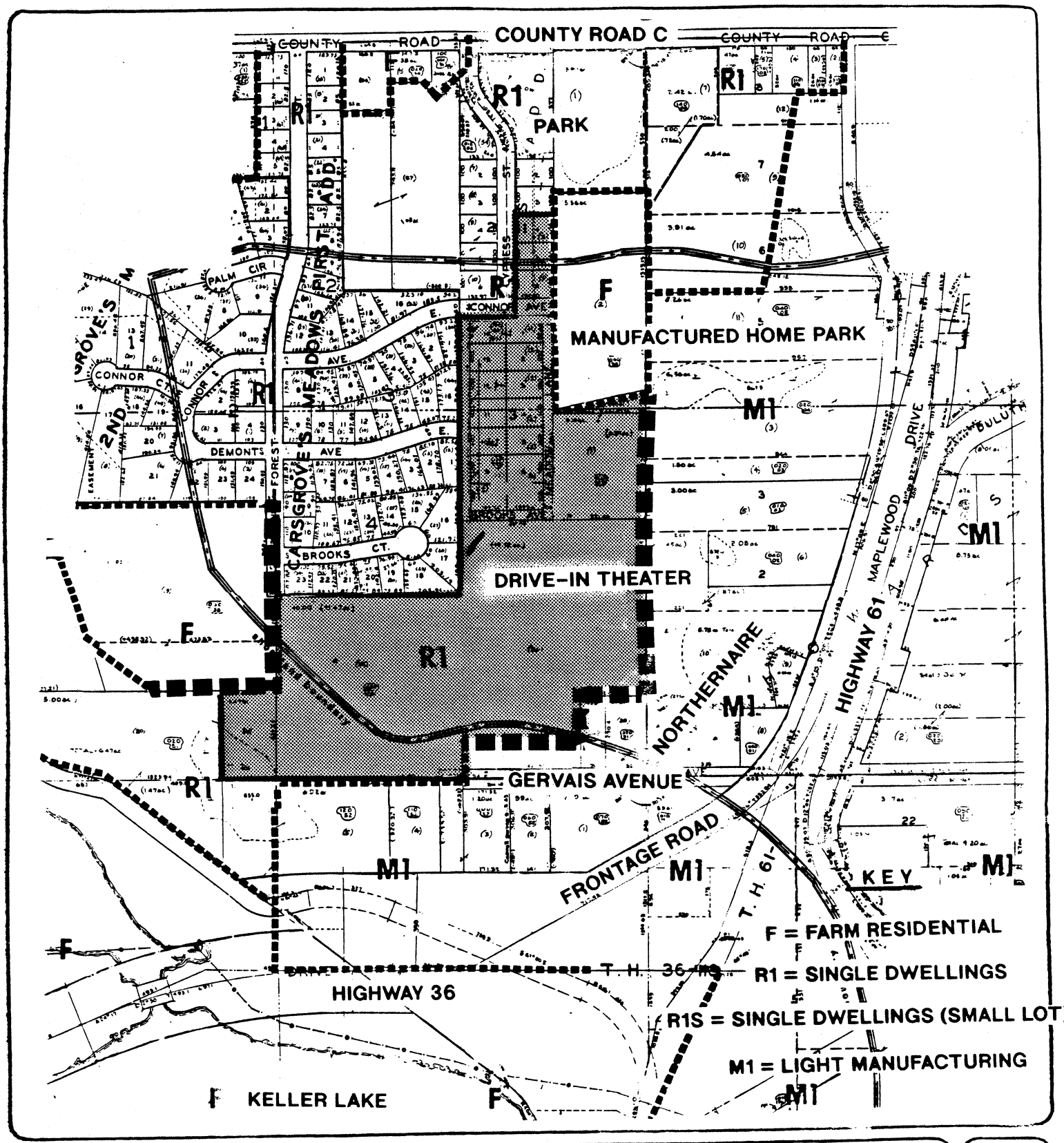
(PROPOSED)

N



PROPERTY LINE / ZONING MAP
(EXISTING)

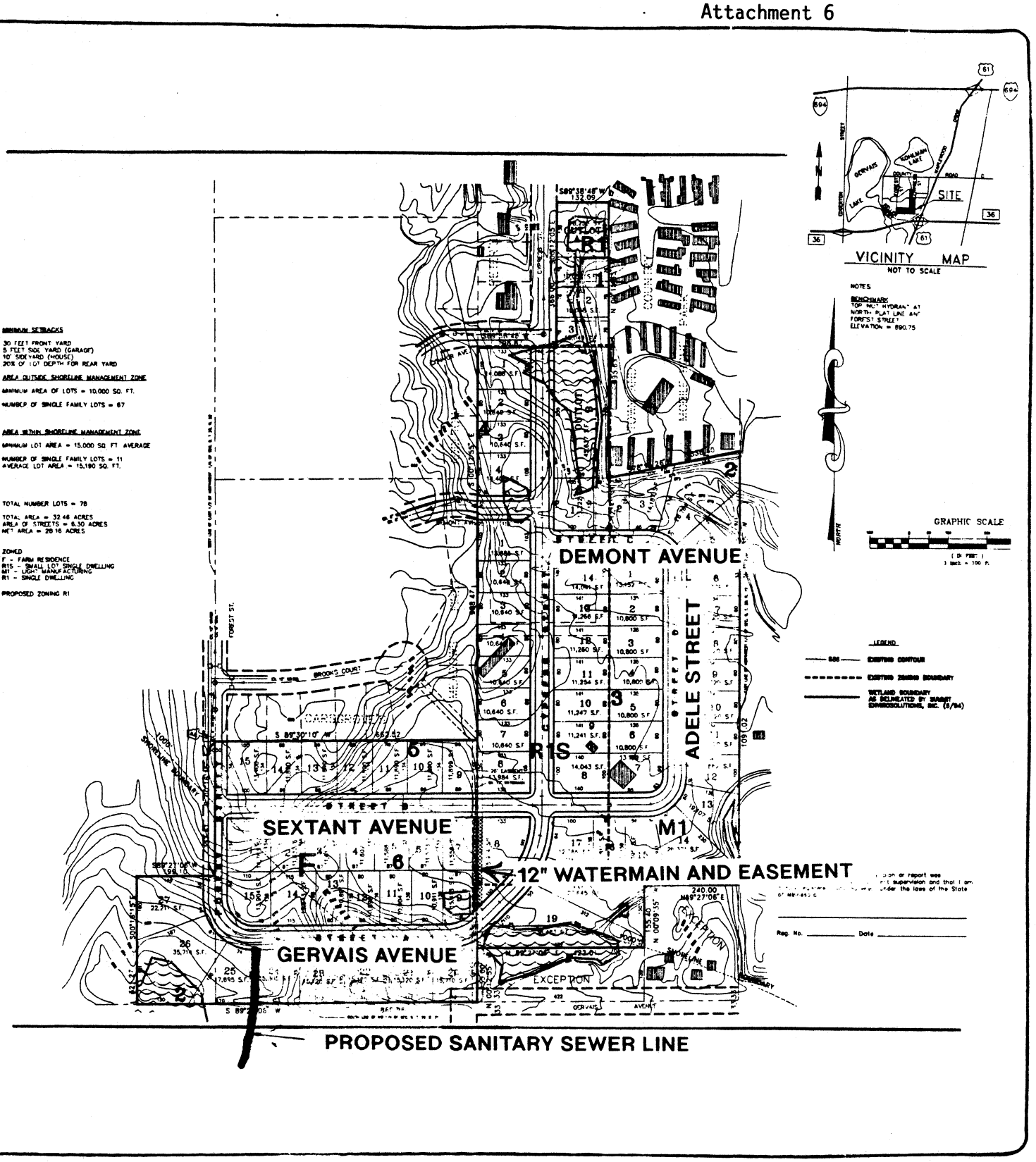
SITE



PROPERTY LINE / ZONING MAP
(PROPOSED)

SITE

N



MAPLELEAF ESTATES

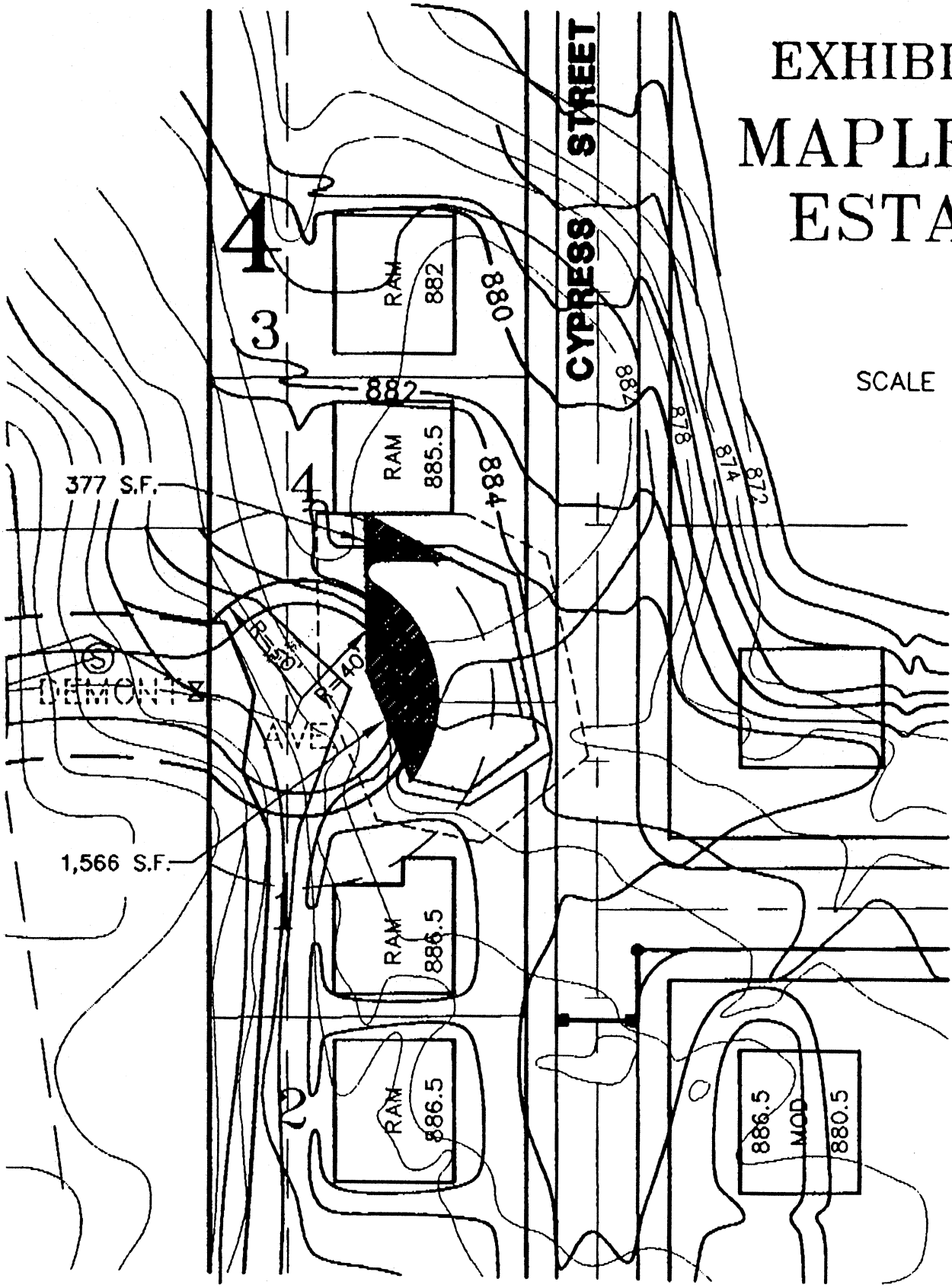
PRELIMINARY PLAT

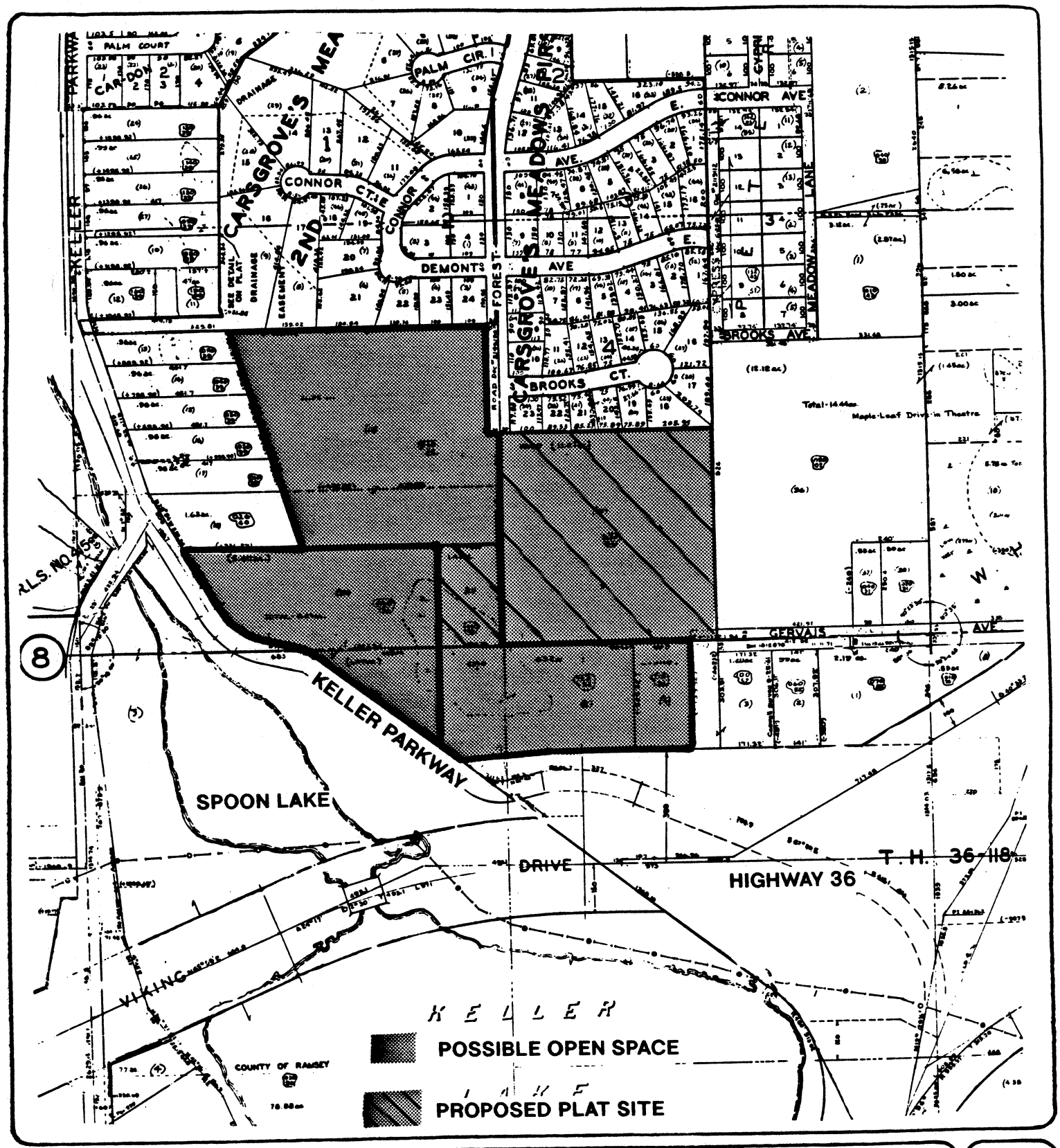
OWNER/DEVELOPER:
GONYEA COMPANY
50 GROVELAND TERRACE
MINNEAPOLIS, MINNESOTA 55403
(612) 377-0191

Attachment 7

EXHIBIT "A"
MAPLELEAF ESTATES

SCALE 1" 60'

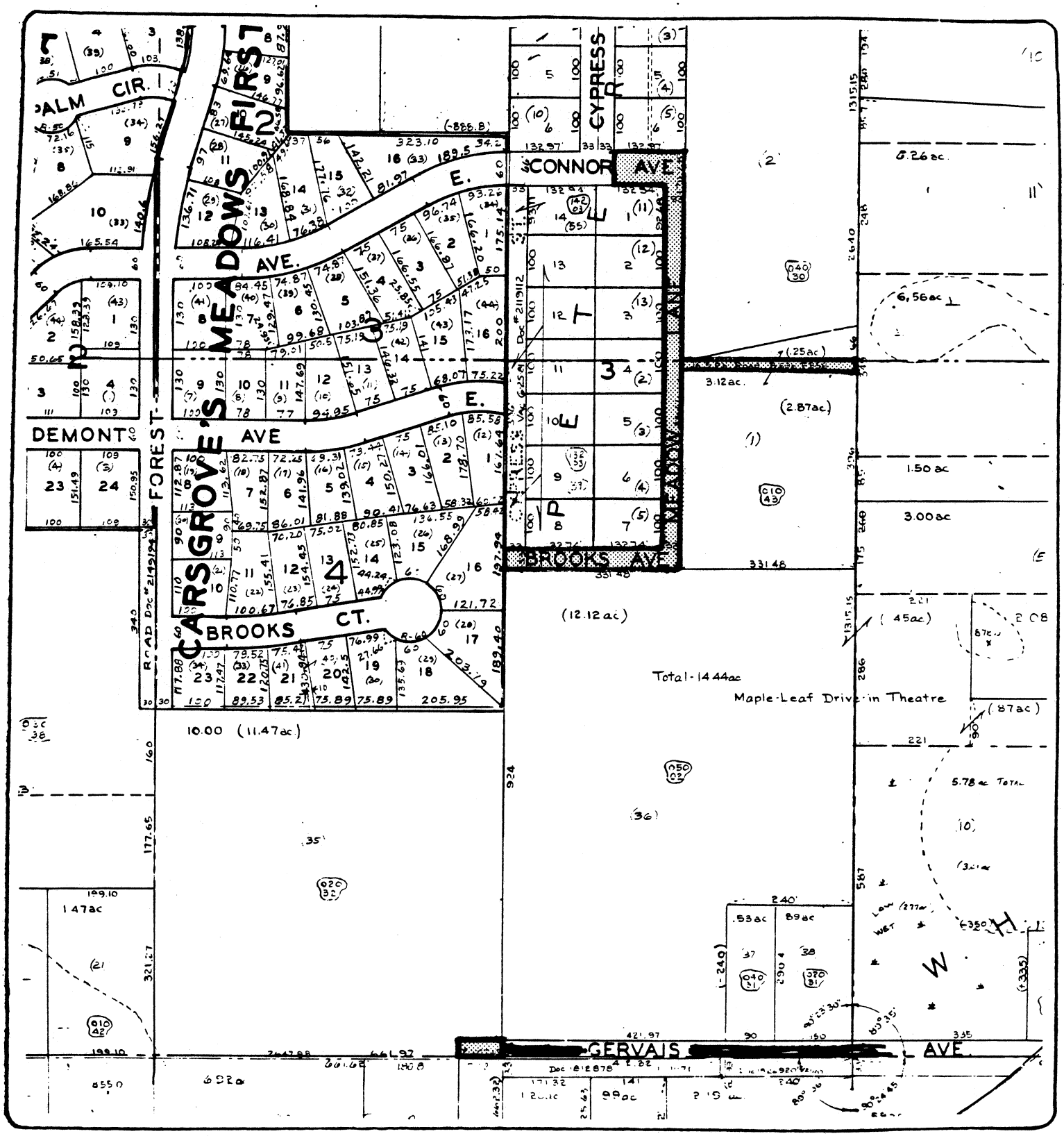




PROPERTY LINE MAP

OPEN SPACE SITE #116

N



PROPERTY LINE MAP

PROPOSED VACATIONS

N

Attachment 10

AUG

986 Demont Ave. East
Maplewood, Minn.
August 11, 1994

Kenneth Roberts
Community Development Department
City of Maplewood
1830 E. County Road B
Maplewood, Minn. 55109-2797

Mr. Roberts:

We are responding to the proposal for the use of land surrounding our community by the Gonyea Corporation. We are not opposed to the building of **single family dwellings** but we do have some concerns/suggestions that we would like to have considered.

Our first concern has to do the wetlands located on the land. The map was not very clear, but we are hoping those areas would not be tampered with and left intact. As you are probably aware, it provides a home for several different types of water fowls.

In addition, our property has a substantial amount water beneath the house foundation. During and after rainfalls, our water pump runs continuously. We are afraid that if the present natural drainage system is disturbed, we may experience serious drainage problems.

Our next concern has to do with the mature trees located on the land. Those trees not only help to maintain the quality of the air, but is also home to an abundance of wildlife. Including, but not limited to owls and deer. We realize that some of the trees will have to be sacrificed in order to build the homes. However, it would be greatly appreciated if the city could require that a certain percentage of the trees remain on the land.

Another concern has to do with access to the community. There appears to be only two streets to gain access to the neighborhood. This will mean that the traffic to reach the new development will be routed through the existing community. We would like to see another street allowing access to the new homes that would not route them through Forest or Cypress Streets.

Lastly, we would we like to ensure that the lot sizes are kept equivalent to the properties in Carsgrove Meadows. Again, due to the quality of the map it was difficult to ascertain the new lot sizes. In order to allow existing homeowners to maintain our property values, we would request that the lot sizes remain consistent with the existing homes.

Thank you for listening to our concerns. We can be reached at 486-0023 if further clarifications on our suggestions are needed.

Sincerely,

Marcia + Walker Moore-Foster

Marcia and Walker Moore-Foster

We the homeowners of Carsgrove's Meadows and surrounding areas strongly oppose Mapleleaf Estates as proposed for the following reasons:

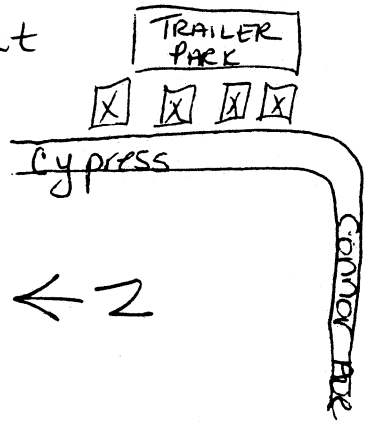
1.) Extending Forrest beyond it's present ending point would forever change the character of one of Maplewood's most beautiful neighborhoods. Greatly increased traffic flow would diminish the safety of our neighborhood in general not to mention unnecessarily putting our children at far greater risk.
2.) Development of the entire tract of land would further the destruction of habitat and wildlife and destroy some of the natural beauty of Maplewood.
3.) The result of effectively doubling the number of homes in a small area would increase the burden on our already overcrowded schools as well as increase crime, and increase demand on public services such as police, fire, and street maintenance. Increased water pollution would also stress existing wetlands and surrounding lakes.

The below signed residents would **strongly support** the development of Mapleleaf Estates if the plan were to be improved. We firmly believe the following refinements would help to maintain the character of the existing neighborhood and still allow the developer to create a highly marketable community.

1.) Leave Forrest exactly as is. Build another entrance to the development at Gervais. This will lessen the negative impact on the safety and character of the existing community.
2.) Rezone entire tract of land as R1 (as presently proposed).
3.) Reduce the number of new lots. This will reduce the negative impact of higher density.
4.) Leave "*Open Space*" or build a Community Park on proposed lots 9-15 and on the end of Forrest (encourage community use only by not having a parking lot). This would enhance the *livability* of Maplewood by blending nicely with the existing parks along Spoon Lake and Keller Lake.

WIEREMANN - 955 BROOKS COURT

I don't feel homes should be built along the street of Cypress and Connor Ave in front of the trailer court



I feel these four homes should be completely taken off the map. This area was built up not only to obstruct the view of the trailer park, but also to maintain the small pond that was put in. Our wild life is slowly disappearing and they greatly need this area.

Also I feel all of the lot sizes need to be enlarged. As you can see from Carsgrove Edition now, the homes and lots are all of good quality size. The new edition lots are all basically 80 x 135. I don't feel these lots are deep enough. I think they all should be at least 175 - 200 deep. If that means less lots for the developer so be it. I feel to keep our wildlife and community the way it is it should be equal too if not greater than what we already have.

Thank-you,
Dave & Kathy Kosnman
982 Connor Ave
Maplewood MN 55109

P.S Sorry this is late we were on vacation.

YOUR "INN" SPOT

Attachment 13

Northernaire Motel

2441 Hwy 61 St. Paul, MN 55109 (612) 484-3336
1-800-899-7578 Reservations & Info. only Fax 484-2063

We are strongly against the projected development. All the existing Commercial properties adjoining the proposed development will lose value. If any businesses were to make improvements, along with meeting the city of Maplewoods requirements, we will need to notify our neighbors 350 ft. from our property. Currently, we wouldn't get any negative feed back from any of our neighbors, as our commercial business's won't hurt any of their properties. If this proposal goes through as projected, we will have 35 or more, residential properties to satisfy. Homeowners, once established, are not going to want: Noise, Lights, Trucks, etc., etc. Those things that are apart of operating a business. A New Business may find it easier to go else were, Then to Try to appease residential home owners with their business designs, Expansion, and revisions. Existing business's may eventually be required to meet the needs of the home owners and residential guidelines, rather then fit the needs of the business itself. An owner building a new business will not want residential owners to determine their fate.

The two homes on Jarvis are not marketable as residential now, if this proposal goes through they will not be marketable as commercia, for all the aforementioned reasons.

Another great concern, is the Land that we have adjoining the proposed property. We would not want any new development directing any drainage over our Property. My husband and I have been hear for 6 years, through the wettest times, there hasn't been any water in that area, and we don't want any!

In respect to our thoughts for this property:

There should be a buffer zone next to the residential. Office buildings, Dr. clinics etc. Then our business won't disturb them, and there business won't disturb the residential. We agree with the existing zoning map. This buffer was well thought of from the city, to avoid future zoning problems, like those that now exist. This corner is already a conglomeration of zoning with residential homes overlooking loading docks,

Thank you,
Bud & Rose
Van Elsberg

The Friendly Place to Stay!

Attachment 14

OAK RIDGE POND RENTALS
P.O. BOX 10859
WHITE BEAR LAKE, MN 55110
(612) 433-3621
FAX (612) 433-4017

AUG

August 11, 1994

VIA FACSIMILE

Mr. Kenneth Roberts, Associate Planner
City of Maplewood
1830 E. County Road B
Maplewood, MN 55109

Re: Response to Proposed Gonyea Company Development

Dear Mr. Roberts:

Thank you for the information you sent August 1 regarding the proposed change of zoning in our neighborhood.

As I stated in the enclosed survey, I object to the proposal from Gonyea Company. Our industrial park building has tenants who are manufacturers, wholesalers and service businesses. There is traffic on our property and it is very active. In the future, our main tenant has shown serious interest in having us build an addition on to our building which would extend the building to the west, and right into the proposed new residential development. I expect we would have problems with neighbors complaining about our addition, noise, traffic and building lights at night, and this is NOT a desirable situation.

Please keep me advised on this matter. I will strongly oppose any change in the zoning for this neighborhood. Thank you for your consideration.

Sincerely,

Charisse M. Hall

Charisse M. Hall
Property Manager

cmh

PS Please note our change in address:

James M. Muellner
dba Oak Ridge Pond Rentals
P.O. Box 10859
White Bear Lake, MN 55110

October 8, 1994

OCT

Mr. Kenneth Roberts
Associate Planner
City of Maplewood

Dear Kenneth,

I attended the recent public hearing regarding the proposed Mapleleaf Estates development.

I did not speak at the meeting, but I would like you to share the following comments with the appropriate City personnel:

1. I thought the presentation provided by Geoff Olson was well done.

2. As many stated at the meeting, I am strongly opposed to the extension of Forest street, and I am concerned about the extension of Cyprus street due to the location of the park.

   I agree that the City should evaluate access options to east and the south of the proposed development.

   I am mainly opposed to the extension of Forest street because I feel the City does have other traffic routing options for this development. I think that the frontage road to the east and Keller Parkway to the south could feed much of the traffic into the new development.

   Existing traffic is relatively light on the frontage road, and very light on Keller Parkway south of the proposed development as compared to County Road C and Forest. There is very little residential development along these roads, so more traffic should not be of concern as it would be on County C and Forest.

   I agree that the City should explore an access road from the East, perhaps running thru the area of the existing drive in theater. I also support the access road off of Keller Parkway from the south.

Concern was expressed over how an access road from the east would be paid for. I would like to know what the incremental cost of such a road would be, and how it might be paid for. Does the City have the ability to spend more on such a road in recognition of the higher tax base associated with the existing and proposed development? Could the neighborhood pay for it?

If possible, I would like to receive a copy the traffic plan for the Phase I development, and I would like to receive other traffic related information with respect to Phase II as it becomes available.

3. Someone on Brooks court expressed concern about excessive tree removal on the lots to the south of Brooks court due to the grading plan. I got the impression that trees may be removed to satisfy city ordinance, when in fact they could remain with some minor deviations from policy. I would encourage the city to spend some time and money evaluating how more of the trees could be saved, while still providing for acceptable drainage, etc.

4. Naturally, I hope that the City can acquire the land discussed for open space.

5. With this additional development, it seems reasonable that more funds will be added for the park. I would like to see a lighted tennis court, and was encouraged to hear that the City may build one.

Thank you for your consideration of these points.

Sincerely,

Jeff and Heidi Severson and family
926 Palm Circle
Maplewood, MN 55109
797-3404-work

LAND USE PLAN CHANGE RESOLUTION

WHEREAS, Dennis Gonyea applied for a change to the City's land use plan. This change is from R-1S (small lot single dwellings) and M-1 (light manufacturing) to R-1 (single dwellings).

WHEREAS, the City staff is proposing to drop the collector designation on Forest Street.

WHEREAS, this change applies to the property south of Brooks Court between Forest and Cypress Streets north of Gervais Avenue in Section 9, Township 29, Range 22.

WHEREAS, the history of this change is as follows:

1. The Planning Commission held a public hearing on October 3, 1994. The City staff published a hearing notice in the Maplewood Review and sent notices to the surrounding property owners. The Planning Commission gave everyone at the hearing a chance to speak and present written statements. The Planning Commission recommended that the City Council approve the plan amendment.

2. The City Council discussed the plan amendment on _____, 1994. They considered reports and recommendations from the Planning Commission and City staff.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described change for the following reasons:

1. The developer is proposing to develop the site for single dwellings.

2. This change would reduce the allowable intensity and traffic from this site.

3. The R-1 classification would be more compatible with the surrounding homes than the present classifications.

4. Forest Street would no longer serve as a major collector street.

The Maplewood City Council adopted this resolution on _____, 1994.

RESOLUTION: ZONING MAP CHANGE

WHEREAS, Dennis Gonyea applied for a change in the zoning map from F (farm residential), R-1S (small lot single dwellings) and M-1 (light manufacturing) to R-1 (single dwellings).

WHEREAS, this change applies to the property south of Brooks Court between Forest and Cypress Streets north of Gervais Avenue. The legal description is:

The East half of the Southeast quarter of the Northwest quarter of Section 9, Township 29 North, Range 22 West, Ramsey County, Minnesota except the North 396 feet thereof and except the South 290.4 feet of the East 240 feet thereof and except the South 135 feet lying West of the East 240 feet thereof, and

Lots 4 through 6, Block 1; Lots 1 through 14, Block 3; vacated Brooks Avenue, Meadow Lane and the vacated Conner Avenue, all in Peters Addition, according to the recorded plat, Ramsey County, Mn.
and

The North twenty-four (N. 24) rods of the East half of the East half of the Southeast quarter of the Northwest quarter (E 1/2 of E 1/2 of SE 1/4 of NW 1/4); and that part of the East half of the East half of the Northeast quarter of the Northwest quarter (E 1/2 of E 1/2 of NE 1/4 of NW 1/4) described as: beginning at the SW corner thereof, thence East to the Southeast corner thereof; thence North along the East line thereof Four (4) rods, thence Southwesterly to the place of beginning, all in Section Nine (9), Township Twenty-nine (29), Range Twenty-two (22), subject to easements of record including agreement in 41 Misc. 574, and Southwest quarter of Southeast quarter of the Northwest quarter of Section 9, Township 29 North, Range 22 West, Ramsey County, Minnesota, and The South 321.27 feet of the East 199.10 feet of the Southeast quarter of the Southwest quarter of Northwest quarter of Section 9, Township 29 North, Range 22 West, Ramsey County, Minnesota.

WHEREAS, the history of this change is as follows:

1. On October 3, 1994, the Planning Commission recommended that the City Council approve the change.

2. On October __, 1994, the City Council held a public hearing. The City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners. The Council gave everyone at the hearing an opportunity to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described change in the zoning map for the following reasons:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning code.

2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

3. The proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare.

4. The proposed change would have no negative effect upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.

The Maplewood City Council adopted this resolution on _____, 1994.

VACATION RESOLUTION

WHEREAS, Dennis Gonyea, representing Gonyea Corporation, Inc., applied for the vacation of the following described streets:

1. That part of Connor Avenue east of the east right-of-way line of Cypress Street, all of Meadow Lane between Connor Avenue and Brooks Avenue, and all of Brooks Avenue between Meadow Avenue and the vacated Cypress Street as dedicated as part of the Peters Addition in Section 9, Township 29, Range 22

2. The 16.5-foot-wide undeveloped public road between the east side of Meadow Lane and the east side of the proposed plat site that divides PIN 09-29-22-24-0001 as noted in Book 636, Page 556.

3. The west 77 feet of the Gervais Avenue right-of-way that is west of the west 1/2 of the east 1/2 of the NW 1/4 of Section 9, Township 29, Range 22.

WHEREAS, the history of this vacation is as follows:

1. On October 3, 1994, the Planning Commission recommended that the City Council approve this vacation.

2. On October __, 1994, the City Council held a public hearing. The City staff published a notice in the Maplewood Review and sent a notice to the abutting property owners. The Council gave everyone at the hearing a chance to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

WHEREAS, after the City approves this vacation, public interest in the property will go to the following abutting properties:

1. Lots 1–14, Block 3 of Peters Addition

2. Lot 6, Block 1 of Peters Addition

3. The North 396 feet of part of east 1/2 of the SE 1/4 of the NW 1/4 East of Peters Addition and also a triangular tract adj. on N being in and measuring 66 feet on the east line of the east 1/4 of NE 1/4 of NW 1/4 all in Section 9, Township 29, Range 22.

4. The south 10 acres of the west 1/2 of the east 1/2 of the NW 1/4 of Section 9, Township 29, Range 22

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described vacations for the following reasons:

1. It is in the public interest.
2. The City has no plans to build streets on these rights-of-way.
3. The adjacent properties have street access.

This vacation is subject to the City retaining a 25-foot-wide utility easement over the east end of Gervais Avenue.

The Maplewood City Council adopted this resolution on _____, 1994.

VARIANCE RESOLUTION

WHEREAS, Dennis Gonyea applied for a variance from the subdivision ordinance.

WHEREAS, this variance applies to the proposed cul-de-sac at the east end of Demont Avenue.

WHEREAS, Section 30-8(b)(3) of the Maplewood Code of Ordinances requires a right-of-way diameter of 120 feet for cul-de-sacs.

WHEREAS, the applicant is proposing a diameter of 100 feet.

WHEREAS, this requires a variance of twenty feet.

WHEREAS, the history of this variance is as follows:

1. On October 3, 1994, the Planning Commission recommended that the City Council approve this variance.

2. On October 24, 1994, the City Council held a public hearing. The City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners. The Council gave everyone at the hearing an opportunity to speak and present written statements. The Council also considered reports and recommendations from the City staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve the above-described variance for the following reasons:

1. The variance would save part of a wetland.
2. The City Engineer stated that the cul-de-sac would be large enough for snow-plowing.

The Maplewood City Council approved this resolution on _____, 1994.

MAPLELEAF ESTATES PROPOSED SITE PLAN MODIFICATIONS
AUGUST, 1994

We, the homeowners of Carsgrove Meadows and surrounding areas strongly feel there should be modifications made to the Mapleleaf Estates proposed site plan before we can fully support that plan.

The existing plan is not acceptable for the following reasons:

1.) Extending Forest Street beyond it's present ending point would forever change the character of one of Maplewood's most beautiful neighborhoods. Greatly increased traffic flow would diminish the safety of our neighborhood in general, not to mention unnecessarily putting our children at a far greater risk.

2.) Development of the entire tract of land would further the destruction of habitat and wildlife and destroy some of the natural beauty of Maplewood.

3.) The result of effectively doubling the number of homes in a small area would increase the burden on our already overcrowded schools as well as increase crime, and increase demand on public services such as police, fire, and street maintenance. Increased water pollution would also stress existing wetlands and surrounding lakes.

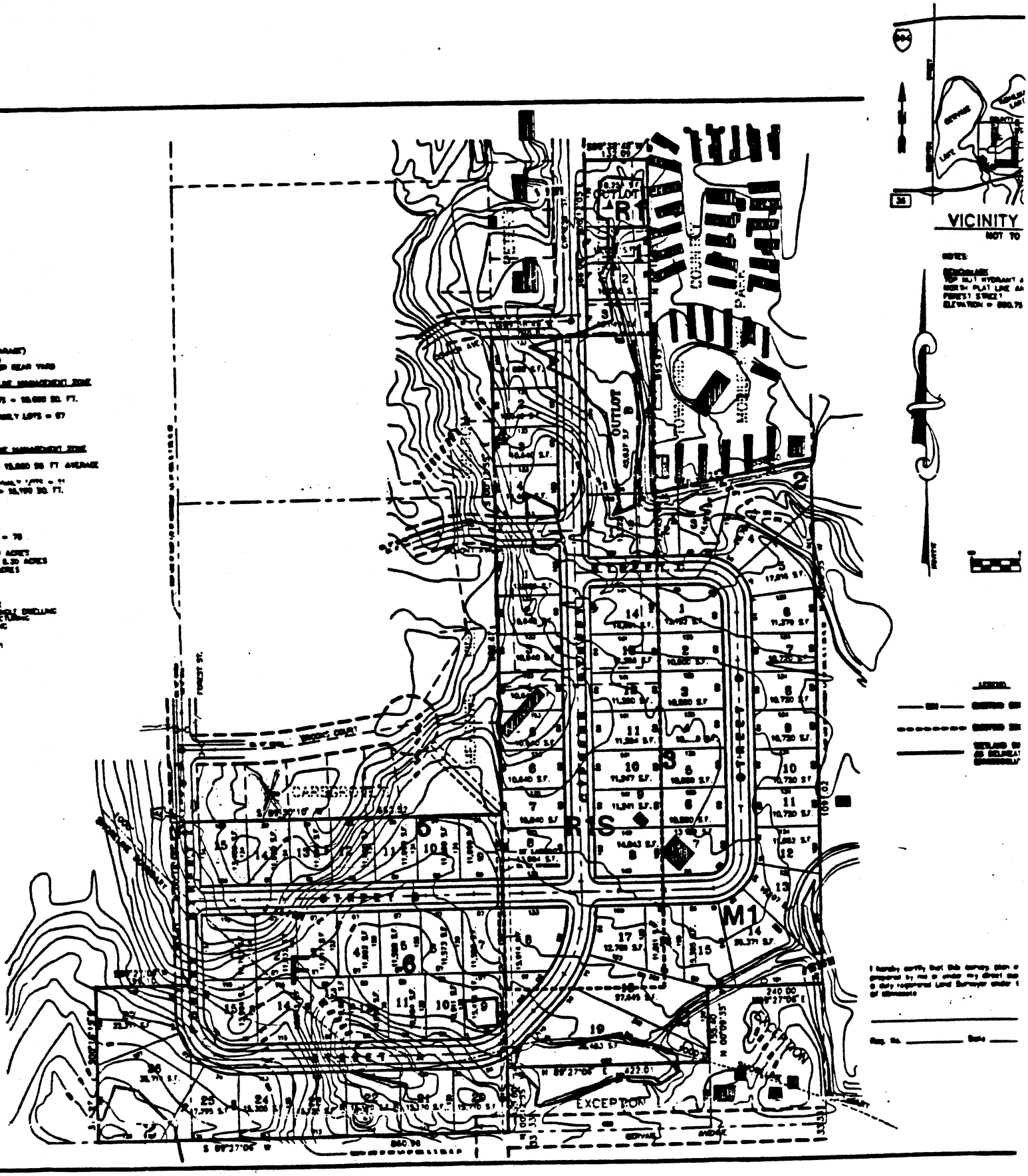
The below signed residents would **fully support** the development of Mapleleaf Estates only if the below mentioned modifications are made to the proposed plan . We firmly believe the following refinements would help to maintain the character of the existing neighborhood and still allow the developer to create a highly marketable community.

1.) Leave Forest Street exactly as is. Build another entrance to the development at Gervais. This will lessen the negative impact on the safety and character of the existing community.

2.) Rezone entire tract of land as R1 (as presently proposed).

3.) Reduce the number of new lots. This will reduce the negative impact of higher density.

4.) Leave "*Open Space*" or build a Community Park on proposed lots 9-15 and on the end of Forrest (encourage community use only by not having a parking lot). This would enhance the *livability* of Maplewood by blending nicely with the existing parks along Spoon Lake and Keller Lake. A "buffer" in this location would also help to maintain the character of the existing community.


VICINITY
NOT TO
OUTLOT
OUTLOT B
EXCEPTION
M1

NAME	ADDRESS
1 Sandy Peters	948 Brooks Ct.
2 Jack Peters	948 Brooks Ct
3 Mary Lofgren	954 Brooks Ct
4 Dave Lofgren	954 Brooks Court
x 5 Joel Varkevy	960 Brooks Ct
6 Susan Varkevy	960 Brooks Ct
7 Carol Tromalla	971 Brooks Ct
8 Betty Moretre	959 Brooks Ct
9 Michele Cram	2634 Beeler Pkwy
10 Tammy Craven	2612 Forest
11 Cheryl Wiermann	955 Brooks Ct.
12 John Wiermann	955 Brooks Ct
13 Nicholas Roth	2540 Forest Street
14 Marlene D. Roth	2540 Forest Street
15 Judi Schenian	2550 Forest St
16 Mike Schenian	2550 Forest St
17 Jodie Vogelenzang	2560 Forest St.
18 Jim Vogelenzang	2560 Forest St
19 Joe Seifert	2571 Forest St.

	NAME	ADDRESS
20	Peter Dey	966 Brooks ct
21	Munir ABID	2579 FOREST ST
22	IZZA · S. ABID ·	
23	Michelle Toy	2586 Forest St.
24	Alex Toy	2586 Forest St.
25	Nicholas E. Carlson	2596 Forest
+ 26	Nancy Chelfel Carlson	2596 Forest
27	Michael [illegible]	259[illegible] Forest
28	Colleen M. Malpine	2597 Forest
29	[illegible] R. Biggs	2605 Forest St.
30	Pete / Pat Gray	2585 FOREST ST
31	Mary Oberg	2613 Forest St.
32	James R. Iasiegn	2612 FOREST ST.
33	Lynn Davis	2620 Forest St.
34	Vin Davis	2620 " "
35	Earl Meinke	2630 Forest St.
36	Betty Meinke	2630 Forest St.
37	Kurt Geier	915 Palm Circle
38	Karen Geier	915 Palm Circle

	NAME	ADDRESS
39	Dave O'Connor	916 Palm Circle
40	Vickie O'Connor	916 Palm Circle
41	Heidi J Severson	926 Palm Circle
42	Jeffrey A. Severson	" " "
43	William Higing	936 Palm Circle
44	Mary P. Higing	" " "
45	Claudia M. Baldwin	929 Connor Ave. E.
46	Richard L Baldwin	929 Connor Ave E.
47	Mark D Larson	894 Connor Ct
48	Rae Y. Larson	894 Connor Ct. E.
49	Bill Eral	893 Connor Ct
50	Gayle Eral	
51	Anatole Rabovich	873 Connor Ct.
52	Anna Rabovich	
53	Michael A Santoro	874 Connor Ct.
54	Shirley J Santoro	874 Connor Ct
55	Paul Cooney	921 E. Connor Ave.
56	Sharon J Cooney	921 E. Connor Ave.
57	Alan L. Hurst	999 - E. Co Rd C

	NAME	ADDRESS
58	Rita C Hunt	999 E. Co Rd C
59	George Campanaro	2600 Kelleyphy.
60	Mary Campanaro	2600 Kelleyphy
61	Judy Vitale	830 Palm Ct
62	Jim Vitale	830 Palm Ct
63	W. Halloran	846 PALM CT.
64	M. Halloran	846 PALM CT.
65	N. Kruse	854 Palm Ct.
66	Ann K Bell	2660 LINDEN LANE
67	Michael Bell	2660 LINDEN LANE
68	Michael G. Bell Jr.	2660 Linden Lane.
69	Kim Sorensen	2660 Keller Pkwy
70	Steve Sorensen	2660 Keller Pkwy
71	Elmer Starks	910 E. Co. Rd. C
72	Gary Halvorsen	920 E. County R. C
73	Diane Lund	1049 E. Co. Rd. C
74	Nancy Kopesky	1041 E Co. Rd C
75	Duane Lorenz	2442 KELLER PKWY
76	Ron Green	1011 E CO RD C

	NAME	ADDRESS
77	Cherne Green	1011 E County rd C
78	Lois G Hughes	1003 E. Co. C
79	Maurice G. Hughes	1003 E Co. Rd C
80	Pamela A. Hurst	988 E. Co Rd C
81	Therese Hurst	988 E Co Rd C
82	Pat Mondahl	938 Demont Ave E
83	Paul Jondahl	938 Demont Ave E
84	[illegible]	981 DEMONT AVE E.
85	W.J. + Marcia Moore-Porter	986 Demont Ave. E.
86	[illegible]	980 DEMONT AVE E.
87	Chelen Gore	974 Demont Ave.
88	Clayton Gore	974 Demont Ave
89	Vicky Primore	975 Demont Ave.
90	[illegible]	962 Demont Ave E
91	Brenda Gustafson	952 Connor Ave.
92	Mylo Gustafson	" " "
93	Jim Kytonlos	950 Demont Ave E.
94	[illegible]	2507 Forest St
95	[illegible]	2507 Forest St

	NAME	ADDRESS
96	Karen Stenson	2508 Forest St.
97	Stan Stenson	2508 Forest St.
98	Joanne Floyd	955 Connor Ave E.
99	Robert M Floyd	955 Connor Ave E
100	Dan Keran	958 CONNOR
101	Bonnie Keran	958 Connor Ave E.
102	David R. Anderson	964 CONNOR AV. E
103	Kris Anderson	964 CONNOR AV E.
104	Barbara Olson	976 Connor Ave E
105	Brad Olson	976 Connor Ave E
106	Dan Kornman	982 Connor Ave
107	Kathleen Kornman	982 Connor Ave
108	Nat Warner	990 CONNOR AVE
109	Christine Warner	990 Connor Ave
110	Allen Carlson	946 Connor Ave
111	Diane Carlson	946 Connor Av E
112	Caryl A. Gloege	2550 Forest St
113	Carol Gloege	2530 Forest St.
114	Dennis Ballard	2518 Forest St

	NAME	ADDRESS
115	Steve Krause	2517 FOREST ST
116	[illegible]	959 Brooks Ct.
117	[illegible]	971 Brooks Ct
118	Michelle A. Wahlstrand	972 Brooks Ct.
119	Jim Wahlstrand	972 Brooks CT
120	[illegible]	965 Brooks Ct.
121	Salome Baker	977 Brooks CT
122	Mary Jean M. Sargent	965 Brooks Ct.
123	Peter Day	966 Brooks ct
124	Anne Johnston Smith	2570 Forest St
125	Peter W. Smith	"
126	M. Engel	882 Conner Ct
127	Carol H. Engel	882 Conner Ct
128	Carol R. Jacobson	927 Demont Ave
129	Kevin H. Jacobson	927 Demont Ave
130	Scott Rue	2472 Forest St
131	Jamie A. Rue	2472 Forest St.
132	Ana Jurado	2626 Keller Pkwy
133	Lilia Gonzalez	" " "

	NAME	ADDRESS
134	Mara Carlson	2540 Keller Pky.
135	Peter Carlson	2540 Keller Pky.
136	Robert W. Orth	2620 Keller Pky
137	Roberta Sweeney-Orth	2620 Keller Pky
138	Ruth Janey	2500 Keller Pky
139	Kristi Parish	2508 Keller PKWY
140	Mike Parish	2508 Keller Parkway
141	Jan A. Bartlett	2524 Keller Pkwy
142	Carol R. Bartlett	2524 Keller Pkwy
143	Susan Johnson	2616 Keller Pkwy
144	Neil Johnson	"
145	Bud Pillsbury	2634 Keller Pkwy. Mn
146	Lillian & Dick Seppala	2462 Forest ST.
147	Donald & Donna Callahan	975 Co. Rd. C
148	Denise Callahan	975 Co. Rd. C.
149	Barry & Bill Knutson	2424 Keller Pkwy, Mpls 55109
150		
151		
152		

MAPLEWOOD PLANNING COMMISSION

October 3, 1994
7 P.M.
City Hall Council Chambers
1830 East County Road B

I. Call to Order

Chairperson Axdahl called the meeting to order at 7 p.m.

II. Roll Call

Commissioner Lester Axdahl	Present
Commissioner Lorraine Fischer	Present
Commissioner Jack Frost	Present
Commissioner Kevin Kittridge	Present
Commissioner Dave Kopesky	Present
Commissioner Mary Martin	Absent
Commissioner Gary Pearson	Present
Commissioner William Rossbach	Present
Commissioner Todd Sandell	Present
Commissioner Marvin Sigmundik	Present

III. APPROVAL OF MINUTES

A. September 19, 1994

Commissioner Fischer moved approval of the minutes of September 19, 1994 as submitted.

Commissioner Pearson seconded Ayes--all

The motion passed.

IV. APPROVAL OF AGENDA

Commissioner Fischer moved approval of the agenda as submitted.

Commissioner Sigmundik seconded Ayes--all

V. PUBLIC HEARINGS

A. Mapleleaf Estates (Forest and Cypress Streets)

Secretary Olson presented the staff report and answered questions from the Commission. In addition to the four requests listed in the report, Mr. Olson stated the developer is also asking for a right-of-way variance to allow a 100-foot rather than the required 120-foot diameter cul-de-sac at the end of Demont Street because of a small wetland there. Mr. Olson discussed how the Maplewood Open Space Plan could affect this development area. He mentioned the drainage plan should be adequate when easements are obtained and also that Kohlman Park is scheduled for upgrading in 1995 which should serve the entire area.

Secretary Olson stated that he asked the developer to phase this project and table development of a portion until the city makes a decision on open space. The developer agreed to this request and will allow the city, on the second phase, an extension to the state law that requires action on a plat within 120 days of application. Mr. Olson revised the staff recommendation to include approval of a variance from 120 to 100 feet for the cul-de-sac on Demont Street and also approval of the preliminary plat, but only for the area including Block 1, Lots 1-17 of Block 2, Blocks 3 through 4, and Lots 1- 8 of Block 5. Mr. Olson also recommended the balance of the preliminary plat be tabled until the first Planning Commission meeting in January.

Chairperson Axdahl opened the public hearing for comments from the public. Larry Olson of Midwest Land Surveyors and Civil Engineers, the engineers on the project, answered questions and stated that a mitigation plan, to be approved by the Ramsey Washington Metro Watershed Board, would be prepared. Dennis and Tom Gonyea, the developers, were also present. Jim Traeger, 2612 Forest Street, spoke about the wetlands and expressed opposition to this development. Mark Peters, 948 Brooks Court, spoke against the project. Don Huot, 988 East County Road C, was concerned about increased traffic on County Road C. John Swenson, 2595 Cypress Street, questioned the engineer about the additional traffic and water problems on Cypress. Rita Huot, 999 East County Road C, spoke against the development. Dr. Steve Kuslich, a property owner in the area, discussed various aspects of the proposal.

Mark Warner, 990 Connor Avenue, asked Mr. Larry Olson about a wetland survey site visit on April 28, 1994 and was concerned about several issues. Kathy Kornmann, 982 Connor Avenue, spoke in favor of opening up the service road for the new development. Al Carlson, 946 Connor Avenue, asked about the grading and removal of trees. Mary Johnson, 978 Brooks Court, also questioned the removal of trees. Dick Seppala, 2462 Forest Street, spoke against the project. Diane Carlson, 946 Connor Avenue, asked about the repair of Gervais Avenue. Gene Lund, corner of Highway 61 and Gervais, spoke about Gervais Avenue reconstruction. Jim

Wahlstrand, 972 Brooks Court, suggested alternate routes for traffic. Dave Kornmann, 982 Connor Avenue, requested that traffic be routed to Gervais Avenue. Theresa Huot, 988 East County Road C, spoke of traffic and water problems in the area. Mark Larson, 894 Connor Court, asked for clarification of the proposed cul-de-sac and commented on the traffic and drainage.

Andy Zuercher, representing the property owner of 2483 Highway 61, asked about the buffer zone. Judy Schenian, 2550 Forest Street, spoke against the development. Peter Dey, 966 Brooks Court, preferred that the area be developed for open space. Dennis Larson, manager of the Maple Leaf Drive-In Theater, explained the theater driveway and spoke of the view in the area. Joe Varberg, 960 Brooks Court, suggested that the plans be reconsidered to address citizen concerns. Pat Jondahl, 938 Demont Avenue, also wanted further study done on the plan. Jerry Herringer, Maple Leaf Drive In Theater (fee owners of the property), spoke for the development. John Wieremann, 955 Brooks Court, asked about the change from a through street to a cul-de-sac on Demont Street and questioned the capacity of the wetlands. Bob Blaufuss, 962 East Demont was concerned with traffic issues but favored the rezoning to R-1. Dennis Gonyea, the developer, explained that certain tree species are not counted. Since there were no further comments, the public hearing was closed.

Commissioner Kopesky, a resident of the area for many years, spoke about traffic and drainage on Cypress Street. Commissioner Pearson asked if cul-de-sacs could be built on Forest Street so it would not be a through street. Secretary Olson stated that two means of ingress and egress are required to a development. Commissioner Fischer questioned the traffic count on County Road C. Ken Haider, Director of Public Works, responded that it was 2550 average daily traffic at County Road C and about Cypress Street according to a 1993 traffic count. The Commission also discussed the feasibility of tabling the project and requesting additional information.

Commissioner Kittridge moved the Planning Commission table the project, and direct staff to come back with some answers to egress and further information on open space.

There was no second to the motion.

The Commission discussed the requirements of the shoreland ordinance as it applied to lots in this development. They also questioned traffic on Gervais Avenue near the warehouse area.

Commissioner Rossbach moved the Planning Commission recommend the City Council:

A. Adopt the resolutions changing the land use plan and zoning map from R-1S (small lot single dwellings) and M-1 (light industrial) to R-1 (single dwellings). The resolution also drops the major collector designation for Forest Street. This change is for the Mapleleaf Estates plat. In addition to the findings required by the Code, this change is for the following reasons:

1. The developer is proposing to develop the site for single dwellings.

2. This change would reduce the allowable intensity and traffic from this site.

3. The R-1 classification would be more compatible with the surrounding homes than the present classifications.

4. Forest Street would no longer serve as a major collector Street.

Commissioner Fischer seconded — Ayes--Axdahl, Fischer, Sandell, Rossbach, Pearson, Frost

Nays--Sigmundik, Kopesky, Kittridge

The motion passed.

Commissioner Rossbach further moved the Planning Commission recommend to the City Council:

B. Adopt the resolution vacating the undeveloped street rights-of-way (Connor Avenue east of Cypress Street, Meadow Lane, Brooks Avenue, the 16.5-foot-wide undeveloped public road and the west end of Gervais Avenue). The City should vacate these street rights-of-way because:

1. It is in the public interest.
2. The City has no plans to build streets on these rights-of-way.
3. The adjacent properties have street access.

This vacation is subject to the City retaining a 25-foot-wide utility easement over the east end of Gervais Avenue.

Commissioner Kopesky seconded — Ayes--all

The motion passed.

Commissioner Fischer moved the Planning Commission:

C. Table the request to vacate the utility easement that would be on the property line of Lots 7, 8 and 9, Block 6 of the proposed plat until January 23, 1995.

Commissioner Pearson seconded Ayes--all

The motion passed.

Commissioner Rossbach moved the Planning Commission recommend the City Council:

D. Adopt the resolution approving a cul-de-sac width variance for a cul-de-sac at the end of the existing Demont Avenue for the following reasons:

1. The variance would save part of a wetland.

2. The City Engineer stated that the cul-de-sac would be large enough for snow-plowing.

Commissioner Frost seconded Ayes--all

The motion passed.

Commissioner Rossbach moved that the Planning Commission recommend City Council:

E. Approve the following parts of the Mapleleaf Estates preliminary plat (received by the City on July 26, 1994): Block 1; Block 2, Lots 1–17; Block 3; Block 4, Lots 1–3 and Block 5, Lots 2–8. Table the remaining parts of the plat until January 23, 1995. Before the City Council approves the final plat, a developer shall complete the following conditions:

1. Sign an agreement with the City that guarantees that the developer or contractor will:

a. Complete all grading for overall site drainage, complete all public improvements and meet all City requirements.

b.* Place temporary orange safety fencing and signs at the grading limits.

c. Pay the City for the cost of traffic-control and street identification

signs.

d. Install permanent signs around the edge of the wetland buffer easements. These signs shall mark the edge of the easements and shall state there shall be no mowing, vegetation cutting, filling or dumping.

e. Install survey monuments along the wetland boundaries.

f. Have NSP install street lights in three locations, primarily at street intersections. The exact location and type of lights shall be subject to the City Engineer's approval.

g. Construct Demont Avenue, east of Cypress Street, after the City decides how much open space they will buy.

2. The developer shall complete all grading for public improvements and overall site drainage. The City Engineer shall include in the developer's agreement any grading that the developer or contractor has not completed before final plat approval.

3.* Have the City Engineer approve final construction and engineering plans. These plans shall include: grading, utility, drainage, erosion control, tree, trail and street plans. The plans shall meet the following conditions:

a. The erosion control plan shall be consistent with the Ramsey Soil and Water Conservation District Erosion and Sediment Control handbook.

b. The grading plan shall:

(1) Include proposed building pad elevation and contour information for each home site.

(2) Include contour information for the land that the street construction will disturb.

(3) Show sedimentation basins as required by the watershed board.

c. The drainage plan shall show area drain catch basins between Lots 5 and 10, Block 3 and dedicate necessary easements for these drains and pipes.

d. Provide stormwater storage and/or an off-site outlet pipe between

Outlots A and B, based on a drainage study done by the developer's engineer. The City Engineer shall approve the exact location, capacity and outlet for this storage. If the City requires more pond capacity, the developer may have to drop lots. The lots shall meet the Shoreland requirements.

e. Provide adequate stormwater capacity for the wetlands on Lots 19 and 26, Block 2. The developer's engineer shall provide a drainage study to determine adequate capacity. The City Engineer shall approve the exact location, capacity and outlet for these. If the City requires more pond capacity, the developer may have to drop a lot(s).

f. The tree plan shall show the size, species and location of any trees that the developer will plant as replacement trees.

4. Show the following changes on the final plat:

a. Show drainage and utility easements along all property lines on the final plat. These easements shall be ten feet wide along the front and rear property lines and five feet wide along the side property lines.

b. Change Street C to Demont Avenue and change Street D to Adele Street.

c. Drainage easements for drainage areas and wetlands that this project would affect. This shall include an easement on the lot that will be south of Lot 19, Block 2.

d. Drop Lots 1,2 or 3 from Block One or channel the drainage between outlots A and B through a drainage pipe.

e. If the City buys the west half of the site for open space, the developer should connect Demont Avenue to Cypress Street. If this connection is made, the developer should redesign the Demont Avenue/Cypress Street intersection with a four-way design. If the City has not decided about the open space purchase when the developer is ready to final plat, the developer shall show Lot 1, Block 5 and Lot 4, Block 4 as as an outlot. The outlot shall be large enough for two lots and a cul-de-sac.

5. Show the wetland boundaries on the final plat as approved by the Watershed District.

6.* Provide all easements required by the City Engineer. These shall include:

a. Give the City wetland easements over the wetlands. These easements shall cover the wetlands and any land within twenty feet surrounding a wetland. The easement shall prohibit any building or structures within twenty feet of the wetland or any mowing, cutting, filling or dumping within ten feet of the wetland or within the wetland itself. The purpose of this easement is to protect the water quality of the wetlands from homeowners' fertilizer and to protect the wetland habitat from residential encroachment.

b. Drainage easements for the off-site drainage areas and wetlands that this project would affect. This shall include an easement on the lot that will be south of Lot 19, Block 2.

If the developer decides to final plat part of the preliminary plat, the City may waive any conditions that do not apply to the final plat.

*The developer must complete these conditions before the City issues a grading permit or approves the final plat.

Commissioner Pearson seconded

Ayes--Fischer, Sandell, Rossbach, Pearson, Sigmundik, Kopesky, Frost

Nays--Axdahl, Kittridge

The motion passed.

Secretary Olson noted that the Maplewood City Council will hear this item on October 24, 1994.

B. Conditional Use Permit: Goodrich Dome (Van Dyke Street and Ripley Avenue)

Ken Roberts, Associate Planner, presented the staff report and directed the PlanningCommission to focus on the conditional use and the use of the property. Fred Paul, representing Kelsey Enterprises, answered questions and assured the Commission that the facility would be paying various taxes. Bill DeWitt of Kelsey Enterprises, Greg Mack, Director of Ramsey County Parks and Recreation, Kevin Finley, Director of Operations for Ramsey County Parks, and Gary Hook of Kraus Anderson, the contractor, were also present to answer questions. The applicant presented a sketch of the proposed building. The Commission discussed the appearance of the building and its suitability to this location.

AGENDA ITEM I-1

AGENDA REPORT

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager

FROM: Assistant City Engineer Russ

SUBJECT: Project 93-14, Searle Street Storm Sewer— Assessment Hearing Appeals

DATE: October 18, 1994

Staff has reviewed the appeals filed for the aforementioned project. The notice of objection letter has been attached for your information. A separate letter to staff referencing both the assessments and the negotiating of easements for said project has also been included. The recommendations are as follows:

PIN: 8-29-22-43-0035; Trinity Baptist Church
Said property was proposed to be assessed the following:

Storm sewer (commercial) 84,707 sq. ft @ $0.10 each =	$8,470.70
Total	$8,470.70

This portion of the church's property currently sheet flows across the parking lot to the existing pond at the south end of their property. The proposed improvement would include catch basins within the parking lot to decrease the amount of sheet flow, particularly at the main entrance to the parking lot. The staff recommendation is to have the assessment remain as originally proposed.

PIN: 8-29-22-43-0038; Trinity Baptist Church
Said property was proposed to be assessed the following:

Storm sewer (commercial) 23,922 sq. ft. @ $0.10 each =	$2,392.20
Total	$2,392.20

This heavily wooded parcel is adjacent to the ponding area that is proposed to be improved. Overland drainage from this parcel contributes directly to the pond and would be addressed by the improvement. Staff recommends no revision to the assessment.

This parcel is also the subject of permanent easement needed for the construction and maintenance of said improvement. Due to the numerous mature, desirable trees on the parcel, the storm sewer alignment has been

proposed to have the smallest effect on the trees. This alignment crosses the parcel at an angle, potentially negating the usefulness of a portion of said parcel in excess of the ten-foot wide easement itself. Because the parcel is vacant and potentially developable, the affected area with need of compensation for said easement becomes 10,670.88 square feet. The parcel was appraised in 1990 at a value of $0.78 per square foot. Total compensation for the easement at that rate would be $8,323.29. Staff recommends that compensation in this amount be approved for said easement.

PIN: 8-29-22-43-0034; Trinity Baptist Church

No assessment was proposed for this parcel. A majority of the needed easement area is included within it. A portion of the proposed alignment of the easement parallels and is adjacent to an existing water main easement along the eastern edge of the church parking lot. The remainder of the proposed easement within the parcel encompasses an existing drainage way. Due to the proposed alignment only slightly limiting the usefulness of the property, based both on existing uses and existing easements, compensation for this permanent easement should be comparable to utility easements acquired recently on commercial properties within the city. An amount of $0.25 per square foot for the 8,551.5-square foot permanent easement, totaling $2,137.88, is recommended by staff for compensation.

PIN: 8-29-22-43-0039; Dr. J. Richard Burton
Said property was proposed to be assessed the following:

Storm sewer (residential) 1 unit @ $525 each =	$525.00
Total	$525.00

An appeal for this parcel was not received, but it is involved in regards to easement acquisition. Due to the storm sewer alignment chosen to avoid the desirable trees, a small portion of Dr. Burton's property is needed as a permanent easement. Dr. Burton has requested $75.00 as compensation for the permanent easement. Staff recommends said compensation amount.

RAM

jc
Attachments

Rec'd 10/5/94

September 30, 1994

Lucille E. Aurelius
City Clerk
City of Maplewood
1830 E. County Road B.
Maplewood, Mn. 55109

Re: Notice of Objection of Special Assessment for D/P No. 6420;
Project No. 93-14 Searle Street Storm Sewer
City Council of Maplewood Public Hearing of October 10, 1994

Please take notice, pursuant to Minnesota Statutes Annotated 429.061, Trinity Baptist Church, as owner, hereby objects to the Special Assessments for the reference project against the following Statement of Assessment parcels described as PIN number 08-29-22-43-0035 and 08-29-22-43-0038.

By _____

Dave Nelson
Chair, Board of Stewards
Trinity Baptist Church

(TBCsew2)

September 29, 1994

RECEIVED
OCT 0 4 1994

Russ A. Matthys
Assistant City Engineer
City of Maplewood
1830 E. County Road B.
Maplewood, Mn. 55109

Re: D/P No. 6420; Project No. 93-14 Searle Street Storm Sewer

Thank you for the opportunity to meet with you on Tuesday, September 27, 1994, to discuss the project including the easements necessary for the project and the assessments proposed. After discussing the project with the governing board of Trinity Baptist Church (TBC) we propose the following:

> TBC will sign the attached Right of Entry and Construction Agreement covering parts of PIN 08-29-22-43-0034 and 08-29-22-43-0038:
>
> provided, that the value of the easements as described in the Right of Entry and Construction Agreement covering parts of PIN 08-29-22-43-0034 and 08-29-22-43-0038, are equal to or exceed the dollar amount of the assessments as shown in the Statement of Assessment for the referenced project for parcels PIN 08-29-22-43-0035 and 08-29-22-43-0038, in the respective amounts of $8,470.70 and $2,392.20, for the referenced project;
>
> and further provided, that PIN 08-29-22-43-0035 and 08-29-22-43-0038 shall be considered in their entirety to be previously assessed for all future Storm Sewer projects.

For purposes of indicating your acknowledgement and agreement to the above proposal, I have included a signature line below on which you can affix your signature.

Some practical consideration of the project, should it proceed:

1. That the construction be performed during the work week (monday-friday) and in the event construction is not completed within the work week, temporary access be provided over the weekend to Edgerton Street and County Road B.

2. That the conveying documents for the easements be prepared by the City of Maplewood and reviewed with the owner and upon signature by the owner, be recorded at the Ramsey County Recorders Office, and at the City of Maplewood expense.

3. The payment for the easements be paid to the TBC on or before November 10, 1994, so

that TBC shall be permitted to pay the assessments as stated herein, without penalty of interest.

Finally, I would like you to understand, that in order for TBC to retain it's rights under the law, in the event that this proposal is found not to be acceptable to the City of Maplewood, TBC shall being filing with the City Clerk of Maplewood a written objection of the assessments as previously stated herein.

Thank you for your consideration. Should you want to discuss this matter, please call me at 266-8860.

Sincerely,

Dave Nelson
Chair, Board of Stewards
Trinity Baptist Church

cc: Dr. Dale Saxon
Dr. Dick Burton
Mr. Allen Johnson
Mrs. Shirley Johnson

By signing below, I acknowledge that the City of Maplewood is in full agreement of the proposal as stated above.

_____

(TBCsew1)

AGENDA ITEM I-2

AGENDA REPORT

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager

FROM: Assistant City Engineer Russ

SUBJECT: Project 94-06, East Shore Drive Storm Sewer Improvements—Assessment Hearing Appeals

DATE: October 18, 1994

Staff has reviewed the four appeals filed for said improvement. The appeals have been attached for your information. The recommendations are as follows:

PIN: 16-29-22-31-0013; Gunhilde S. Koreen, Paul S. Koreen
Said property was proposed to be assessed the following:

Storm sewer	1 Unit @ $525 each =	$525
Total		$525

Ms Koreen addresses the issue of compensation for a drainage easement needed as part of the proposed improvement project. Staff concurs with her request for compensation, but definitely feels that the parcel would benefit from the proposed storm sewer improvement and thus justify the assessment.

Due to the lack of grading or physical change to Ms. Koreen's parcel, her son and she have agreed to accept compensation in the amount of $525 from the city for the drainage easement. With the council's approval, upon receipt of the compensation, the assessment would be paid in full.

Mr. Koreen has requested that the council grant him permission to use said drainage easement in any manner that does not interfere with the purpose of the easement. Staff recommends that a license of use be included with the $525 as compensation for the drainage easement.

PIN: 16-29-22-42-0084; Stanley P. Kralik
Said property was proposed to be assessed the following:

Storm sewer	1 unit @ $525 each =	$525
Total		$525

Mr. Kralik's objections seem to indicate some miscommunication or misunderstanding in regards to his notification and involvement with the proposed project. Regardless, the assessment process followed Minnesota Statutes, Chapter 429 appropriately. The 30 day period he refers to is also part of the same Minnesota Statutes. Due to the fact that his property contributes to the drainage being addressed by the improvement, his assessment should not be revised.

PIN: 16-29-22-42-0085; Robert S. and Nancy Evans
Said property was proposed to be assessed the following:

Storm sewer	1 unit @ $525 each =	$525
Total		$525

The Evan's objections seem to stem from a past improvement project. Their references to a procedural flaw are incorrect based on the state statutes regulating assessments and the associated improvement projects. Runoff from their property contributes to the drainage that would be addressed by the proposed storm sewer project. Their assessment should not be revised.

PIN: 16-29-22-42-0090; Gary R. Meyer
Said property was proposed to be assessed the following:

Storm sewer	1 unit @ $525 each =	$525
Total		$525

Mr. Meyer raises concerns that also seem to refer to a previous project, other than the project being assessed. His comments regarding the one month period to pay the full assessment without interest are addressed by Minnesota Statutes, Chapter 429. All assessments on this project may be paid off over a 20-year period, a very small annual installment.

Mr. Meyer also seems to have misunderstood his role within the project development. His parcel contributes drainage that would be addressed by the improvement and should not be excluded from the assessment roll.

PIN: 16-29-22-31-0011; Paul S and Mary Rae Koreen
Said property was proposed to be assessed the following:

Storm sewer	1 unit @ $525 each =	$525
Total		$525

The Koreens did not appeal their assessment. Their parcel does contain the entire easement proposed for the storm sewer pipe. Through negotiations with staff for the acquisition of permanent utility and drainage easements, they have requested $525 for compensation for said easements. This would equate approximately $0.10 per square foot of easement. The council has approved equivalent compensation for similar easements in the recent past.

After the receipt of said compensation, the Koreens would pay their assessment in full. Staff recommends $525 for compensation to Mr. and Mrs. Koreen for the permanent easements on their property.

RAM

jc
Attachments

Rec'd 10/10/94

October 10, 1994

Maplewood City Council
1830 E. County Road B
Maplewood, Minnesota 55109

RE: 16 29 22 31 0013 8

Dear Council Members:

In regards to the East Shore Drive Storm Sewer Public Improvement Project # 94-06, I feel I should be compensated for the taking of my land for a drainage easement. No easement was granted when the Adele Street Storm Sewer Project was "dumped" on to my land. Whether or not this land was a wetland before this Project was done, your addition of a storm sewer on to this private property with no easement was wrong.

A one-time storm sewer assessment against the land could be done but I feel I should be compensated at least the cost of the assessment.

I am an 83 year old woman on a fixed income living in HUD Housing and this assessment would cause me financial hardship.

Thank you for your consideration of this matter.

Sincerely

Gunhild Koreen

Gunhild Koreen
1455 Almond
St. Paul, MN

Project 94-06 Rec'd 10/10/94

Stanley P. Kralik
1844 Adele Ave
Maplewood MN 55109

PIN #: unknown at this time, 10-10-94

I object to the assessment for 94-06. There was a city council meeting earlier this summer where the engineering department was directed to meet with all the neighbors involved with this assessment.

To my knowledge I never was notified of this meeting by the engineering department. I received mailed notification of the assessment indicating the cost, and when this could be paid.

A second objection I have is for the 30 day time frame to pay the assessment without interest, a longer period of time should be given than this.

Stanley P. Kralik

and we would be allowed to comment on the new plan. A review of the video tape would support that the public hearing was "closed" at an earlier meeting

If our neighborhood had been allowed to participate in the initial storm sewer project we would have observed plans bringing additional water to our neighborhood and we would have objected I submit that Adele Street was not assessed so that we could not object to the following:

1. A large pipe from upper Adele to lower Adele.
2. The deforesting of Adele hill causing fast runoff and the bringing of additional water to Adele
3. The agreement entered into with Mary Karth at the end of Adele that provided for more water to be directed to the pond or lowland behind his house

I submit that if we had been taxed or assessed at the beginning of the project we could have submitted other alternatives and the problem we are now trying to solve would have been avoided.

Thank you — Mary Evan 10/20/94 Robert S. Evan II 10/20/94

Page 2

Rec'd 10/10/96

Written Appeal for project 96-04

Robert S. Evans II
Nancy Evans
1852 Adele St
Maplewood, MN 55109

Project 96-04

Pin Number: Not Available for Meeting
Will supply at a later date

We object to the assessment of taxes for a mistake made by the city that has caused us major inconvenience. The procedure for public hearing in this matter has not been followed. The initial public hearing was closed and the city engineer was asked to come up with a new plan and "meet with the neighbors". The "public hearing" was closed at that meeting. At the city council meeting held at a later date the matter was discussed as though the public hearing was never closed. None of the families to be assessed were notified that the public hearing would be continued at a later date. My neighbors and I have not been allowed to participate adequately in the decision making process because we were not notified of the second city council meeting when 96-04 would be discussed

Rec'd 10/10/94
Pg 1 of 2

GARY R. MEYER
1069 Gordon AVE E
MAPLEWOOD, MN 55109-4225

RE: PROJECT No. 94-06
PARCEL ID.# 16-29-22-42-0090

Point #1

I attended the previous city council meeting during which the Mayor commented (approx.) "If the city made the mistake the city should pay for it..."
— I wholeheartedly agree with this comment. —

I Propose: The neighborhood went through considerable and extened inconvience during the initial project only to find that mistakes in Engineering were made, mistakes which have caused a need for additional, sizeable corrective Public works to take place. The city made the mistake the city should pay.

Point #2

Why has the city required one month to pay $525. in full or be penalized at a market level interest rate. There are a number of households that don't have $525. available - nor could they pay it in 30 days - why the aggressive posture.

I Propose: If any assessment allow one (1) year without interest.

(GARY R MEYER cont.)
1064 Gordon AVE E

Point 3

IN THE previous council meeting we we told that a meeting with the property owners would be held — I wasn't notified.

Gary R. Meyer
GARY R. MEYER
October 10 1997

AGENDA ITEM J-1

AGENDA REPORT

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager

FROM: City Engineer

SUBJECT: Driveway Approval Request - 936 Currie Court

DATE: October 18, 1994

City Code Sec. 29-120 requires that driveways have a five (5) foot setback from property lines. There are two ways to permit a lesser setback allowed in the Code. If the requesting party gets the permission of the adjacent owner the staff can permit a lesser setback. If the adjacent owner objects to the lesser setback the city council may grant permission based on findings outlined in the code.

Bruce and Paula Aherns are adding on to their garage at 936 Currie Court. As part of the construction the driveway needs to be extended. The driveway extension would be three(3) feet from the property line at the closest point. The neighbors at 946 Currie Court will not grant permission for the reduced setback. The Aherns are requesting the city council allow the reduced setback.

According to the ordinance the neighbors have been notified ten (10) days in advance of the October 24, 1994 meeting. The attached letter and drawing are the Aherns request. Based on the request and the considerations outlined in the code the request appears reasonable.

To:
City of Maplewood
1830 E Co Rd B Mplwd

Oct 3, 1994

From:
Bruce and Paula Aherns
936 Currie Ct.
Maplewood 55119

We're asking for a variance on my proposed driveway at 936 Currie Ct. As our plan shows, a pie shaped piece of property which is typical lot layout in this area. We have the building permit for the garage but as our sketch shows we'll be within 3ft of the property with our proposed driveway. This plan will not affect water drainage nor will it be along side someones bedroom since the garage at 946 Currie Ct is along mine at 936 Currie Ct.

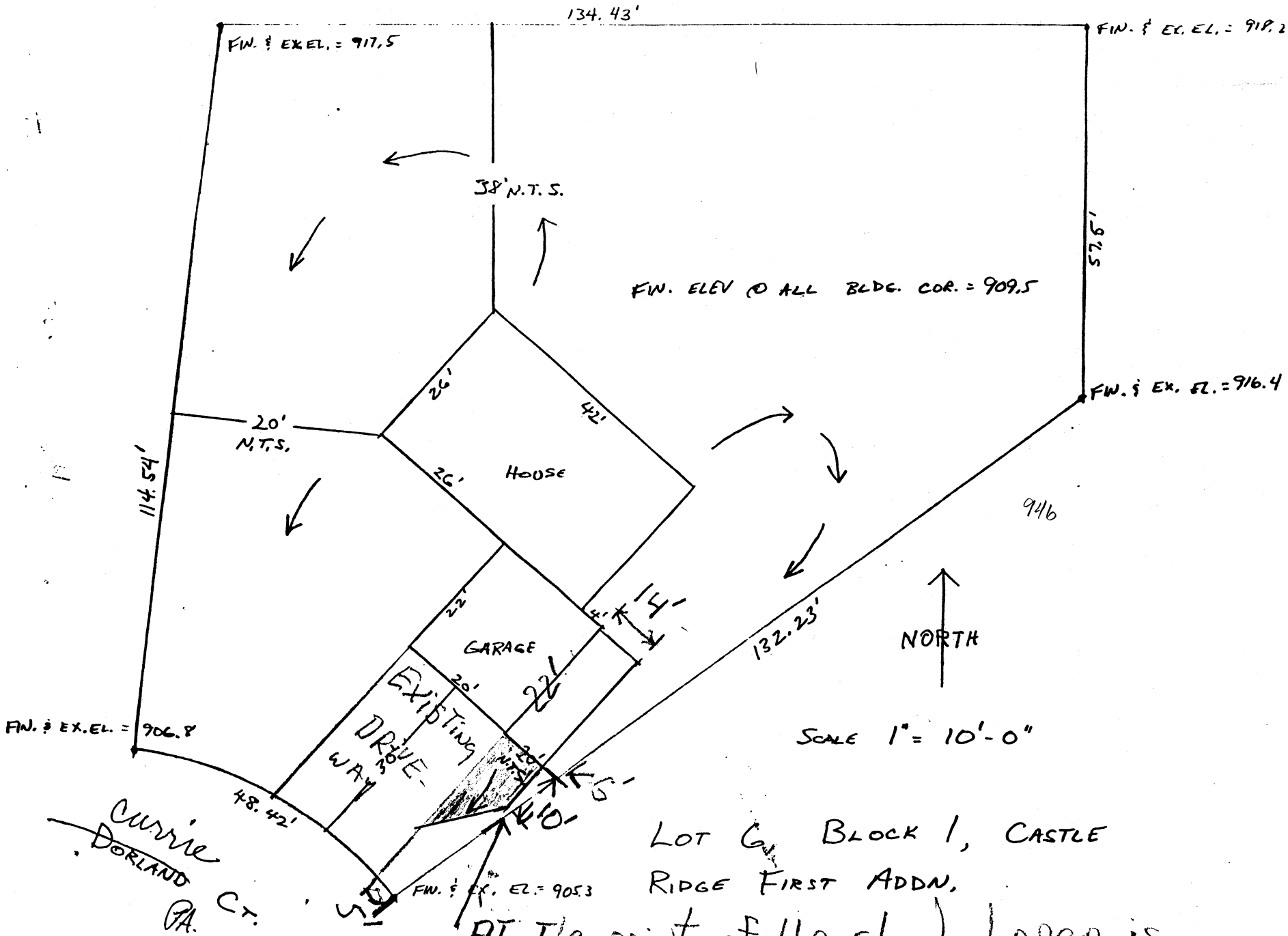
This 3ft condition exists in other area's of the Court due to lot shapes and house configurations. Had this not been the case in the neighborhood I would not seek your approval of the above mentioned variance.

To make convenient and safe

use of our new garage stall, we
Request approval of this plan.

Respectfully yours.

Bruce + Paula Ahrs


134.43'
FIN. & EX. EL. = 917.5
FIN. & EX. EL. = 918.2
38' N.T.S.
57.5'
FIN. ELEV @ ALL BLDG. COR. = 909.5
FIN. & EX. EL. = 916.4
20' N.T.S.
26'
42'
26'
HOUSE
114.54'
946
22'
4'
4'
GARAGE
20'
22'
132.23'
NORTH
EXISTING DRIVE-WAY
30'
20' N.T.S.
6'
10'
FIN. & EX. EL. = 906.8
48.42'
SCALE 1" = 10'-0"
Currie
DORLAND
CT.
PA.
FIN. & EX. EL. = 905.3
LOT 6, BLOCK 1, CASTLE RIDGE FIRST ADDN.
AT The point of the shaded AREA is where the DRIVEWAY would be 3ft off property line

J-2

MEMORANDUM

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: **Home Occupation License Ordinance**
DATE: October 13, 1994

INTRODUCTION

The City Council asked staff to review the Home Occupation Ordinance (Chapter 17) of the City Code. This was after they discussed a proposal by Shannon Kimball to operate a vehicle clean-up business from his home.

BACKGROUND

On June 28, 1988, the City Council last changed the home occupation ordinance. The Council changed home occupations from a conditional use to a license.

On July 11, 1994, the City Council reviewed a proposal by Shannon Kimball of 1652 Lakewood Drive. He was asking the City for a home occupation license to operate a car clean-up business from his home. The Code required a license because Mr. Kimball wanted the option of customers bringing their cars to his home. During the City's review of his request, Mr. Kimball decided to pick-up and deliver the customers vehicles. As such, the current home occupation license requirements would not require him to get a license from the City. Mr. Kimball then withdrew his request and the Council asked staff to review the ordinance.

DISCUSSION

The home occupation ordinance has worked well for the City. It controls the business size by limiting the number of employees and the area of the home that the operator may use for the business. The operators of most of the approved home occupations have run their businesses without a complaint, some for many years.

The main concern of the City with home businesses is their effect on the neighborhood. The City must have standards in the ordinance to insure that home businesses do not have a negative effect of the surrounding properties. Staff is proposing several language changes to the Code. These are to strengthen the protection of the neighborhood near a home business and to make the Home Occupation Code consistent with other parts of the Code.

RECOMMENDATION

Approve the attached ordinance.

p:ord\homeocc.mem (5.6)
Attachments:
1. Proposed Home Occupation ordinance
2. Existing Home Occupation ordinance

ORDINANCE NO._____

AN ORDINANCE CHANGING ARTICLE II, HOME OCCUPATIONS, OF THE CITY CODE

The Maplewood City Council approves the following changes to the Maplewood Code of Ordinances:

SECTION 1. The section changes Section 17-21 as follows: (I have underlined the additions and crossed out the deletions.)

Sec. 17-21. License requirements.

(a) Home occupations shall require a license approved by the City Council if any of the following circumstances would occur more than thirty (30) days each year:

(1) Employment of a nonresident in the home occupation.

(2) Customers or customers' vehicles on ~~visiting~~ the premises.

(3) Manufacture, assembly or processing of products or materials on the premises.

(4) More than one vehicle associated with the home occupation which is classified as a light commercial vehicle.

(5) A vehicle(s) used in the home occupation, and parked on the premises, which exceeds a three-quarter-ton payload capacity.

(6) If the home occupation produces any waste that should be treated or regulated.

(b) Home occupations requiring a license shall be subject to, but not limited to, the following requirements:

(1) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood. The need for off-street parking shall not exceed more than three (3) off-street parking spaces for home occupation at any given time, in addition to the parking spaces required by the residents.

(2) No more than one nonresident employee shall be allowed to work on the premises. Nonresident employees who work off-premises may be allowed to visit the premises. If an on-site employee is parking on-site, off-site employees shall not leave their vehicles on-site. If there is no on-site employee vehicle parked on-site, one off-site employee

vehicle may be parked on-site.

(3) No vehicle associated with the home occupation, including customers or employees, shall be parked on the street or block sidewalks or public easements. Private vehicles used by the residents shall not be included in this requirement.

(4) An area equivalent to no more than twenty (20) percent of each level of the house, including the basement and garage, shall be used in the conduct of a home occupation.

(5) There shall be no change visible off-premises in the outside appearance of the building or premises that would indicate the conduct of a home occupation, other than one sign meeting the requirements of the City sign code.

(6) No more than twenty (20) percent of business income shall come from the sale of products produced off-site unless approved by the City Council.

(7) No equipment or process shall be used in such home occupation which creates noise, vibration, light, glare, fumes, smoke, dust, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(8) There shall be no fire, safety or health hazards.

(9) A home occupation shall not include the repair of internal combustion engines, body repair shops, spray painting, machine shops, welding, ammunition manufacturing or sales, the sale or manufacture of firearms or knifes or other objectionable uses as determined by the City. Machine shops are defined as places where raw metal is fabricated, using machines that operate on more than one hundred twenty (120) volts of current.

(10) Any noncompliance with these requirements shall constitute grounds for the denial or revocation of the home occupation license.

(11) The City may waive any of these requirements if the home occupation is located at least three hundred fifty (350) feet from a residential lot line. ~~the property line of an adjacent residence.~~

(12) The City Council may add any additional requirements that it deems necessary to insure that the operation of the home occupation will be compatible with nearby land uses.

Section 2. This ordinance shall take effect after the City approves it and the official newspaper publishes it.

The Maplewood City Council approved this ordinance on , 1994.

Commissioner Kittridge moved the Planning Commission recommend the City Council:

A. Approve the resolution on page 19. This resolution approved a conditional use permit for a public indoor golf dome on the northwest corner of Van Dyke Street and Ripley Avenue. The permit is based on the findings required by Code and subject to the following conditions:

1. All construction shall follow the site plan approved by the City. The Director of Community Development may approve minor changes.

2. The proposed construction must be substantially started within one year after the Council approves this permit or the permit shall end. The Council may extend this deadline for one year.

3. If the City Council determines there is not enough on-site parking, the Council may require that the property owner or operator provide additional parking.

4. The City Council shall review this permit in one year.

Commissioner Frost seconded

Ayes--Axdahl, Sandell, Rossbach, Pearson, Sigmundik, Kopesky, Frost, Kittridge

Nays--Fischer

The motion passed.

C. Home Occupation License Ordinance

Ken Roberts, Associate Planner, presented the staff report and answered questions. The Commission and staff discussed some of the conditions being targeted to a specific occupation.

Commissioner Rossbach moved that the Planning Commission recommend the City Council approve the following changes to the Maplewood Code of Ordinances:

(a)

(2) Customers or customers' vehicles on the premises.

(6) If the home occupation produces any waste that should be treated or

regulated.

Commissioner Pearson seconded Ayes--all

The motion passed.

VI. NEW BUSINESS

A. Planning Commission Resignation

Ken Roberts, Associate Planner, presented the staff report. Mr. Roberts stated that because the City Council decided to consider Mr. Milo Thompson to fill Mr. Gerke's position, rather than to advertise, the staff recommendations have changed.

Commissioner Rossbach moved to approve the resolution of appreciation for Gary Gerke:

Commissioner Kittridge seconded Ayes--all

The motion passed.

VII. VISITOR PRESENTATIONS

There were no visitor presentations.

VIII. COMMISSION PRESENTATIONS

a. September 26 Council Meeting: Commissioner Axdahl reported on this meeting.

b. Representative for the October 10 Council Meeting: Commissioner Axdahl

IX. STAFF PRESENTATIONS

Commissioner Fischer spoke of the pine trees that were planted along the trail near Southwinds. She also questioned if truth-in-housing required that easements be stated on information that new owners of these units receive.

X. ADJOURNMENT

Meeting adjourned at 11:20

J-3

MEMORANDUM

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager
FROM: Director of Community Development
SUBJECT: **Commercial Property Study**
DATE: September 8, 1994

CONTENTS

INTRODUCTION 3

BACKGROUND 3
- 1992 Commercial Study 3
- The 1993/1994 Study 3

DISCUSSION 4
- Problem One—Intra-City Land Use Conflicts 4
  - Woodbury I-494/Lake Road Interchange 5
  - Century Avenue and Stillwater Road 5
  - Century Avenue—Minnehaha Avenue to Brand Street 6
  - Ariel Street—Highway 36 to Eleventh Avenue 6
  - Planning Commission Recommendation on Problem One 6
- Problem Two—Blighted Homes Near Commercial 7
  - Planning Commission Recommendation on Problem Two 10
- Problem Three—Inadequate Buffering of Single Dwellings 10
  - Screening 10
  - Setbacks from residential property 11
  - Planning Commission Recommendations on Problem Three 11
- Problem Four—Bothersome Types of Commercial Too Close to Homes 12
  - Fast-Food Restaurants 12
  - The Methadone Clinic 13
  - Check Cashing Businesses 13
  - Heliports and Helistops 13
  - Gun Shops 14
  - Planning Commission Recommendations on Problem Four 14
- Problem Five—Controlling Nuisances from Commercial Uses 14
  - Noise 14
  - Trespassing 14
  - Visual Impact 14
  - Traffic Infiltration 16
  - Planning Commission Recommendations on Problem Five 16
- Problem Six—Transition Zones 17
  - Planning Commission Recommendation on Problem Six 18

Problem Seven—Commercial Spread Along Major Streets and Into Residential Neighborhoods 18
Planning Commission Recommendation on Problem Seven 19
Problem Eight—Nonconforming Commercial Uses 19
Nonconforming uses 19
Don John 20
Solutions 20
Planning Commission Recommendation on Problem Eight 22
Intensity of Commercial Uses 22
Off-street Parking Requirements 22
Regulating Businesses Near Residential Neighborhoods With a Conditional Use Permit 23
Floor Area Ratios and Lot Coverages 25

STAFF RECOMMENDATIONS 25

REFERENCE 27
CURRENT COMMERCIAL AND INDUSTRIAL POLICIES 27
MAPLEWOOD'S COMMERCIAL ZONING DISTRICTS 27
NC (Neighborhood Commercial) Zoning District 27
Commercial Office (CO) 27
BC (Business Commercial) Zoning District 28
LBC (Limited Business Commercial) Zoning District 28
BC(M) (Business Commercial Modified) Zoning District 28
SC (Shopping Center) Zoning District 28
M-1 (Light Manufacturing) Zoning District 29
LAND USE CHANGES FROM COMMERCIAL TO RESIDENTIAL AND VICE VERSA29

INTRODUCTION

The City Council directed the staff to initiate and coordinate a commercial property study. The purpose of this study was to evaluate the relationship between commercial and residential zones and the control of the intensity of use of commercial property.

BACKGROUND

1992 Commercial Study

On July 13, 1992, the City completed a study of all of its commercial zones. As a result of this study, the City Council passed an ordinance that changed four commercial zoning districts—the BC (business commercial), BC-M (business commercial modified), SC (shopping center) and M-1 (light manufacturing) districts. The ordinance made the following changes:

1. Updated the permitted and conditional uses and created consistent wording between districts.

2. Prohibited motor fuel stations and maintenance garages within 350 feet of a residential lot line.

3. Required a conditional use permit in the BC district for buildings or outside uses within 75 feet of a residential building.

The 1993/1994 Study

On March 1, 1993, the Planning Commission prepared a proposal to the City Council for a commercial property study. (See the proposal on page 32.)

On March 22, 1993, the Council approved the Commission's proposal. The Council directed the staff to initiate and coordinate a commercial property study to evaluate the relationship between commercial and residential zones and the control of the intensity of use of commercial property.

On April 19, 1993, the Commission identified a list of 33 problems to study as part of the commercial property study. The Commission sent these problems to the HRA and Community Design Review Board (CDRB) for their review.

On July 6, 1993, the Commission received the comments from the HRA and CDRB and approved a final list of 28 problems.

On September 7, 1993, the Council considered the Commission's list of 28 problems. The City Council directed the Commission to focus on the first eight problems. These problems were about how to protect single dwelling neighborhoods from commercial uses. The eight problems are discussed later in this report.

On May 16, 1994, the Planning Commission referred three recommendations from the commercial property study to the Community Design Review Board (CDRB). These are recommendations 1-3 on pages 11-12.

On May 24, 1994, the Community Design Review Board (CDRB) recommended against the three recommendations from the Planning Commission. The Board briefly looked at the Chanhassen landscaping ordinance. (See the ordinance starting on page 35.) The Board did not consider it or make a specific motion about this ordinance. The Board felt that their current landscaping policies were sufficient.

On June 6, 1994, the Planning Commission discussed the commercial property study with the City Council. They talked about the nine recommendations that the Planning Commission had prepared to date. It was the consensus of the City Council that the Planning Commission study intensities of commercial land uses and ways to classify and regulate development based on that intensity of use.

DISCUSSION

On September 7, 1993, the Council asked for a study on eight problems. These eight problems were about protecting single dwelling neighborhoods from commercial uses. The following discussion is about these eight problems. The last section discusses controlling the intensity of commercial uses.

Problem One—Intra-City Land Use Conflicts

The City should determine if there are intra-city land use conflicts at the City's boundaries. An example is the effect of a proposed I-494 interchange in Woodbury on traffic and development in Maplewood. Another example, the area of Century Avenue and Stillwater Road.

We identified and studied the following four potential areas of intra-city land use conflicts:

Woodbury I-494/Lake Road Interchange

Woodbury started work on the I-494 and Lake Road interchange in August, 1994. They expect to finish the project in late 1996. Lake Road will intersect Century Avenue north of Linwood Avenue. (See the plan on page 47.)

I have attached the Vista Hills and Highwood Land Use Plan Maps from the Maplewood Comprehensive Plan. (See pages 48 and 49.) These neighborhoods are closest to the new interchange. The Vista Hills map shows the land west of Century Avenue and north of Linwood Avenue as open space. The County Correctional Facility is using this land for farming. The Highwood Land Use Plan Map shows the land south of Linwood Avenue for single dwellings. Both land use plan maps show Century Avenue as a major arterial street. Woodbury has planned and zoned most of the property on Century Avenue, south of Linwood Avenue, for single dwellings. They are planning the balance of the frontage for office and high density residential land. Their plan is compatible with Maplewood's plan. (See Woodbury's Land Use Plan and Zoning Maps on pages 50 and 51. The zoning map shows the new interchange.)

Woodbury expects the traffic to increase on Century Avenue, north of Lake Road. This part of Maplewood has the County Correctional Facility and its farm land. The interchange would not affect this land since the City is planning the County land for open space.

Maplewood has been concerned that the traffic from this project will negatively affect the houses on the west side of Century Avenue and add more traffic to Linwood Avenue. The Lake Road intersection with Century Avenue has been designed to minimize this problem. Lake Road will not directly connect to Linwood Avenue. Traffic from or to Lake Road must make three turns to drive between Linwood Avenue and Lake Road. (See the drawing on page 47.) Time will tell if traffic becomes a problem.

Since the interchange is under construction, the only action for Maplewood is to consider changing the land use plan. I do not see any reason to consider a change now.

Century Avenue and Stillwater Road

The Century Avenue and Stillwater Road intersection does not have any intra-city land use conflicts. The existing and planned land uses in both Oakdale and Maplewood are compatible. The land is nearly all developed. There is a vacant site on the southeast corner of the intersection. Oakdale is planning this site and the existing commercial businesses near this intersection for commercial land uses. (See the Oakdale Comprehensive Plan Map on page 52.) Maplewood has planned and zoned the land near this intersection for commercial land uses as well. (See the Maplewood Land Use Plan and Zoning Maps on pages 53 and 54.)

Century Avenue—Minnehaha Avenue to Brand Street

There are a variety of land uses on the west side of Century Avenue, between Minnehaha Avenue and Brand Street. The uses include the Holiday Station Store, the A&W Restaurant, the Dairy Queen, the Dege Garden Center, the Underwater Caverns, eleven houses and two vacant lots. Maplewood has planned and zoned this land with a variety of designations. These designations reflect the existing land uses. (See the maps on pages 55 and 56.)

Oakdale has planned the land across Century Avenue from this part of Maplewood for commercial uses. (See the Oakdale Comprehensive Plan Map on page 57.) The existing land uses in this part of Oakdale include a Freedom Center Station, two strip centers, a restaurant and office buildings. Maplewood is planning residential uses. Thus, there may be a conflict between land uses. However, Century Avenue creates more of an impact on these homes than the commercial uses in Oakdale. These homes are in a similar situation to the homes on White Bear Avenue, north of Larpenteur Avenue. An option is to ask Oakdale to change their land use plan to single dwellings. I do not recommend this. The commercial land uses in Oakdale are appropriate given the traffic on Century Avenue and the high density residential to the east.

Ariel Street—Highway 36 to Eleventh Avenue

Ariel Street between Highway 36 and Eleventh Avenue is the border between North St. Paul and Maplewood. Apartments and town houses are on the North St. Paul side. In Maplewood there are two houses and undeveloped property on the southwest corner of Ariel and 11th Avenue. (See the Property Line/Zoning Map on page 58.) Maplewood has planned most of this area for single dwellings and the part on the south side of 11th Avenue for office uses. (See the Land Use Plan Map on page 59.)

The City's land use plan states that changes in differing types of land use should occur along rear lot lines. As such, the City may want to consider allowing multiple dwellings along Ariel Street, particularly south of the planned commercial on 11th Avenue. Before the 1983 update of the Comprehensive Plan, the City was planning the land between 11th Avenue and Highway 36 and Ariel Street and White Bear Avenue for high density residential development. The City has received an application to make this change.

Planning Commission Recommendation on Problem One

The Planning Commission did not recommend any changes.

Problem Two—Blighted Homes Near Commercial

Single and double dwellings around commercial uses are becoming blighted. An example is the homes west of Duluth Street on County Road C. The City has zoned them commercial. This discourages property owners from maintaining these homes.

This problem has two parts. The first part is whether there is a problem with blighted houses near commercial uses? On February 11, 1994, we did a windshield survey of houses near commercial uses. The maps on pages 60–63 show the general locations of these homes. The maps on pages 64–85 show the property line/zoning maps for these properties. We wanted to see if blight or maintenance was a problem. We found no wide-spread problem. A few houses needed paint or minor repairs. These houses, however, were an exception, not the rule. The number of houses needing maintenance or repair were no more than in other neighborhoods of a similar age. The main reason for maintenance problems was age rather than proximity to commercial uses.

The second part of this problem is about properties with homes that the City has zoned commercial. The maps on pages 66, 67, 69–71, 74 and 84 show examples of such properties. Our windshield survey did not find an unusual problem of unmaintained homes.

We surveyed the owners of homes that have a commercial zone. We asked the owners if they would be for, object or have no comment about rezoning their property to residential. Of the 23 surveys we sent out, we received thirteen responses. The owners of twelve properties wanted to keep their commercial zoning and one property owner (1210 County Road C) wanted residential. We received the following comments:

1. I object to changing the zoning of my property because we have commercial on all three sides and we would just as soon stay as we are. (Patwell, 1927 Radatz Avenue E.—map on page 67.)

2. My property is bordered on the east by a McDonald's restaurant and a strip mall across the street is a Holiday gas station and store, a large repair garage and storage lot for their vehicles, and on my west side is a fourplex. With all of the commercial and R-3 properties around me, it has lost value as a residential (single home) property. Therefore, I would prefer that it remain zoned commercial. (Moritz, 2708 Minnehaha Avenue E.-map on page 84)

3. I object to changing the zoning of my property because it's too late now; we are completely exposed to commercial property. (Peltier, 2497 Maplewood Drive N.—map on page 71)

4. I object to changing the zoning of my property because the location better fits a commercial use and resale would be impossible. (Lund, 2411 Maplewood Drive N.-map on page 71)

5. As owner of this property, I want to go on record as being opposed to anything that would prevent my property from being zoned commercial. This property was purchased as an investment with the intent of eventually building a commercial building on it, and the property is priced accordingly. In addition, the properties along both sides of Highway 61 in the immediate vicinity are commercial properties. There is no reason why my property should remain residentially zoned. (Brooksbank, owner of property at 2889 Maplewood Drive N.—map on page 69)

6. I object to changing the zoning of my property because of its location on the frontage of Highway 61 and the possible change of its value. (Slomkowski, 1075 Pierce Butler Route)

7. I object to changing the zoning of my property because I would not want to invest more money in a house 100 years old. (Zuercher, owner of 2911 Maplewood Drive—map on page 69)

8. Since 1986, we have had two appraisals and one market study done on our property, all with the same conclusion, saying the best use of this property would be commercial. In the past, your office has come to the same conclusion. In addition, we now have a new frontage road 25 feet from our property with the improvement project on County Road C, increasing traffic by double, thus making our property less attractive residentially and enhancing it commercially. If our zoning changes, it will not only decrease our property value but decrease our marketability. (Sorenson, 1215 E. County Road C—map on page 70)

9. I object to changing the zoning of my property because value of property would drop. Taxes and house payment would go up. (Graham, 1224 E. County Road C—map on page 70)

10. I object to changing the zoning of my property because of my business. Need room for equipment. (Langness, 1227 E. County Road C—map on page 70)

11. I object to changing the zoning of my property because it is not in my best interest in the future--(property value or home-based business). (Hanson, 1230 E. County Road C—map on page 70)

12. I want it residential. (Munchow, 1210 E. County Road C—map on page 70)

13. I object to changing the zoning of my property because do not want the taxes to be any higher. In regard to rezoning, we have had no business for the last 15 years or

more. At that time, the flash floods ruined my back property. It killed fruit trees, raspberries and blackberries and garden land and did at least $3,000 damage to business property. You keep raising my taxes, but 1/2 of my property isn't of any use to me. I would be willing to sell some of the back property if someone had use for it for commercial property. (Nienas, 1706 Parkway Drive E.—map on page 74)

We wanted to know the effect on property taxes of changing the zoning of a house from commercial to residential. We talked to Kent Smith in the County Property Records and Revenue Department. He told us that such a zoning change would not change the property taxes if the lot is too small for a commercial use or standard size for a residence. (See his letter on page 86.)

There are five options the City could consider to improve the maintenance of homes in and around commercial uses:

1. Increase the City's enforcement of the housing code next to commercial uses.

   The City only enforces the housing code when we get a complaint.

2. Offer financial aid through grants or low-interest loans for home remodeling.

   The State already offers a low-interest loan program for low- to- moderate-income residents for home improvements. The State also has a grant program for families with incomes below $10,000 per year. The City may want to supplement these programs.

3. The City could buy up substandard homes, fix them up and resell them or demolish them and sell the lot to a builder.

   The staff is exploring this option. We have identified five or six houses that would be the most likely candidates. Only one of the houses is near a commercial district.

4. Increase the enforcement of the maintenance code for businesses next to residences.

   The City Code requires businesses to maintain their properties in at least as good a condition as when originally built. Keeping surrounding businesses looking good may encourage adjacent homeowners to improve their properties. The City only enforces this code when we receive a complaint.

5. Rezone properties that the City has zoned commercial or industrial but the owners are using for residential purposes.

This option would probably not be effective. The City changed the land use plan from commercial to residential for the homes on White Bear Avenue, between Frost Avenue and Larpenteur Avenue. The maintenance of these homes has not changed.

For now, housing maintenance is no more of a problem in and around commercial uses than in the rest of the City. The problem may appear worse because the homes are more visible. Most of the problem homes that we are aware of are in residential neighborhoods, rather than next to commercial areas. We are not recommending any changes. We should watch these homes and act in the future if housing maintenance becomes more of a problem. The City should explore the removal or rehabilitation of substandard homes. These homes may or may not be around commercial buildings.

Planning Commission Recommendation on Problem Two

The Planning Commission did not recommend any changes.

Problem Three—Inadequate Buffering of Single Dwellings

There is not enough buffer between R-1 (single dwelling) and commercial or multiple dwellings. (The Commission excluded mixed use planned unit developments from this problem.)

Buffers between different types of land uses are to protect less intense (single family) land uses from more intense (commercial or multiple-dwelling) land uses. Owners and developers can do buffering with screening or larger-than-normal setbacks.

Screening

Pages 87–90 show the City's landscaping, screening and setback standards. The requirements include at least a 20-foot-wide landscaped yard between single or double dwellings and other land use types. Landscaping does not always mean screening. Landscaping may only be grass and low bushes. The Community Design Review Board can require more landscaping if they feel it is needed. Screening means: a fence, berm, landscaping or combination of these three that provides at least an 80% opaque screen. The City only requires screening where:

1. The light from automobile headlights and other sources would be directed into residential windows.

2. There would be exterior storage of goods or materials that could annoy or endanger property owners.

3. Mechanical equipment on the ground or roof would be visible from public streets or adjoining property.

4. A parking lot is next to a single or double dwelling or the City is planning the property for single or double-dwelling use.

The Code allows the use of a screening fence, a planting screen, a berm or a combination of these for screening.

Setbacks from residential property

The City Code requires commercial and multiple dwellings to be at least fifty feet from a residential property line (Section 36-28[c][6]). A developer must increase this setback to a maximum of 75 feet for buildings exceeding 25 feet in height or having an exterior wall with more than 2,000 square feet of area that faces a residentially-zoned property. The Code allows the City Council to approve a conditional use permit for additions within a required setback. (See Subpart (7) on page 89.)

Planning Commission Recommendations on Problem Three

1. Change Subsection 36-27(a) of the City Code. This section requires a landscaped yard of not less than twenty feet in width. Landscaping could mean just grass. The Commission recommended that the Council change this subsection to require trees or shrubs in addition to grass.

   Staff Comment: The Community Design Review Board (CDRB) recommended against this change. The CDRB's main concern with this recommendation was the lack of flexibility in the wording. The neighbors may not need or want screening. A compromise solution would be to require trees or shrubs in addition to grass, but allow the CDRB to waive the requirement where the adjacent owners object.

2. Change Subsections 36-27(c) and (d). They require that owners or developers satisfy screening with a screening fence, planting screen, berm or combination thereof. If the owner or developer uses fencing, the Commission recommended that the City require trees or shrubs.

   Staff Comment: The CDRB recommended against this change. The current ordinance already allows the CDRB to require landscaping in addition to fencing. The CDRB wants the flexibility to deal with individual situations. Some neighbors may prefer not to have landscaping with the fencing, particularly if they feel that the landscaping may become a maintenance problem. There may be other cases where existing vegetation may screen the fence and new vegetation is not needed. In other cases, neighbors may prefer just a fence for security or trespassing reasons.

3. Change Subsection 36-28(c)(6). This subsection requires a minimum setback between residential and commercial property. The Commission recommended that

the Council increase the minimum setback from 50 feet to 75 feet. The ordinance requires a larger setback for large and tall buildings. The Commission is recommending that the Council increase the maximum setback for large and tall buildings from 75 feet to 100 feet.

Staff Comment: The Commission's main concern with this recommendation has been with tall or large buildings next to residences. The CDRB feels that requiring a larger setback for all commercial buildings may be too restrictive. The Board noted several smaller commercial buildings, such as Rainbow Cleaning Systems on Duluth Street or the veterinary clinic on Cope Avenue that would not need a larger setback. They are compatible with residences. I recommend a compromise—leave the minimum setback at 50 feet, but increase the maximum setback for large or tall buildings from 75 to 100 feet. This would not keep the current fifty-foot setback for small and low buildings but would require larger setbacks for large or tall buildings.

Problem Four—Bothersome Types of Commercial Too Close to Homes

Bothersome types of commercial, such as fast food, are too close to single dwellings. These commercial uses create nuisances, such as litter.

For the purposes of this study, I am defining "bothersome types of commercial" as those that create a nuisance to adjacent homes. Controlling such uses is a function of the zoning ordinance. The Planning Commission reviewed all the types of commercial in the zoning ordinance and recommended that the City Council make the changes shown on the chart on page 91. I have singled out the uses below for discussion because the Commission spent more time discussing them than the other changes.

Fast-Food Restaurants

The Commission used fast food as an example of a bothersome commercial use. The City limits fast-food restaurants to BC (business commercial) zones. The City requires a conditional use permit for a BC use that would be within 75 feet of a residential building. One of the main reasons for this permit is to assure that the commercial use would be compatible with any surrounding homes.

The only residences next to fast-food restaurants are on Minnehaha Avenue and Radatz Avenue. The house on Minnehaha Avenue is west of the McDonald's on Century Avenue. The City rezoned this house from a residential zone to a commercial zone. The zoning change was to allow McDonald's to expand their parking lot. After the City rezoned the house, McDonald's decided not to buy the property. There is a house on the north side of Radatz Avenue that is south of the Kentucky Fried Chicken and Burger King. The City has zoned and planned this house, like the one on Minnehaha Avenue, for commercial use. I do not know of a problem with the two situations just described.

The Methadone Clinic

The neighbors around the White Bear Avenue methadone clinic consider the clinic to be a bothersome use. The neighbors have given the City a list of complaints. None of these complaints violate City ordinances. The staff prepared an ordinance that would have required a conditional use permit for clinics that primarily treat chemical dependency. This was done at the City Council's request. (See the staff report starting on page 92.) The Planning Commission recommended against this ordinance. The City Council passed a moratorium to give the City time to finish this commercial property study.

Check Cashing Businesses

Saint Paul is working on a zoning code ordinance amendment. The new ordinance would allow check cashing businesses as a permitted use in commercial districts if they were at least 100 feet from a residential district. Saint Paul found that check cashing businesses had significantly higher police calls than other financial businesses, such as banks. Neither Saint Paul nor Maplewood license these uses. However, the State does license them. The Commission recommended that we add check cashing businesses as a permitted use in commercial districts if they are at least 350 feet from residential districts.

Heliports and Helistops

The Planning Commission asked the staff to investigate rules for the location of heliports. I contacted the Metropolitan Council and Saint Paul. The Metropolitan Council has a model ordinance that recommends allowing heliports as a conditional use in any zoning district. Saint Paul has definitions for heliports, helistops, private heliports or helistops and public heliports or helistops in their Zoning Code. They define a heliport as a place for the landing or takeoff of helicopters (including maintenance and fueling). A helistop is a place for one helicopter to land or take off, but does not include maintenance or fueling operations.

By conditional use permit, Saint Paul allows private helistops as an accessory use for a hospital. A condition for a hospital helistop is that it must be at least 250 feet from a residential property line. Saint Paul also allows public and private heliports and helistops at an airport with a conditional use permit. They require that a heliport or helistop at an airport be at least 1,000 feet from a residential property line. Saint Paul requires all heliport and helistop applicants to do noise studies and to follow the Federal Aviation Administration (FAA) regulations. The noise study is to find out if the heliport or helistop will meet the State noise regulations. Saint Paul will only allow heliports at an airport and not at a business. Saint Paul only allows helistops at airports or hospitals, not at businesses. 3M told us that they do not have or plan to have a helistop.

The Commission recommended that the City change heliport to helistop since we do not have an airport or plans for an airport. They also recommended that we define helistop, limit them to hospitals and prohibit them within 350 feet of residential districts. Minnesota Pollution Control and FAA regulations would apply.

Gun Shops

The Commission is recommending that the City prohibit gun shops anywhere in the City. (See their list of changes in uses on page 91.) The City Attorney has advised me that it is highly unlikely that there is statutory authority to exclude gun shops. (See the attorney's opinion starting on page 101.)

Planning Commission Recommendations on Problem Four

4. Change the commercial districts to conform to the Commission's list on page 91.
5. Make no change to clinics, and lift the moratorium on new or expanding clinics.

Problem Five: Controlling Nuisances from Commercial Uses

The City needs to ease and relieve commercial noise, trespassing, visual impact and traffic infiltration through single-dwelling neighborhoods.

Noise

The City follows the State noise regulations in approving development. I am not aware of any problems with these regulations.

Trespassing

Trespassing can occur from neighbors cutting through the residential yards that abut a commercial use. The City does not require a business to put up fencing unless required for screening. The Community Design Review Board could require additional fencing if they anticipate a trespassing problem. The Board should consider this on a case-by-case basis. Residential owners may not want or need fencing.

Visual Impact

The Community Design Review Board reviews all new commercial development. The Board must make the following findings:

1. That the design and location of the proposed development and its relationship to neighboring, existing or proposed developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood; that it will not unreasonably interfere with the use and enjoyment of neighboring, existing or proposed developments; and that it will not create traffic hazards or congestion.

2. That the design and location of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly and attractive development contemplated by this article and the City's comprehensive municipal plan.

3. That the design and location of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures and colors.

Visual impact is in the eye of the beholder. An example is the conditional use permit for the Kinderberry Hill Day-Care Center (586 Carlton Street). A thick tree and shrub screen separates the day-care center from the adjacent homes to the east. A neighboring resident had cut down the vegetation behind his home. He testified at the hearing that he did not want screening because it interfered with his view of the 3M buildings.

The Planning Commission discussed three subjects about visual impact—building maintenance, the Chanhassen Landscaping Ordinance and reserve parking.

Building Maintenance

As far as existing buildings, the City requires that property owners maintain their building and grounds in at least as good a condition as when originally completed (Section 36-28[b]). Maintenance shall include:

1. Replacing any landscaping shown on the approved plan that dies.
2. Picking up all trash and debris from the grounds.
3. Removing all noxious weeds.
4. Watering the grass, trees and shrubs.
5. Repairing any exterior parts of the building that deteriorate or break.

Chanhassen Landscaping Ordinance

One of the planning commissioners suggested that we look at the Chanhassen landscaping ordinance (pages 35–46). This ordinance is very detailed and specific. A concern of the CDRB is that an ordinance like this may limit their flexibility. Another concern is that minimum standards can become maximum standards. As an example, the Chanhassen ordinance requires that 1% or 2% of the project value be in landscaping. This may be enough in some cases or too little in other cases. Developers

may provide only the minimum ordinance requirement, when they may have done more without the ordinance. Ordinances can be self-defeating if the City writes them with too much detail.

Because of the detailed requirements, the City should informally use the Chanhassen standards before adopting them. It would be like test-driving a car before buying it.

Reserve Parking

The Planning Commission has recommended that the City allow part of the required parking spaces to be deferred in a reserve strip until needed. This would create more open space and reduce storm water run-off.

Traffic Infiltration

Traffic infiltration means commercial traffic going through residential neighborhoods on local, rather than collector or arterial streets. The City has planned its streets and commercial areas to prevent commercial traffic from going through local residential streets. As such, the City has planned certain streets for through traffic. The City has shown these streets on the land use plan as collector and arterial streets. Most of these streets have homes on them. People should expect more traffic if they live on these streets.

I am not aware of anywhere in the City where commercial traffic is causing a problem by infiltrating through local residential streets. The only recent case I know of has been the controversy about traffic from Mounds Park Academy going through the neighborhood to the west. The City Council solved this problem by closing the driveway from the school to Price Avenue.

Planning Commission Recommendations on Problem Five

6. Use the monetary standards, vehicular, foundation and aesthetic plantings, landscaping materials and definitions of the Chanhassen ordinance for a one-year trial. The staff would apply the ordinance to each project and report the results to the Community Design Review Board. Since it is not a Maplewood ordinance, the Board can use or ignore the Chanhassen standards on a case by case basis. At the end of the year, the Board shall recommend whether the City should add all or some of the Chanhassen ordinance to the Maplewood Code.

7. Direct the staff to write an ordinance that allows the City to replace some of the required parking with reserve land.

Problem Six—Transition Zones

Is the City planning transition uses between commercial and single or double dwellings or following the market?

The City has tried to use transition zones. Maplewood, however, did not do its first land use plan until 1973. Development had occurred in much of the City by then.

The City designed all of its commercial districts except the BC (business commercial), SC (shopping center), M-1 (light manufacturing) and M-2 (heavy manufacturing) to be compatible with surrounding residences. The commercial districts that the City intends to be next to residential uses are as follows:

NC (Neighborhood Commercial)

Section 36-126 of the City Code lists the intent of the NC (neighborhood commercial) district. It says, "the intent of this district is to preserve land for the use of businesses that are compatible and adjacent residential land uses. Uses are limited to offices and smaller retail uses that cater to convenience shopping."

CO (Commercial Office)

Section 36-136 gives the purpose and intent of the CO (commercial office) district. It says, "the CO district is established primarily to provide areas for the development of professional and administrative offices, related uses together with supportive, low intensity commercial uses in locations in close proximity to residential areas . . ." It also says, "This district is intended to be located primarily on heavily traveled streets or adjacent to commercial or industrial districts, and is designed to lessen the impact of these uses on residential areas."

LBC (Limited Business Commercial)

The City designed the LBC district to be compatible with nearby residential uses. Offices, medical or health clinics and day-care centers are the only uses that the City allows in the LBC district.

BC(M) (Business Commercial-Modified)

The BC(M) zoning district allows a variety of commercial uses. The City added the BC(M) (business commercial-modified) to the City Code in 1976. The City created this zone as a buffer between the businesses on the north side of Beam Avenue and the homes on Radatz Avenue. Section 36-155 of the City Code gives the intent of the BC-M zoning district. It says that "The BC(M) district is intended to provide for the orderly transition between more intensive commercial uses and low- or medium-density

residential areas. Restrictions on, but not limited to, building height, setbacks, orientation, parking lot location, or location of building entrances may be required to ensure compatibility with abutting residential uses."

The zoning ordinance does not specifically state that the City intends the following districts to be next to residential uses. They are, however.

BC (Business Commercial)

The BC zoning district is the City's most permissive commercial district. The City allows a wide range of commercial uses in the BC zoning district. The Code requires a conditional use permit for any BC use within 75 feet of a residential building.

SC (Shopping Center)

The SC (shopping center) zoning district allows many types of commercial land uses. The Plaza 3000 Shopping Center is the only place in the City that has this zone.

M-1 and M-2 (light and heavy manufacturing)

The zoning code does not specifically say that the City intended these districts to be next to residential neighborhoods. The M-1 district, however, often is. Both districts require a conditional use permit for any use within 350 feet of a residential lot line. This requirement protects residential neighborhoods and allows the City to use the M-1 district near residential neighborhoods.

If the City feels that a commercial zone next to a residential property is too intense, they should rezone to a less intense commercial zone.

Planning Commission Recommendation on Problem Six

8. Change the intent section of the BC(M) zoning district. Drop the first sentence. This sentence states that "The BC(M) Business Commercial District (Modified) is intended to provide for the orderly transition between more intensive commercial uses and low or medium density residential areas." The Commission did not feel that the BC(M) district was a buffer between commercial and residential uses.

Problem Seven—Commercial Spread Along Major Streets and Into Residential Neighborhoods

Continuous commercial spread along major streets and around the corner into residential neighborhoods.

Problem Seven uses the term "continuous commercial spread." The City has had steady commercial growth over the last 20 years. Most of this growth has occurred on land that the City had planned for commercial use.

I can find little evidence of "creeping commercialism" in land use plan changes. In the last five years, the City has changed about as much land from commercial to residential use as from residential to commercial use. (See the list of land use changes starting on page 29.) None of these were significant changes. The City made most of these changes as part of the updating of the Comprehensive Plan in 1989–1991. The plan is a guide. As conditions change, the City should adjust and change its plan. However, most of the changes to commercial locations have been adjustments, rather than major policy changes.

There is one exception to the above. The City has recently received a proposal to redevelop the homes between White Bear Avenue, 11th Avenue, Highway 36 and Ariel Street from residential to commercial.

Planning Commission Recommendation on Problem Seven

The Planning Commission did not recommend any change.

Problem Eight—Nonconforming Commercial Uses

Nonconforming commercial uses in residential zones, such as Don John's commercial business on Stillwater Avenue.

Nonconforming uses

The City Code defines a nonconforming use as "A building, or a use of land or of a building, existing at the effective date of any provision of this chapter which does not conform with the requirements of such provision of this chapter, or a use authorized under Article III of this chapter." In other words, a nonconforming use is a use that was legal, but no longer conforms to the current zoning laws because of a change in the law. The Code allows a legal nonconforming use to continue as long as it does not expand or end for one year or more. The City may allow a nonconforming use to expand by approving a conditional use permit.

Zoning ordinances are not retroactive. Existing land uses that do not conform to a new ordinance can continue as a nonconforming use. For example, if the City rezoned a welding shop to a single-family zoning, the welding shop could continue as a nonconforming use. Most communities do not allow an expansion of a nonconforming use that would prolong its use. This is because a nonconforming use may not be compatible with the surrounding neighborhood. Maplewood requires a conditional use

permit to expand a nonconforming use. If natural causes destroy a nonconforming building, the owner has one year to reconstruct it or he must rebuild following the current rules. If the owner abandons or does not use a nonconforming building for one year, then the building or use must conform to the current ordinance and standards.

Don John

Don John's property (Stillwater Road) is the nonconforming use that we have had the most complaints about. The City created this problem by approving a spot commercial zone. Three years later, the City tried to correct this error by rezoning the site to R-3. Unfortunately, Mr. John's use became a legal nonconforming use. While he cannot expand, he can continue to operate.

On October 22, 1979, Don John applied for a rezoning from R-1 (single dwelling) and R-3 (multiple dwelling) to BC (business commercial). Mr. John applied for this rezoning to park construction vehicles on his property and to build a commercial storage garage.

On December 2, 1979, the Planning Commission recommended that the City Council rezone the site to BC(M) (Business Commercial Modified) and change the land use plan for this lot to commercial. The Commission based their decision on neighborhood support for the rezoning and the unlikely development of that area into high density residential use. The staff recommended that the Council deny the request. The Commission asked the staff to investigate changing the surrounding properties to commercial as well.

On February 7, 1980, the City Council approved the rezoning and land use plan change.

On February 14, 1983, the City Council rezoned Mr. John's property to R-3. The City started this change after many complaints from the neighborhood.

On January 14, 1991, the City Council changed the land use plan and zoning maps for Mr. John's property and the properties around it. These changes were from RH (high-density residential) to RL (low-density residential) and R-3 (multiple dwellings) to R-1 (single dwellings).

Solutions

The City has two options for dealing with nonconforming uses:

1. Buy or condemn the property.
2. Change the ordinance to allow the City to amortize nonconforming uses.

Buying or condemning the property is the surest and fastest option. This option would cost the City money. Condemnation would add legal costs. The other option is for the

City to amortize the use. Amortization also may result in legal costs. Since most other cities do not amortize nonconforming uses, except signs, owners of nonconforming uses may decide to sue the City to try to keep their businesses.

Gunnar Isberg, in his book Local and Regional Planning in Minnesota, says: "Some cities have adopted provisions in the zoning ordinances which attempt to eliminate or amortize the nonconforming use over a period of time. The time period varies and is dependent upon such factors as the amount of investment in the use, the losses due to the elimination, and the cost of relocation. In addition, the time period usually is shorter for uses which may cause a nuisance adversely affecting the public health. For such nonconforming uses the amortization period may be 6–12 months, whereas for the type of uses which present less danger to the public health or where the investment is substantial, the amortization period may be five or more years or may be allowed to continue in perpetuity. In Minnesota, the courts have ruled that cities do have the authority to amortize at least some nonconforming uses."

We tried to find a city that amortizes nonconforming uses. We surveyed thirteen of the closest cities to Maplewood in population. None of the thirteen cities amortize nonconforming uses.

Brooklyn Center adopted an ordinance around 1980 to eliminate a specific nonconforming use. The target was a fertilizer plant that was a considerable nuisance in a residential neighborhood. The ordinance provided for an amortization period of several years. The fertilizer plant owners challenged the amortization ordinance. While negotiations were underway, a fire significantly damaged part of the plant. The part of the plant that the fire damaged was not nonconforming.

However, the fire provided the City with an opportunity to use another provision of its code. This provision held that a nonconforming use that is significantly damaged cannot be rebuilt unless in conformance with Codes. The City thereby forced the plant to rebuild with significant site improvements (curb and gutter, buffering and landscaping).

The plant owners challenged these efforts by the City as well. The suit went to court. The City planner could not remember whether the amortization ordinance itself was tried before the court, or whether the City simply dropped the issue out of court as part of settlement negotiations. The upshot, however, was that the City abolished the nonconforming amortization ordinance in 1981. A positive note was that the City "stuck it out" on the site improvement issue and won in court.

The Maplewood City Attorney's opinion is that a City can amortize nonconforming uses if the amortization period is reasonable. (See the Attorney's opinion starting on page 103.) The problem is that the City cannot arbitrarily enforce such an ordinance. If we amortize Don John's business, the City must also amortize other commercial uses in

residential zones. If the City Council passes an amortization ordinance, they should rezone uses that they do not want to amortize.

The question is whether the City can write an ordinance that is fair and provides for reasonable amortization periods. If this option interests the Council, they should initiate an ordinance. We could then study this issue in more detail.

Planning Commission Recommendation on Problem Eight

9. Initiate an ordinance to amortize nonconforming commercial uses in residential neighborhoods.

Intensity of Commercial Uses

On June 6, 1994, the Planning Commission met with the City Council to discuss the commercial property study. The Council asked the Planning Commission to study the intensity of commercial uses in the commercial property study. A concern of the Council was inadequate parking, particularly when there is a change in use from a less intense to a more intense commercial use. A councilmember used the methadone clinic as an example.

The first step in dealing with this problem is to define what intensity of commercial uses means. Are we talking about parking, traffic generated, size of building, type of use (noise created or outdoor activity) or amount of green space left on the lot? Without first defining this problem, it is difficult to propose solutions.

Off-street Parking Requirements

Parking problems relate to the intensity of use. Inadequate parking leads to problems with on-street parking in adjacent residential streets or on adjacent commercial parking lots. The amount of city-required parking effects the intensity of use by limiting the site area for building. While buildings can go higher, this increases the cost per square foot.

The Council mentioned parking as one of the main concerns with the methadone clinic. The clinic does most of its business in the morning. Parking was inadequate at times and customers were parking on the streets and adjacent parking lots. The rest of the day the lot was nearly empty. The Council resolved the on-street parking problem by putting up "no parking" signs. The staff obtained the off-street parking requirements of several suburbs. We attached Maplewood's Code requirements (page 110) and summarized the parking space requirements for five other cities (starting on page 111). We included these five cities because they have more uses listed in their requirements than the Maplewood Code has. Maplewood's commercial requirements are similar to these cities.

The problem with requiring minimum parking spaces is that similar uses may have different parking needs, depending on how successful their businesses are. Best Buy is an example. They used to be in the Pier One Import store on Beam Avenue. The parking standard is the same for Pier One as for Best Buy. Parking was inadequate when Best Buy was there, but is fine for Pier One. Another problem is peak demand. Some uses, such as the methadone clinic, do most of their business during certain peak times and the rest of the day they have empty parking spaces. Parking demand can also be seasonal. The Mall needs more parking at Christmas than other times of the year.

Parking standards are based on averages and minimum needs. If the City required enough parking to meet all needs at all times, we would have more asphalt. One of the recommendations of the Planning Commission is to limit parking lots to create more open space and less storm water run-off.

Regulating Businesses Near Residential Neighborhoods With a Conditional Use Permit

One method of controlling nuisances from commercial uses around residential neighborhoods is to require a conditional use permit. The CUP gives the City some control over land uses. The public hearing gives neighbors a chance to have input into the design and operation of adjacent commercial uses. The City has used CUPs to periodically review businesses, regulate hours of operation or limit outside storage. The City does not need a CUP to regulate the design of commercial buildings or site plans. The Community Design Review Board (CDRB) already has this authority.

The question is what types of changes or uses should the City require a permit for. There are at least three options:

1. Require a CUP for each new commercial building or expansion that is close to a residential property line.

   The City could add this option to some or all the commercial zones and could include all or potential nuisance uses. The City already requires a conditional use permit for new uses in the following zoning districts:

   a. In M-1 (light manufacturing) districts where the use would be within 350 feet of a residential district.

   b. In BC (business commercial) districts where the use would be within 75 feet of a residential building.

   This option would cover new buildings or expansions but would not cover changes in use within an existing building, such as happened with the Methadone Clinic.

2. Require a conditional use permit for every change in type of business that is close to a residential lot line.

   This option would give the City more control over specific businesses near residences. The City could make this change to some or all the commercial zones and could include all or potential nuisance uses. As an example, the City may approve a CUP for a video store. A change from one video store to another video store would not require a CUP. A change from a video store to an athletic store would require a CUP. The City would have to be specific in the permit about the type of business the permit is for.

   The disadvantage is that this option would take more of the City's time and would delay changes in tenancy. The City could lessen this disadvantage by issuing conditional use permits for broad types of uses rather than specific uses. As an example, the City could issue a permit for a medical clinic, rather than a specific type of clinic. Another disadvantage is enforcement. The City might not know about such a change unless the owner applies for a building permit.

3. The City Code requires a conditional use permit when one nonconforming use replaces another. As part of the conditional use permit the Council could require that the new use follow as many of the City's current standards as practical. These standards could include more parking, landscaping, screening or building maintenance. The City Attorney advises me that the City must relate any such requirements to the impact of the development. As an example, the City should not require that a business build an off-site trail that is not related to the business. (See the attorney's letter starting on page 116.)

   This requirement would not have affected the methadone clinic. The methadone clinic meets the City's current parking space requirement. The Code requires fourteen parking spaces. The clinic has twenty spaces. To solve a similar problem in the future, the City would have to increase the required spaces for clinics. However, the current requirement has been adequate for the other clinics. The City's parking space requirements are minimum standards. There will be uses that need more than the minimum number of spaces.

Requiring a CUP for every use in the BC(M), NC, CO or LBC districts that is near a residential district seems impractical. The City designed these districts to be next to residences. If a specific zone is causing a problem, the City should rezone it to a less intense commercial zone.

There are BC zones adjacent to residential neighborhoods. The BC zone was not intended to be next to residential neighborhoods. Some of the permitted uses in the BC district require a CUP or are prohibited in the other commercial districts. To solve this problem, the City could rezone all the BC zones near residential neighborhoods or

requires a CUP in the BC zone for any use within 75 feet of a residence. The City should require a CUP for some BC uses that are within 350 feet of a residential property line. The City should require a CUP for uses that require a CUP or that the Code prohibits in the BC(M) district. These uses include: restaurants, new car sales, parking lots as a principal use and CNG or LPG dispensing facilities.

The other option would be to rezone all BC properties that are within 350 feet of a residential lot line. These rezonings would take a lot of time. Simply changing the Code to require a CUP for more uses would accomplish the same purpose and save much time and consternation by property owners. The Planning Commission recommended changing the permitted and conditional uses in the commercial zones to help protect residential land uses. (See the proposed list on page 91.)

Floor Area Ratios and Lot Coverages

Another way to control the intensity of business use is to create floor area ratios. Floor area ratios limit the ratio of commercial floor area to the area of the lot. If the primary concern is green area, rather than floor area, the City could adopt maximum lot coverage requirements.

Planning Commission Recommendation

10. The Planning Commission recommended that they address the intensity of commercial uses by studying traffic, floor area ratios and lot coverage over the next six months.

STAFF RECOMMENDATIONS (The numbers refer to the numbers of the Planning Commission's recommendations in this report.)

1. Initiate an ordinance that changes Subsection 36-27(a) of the City Code to require trees and shrubs in addition to grass, but allow the CDRB to waive the requirement where the adjacent owners object. (See page 11.)

2. Initiate an ordinance that states that the City <u>may</u> require landscaping with any required screening fencing. (See page 11.)

3. Initiate an ordinance that changes Subsection 36-28(c)(6). This change would increase the maximum setback for large and tall buildings from 75 feet to 100 feet. (See pages 11-12.)

4. Initiate an ordinance to change the commercial districts to conform to the Planning Commission's list on page 91. Exclude the prohibition on gun shops. (See page 14.)

5. Make no change to clinics in the zoning ordinance, and lift the moratorium on new or expanding clinics. (See page 14.)

6. Use the monetary standards, vehicular, foundation and aesthetic plantings, landscaping materials and definitions of the Chanhassen ordinance for a one-year trial. The staff shall apply the ordinance to each project and report the results to the Community Design Review Board. Since it is not a Maplewood ordinance, the Board can use or ignore the Chanhassen standards on a case by case basis. At the end of the year, the Board shall recommend whether the City should add all or some of the Chanhassen ordinance to the Maplewood Code. (See page 16.)

7. Initiate an ordinance that allows the City to replace some of the required parking with reserve land. (See page 16.)

8. Initiate an ordinance that would drop the first sentence of the intent section of the BC(M) zoning district. This sentence states that "The BC(M) Business Commercial District (Modified) is intended to provide for the orderly transition between more intensive commercial uses and low or medium density residential areas." (See page 18.)

9. Initiate an ordinance to amortize nonconforming commercial uses in residential zones. (See page 22.)

10. Direct the Planning Commission to study the intensity of commercial development. The study should include the following:

    a. Define what intensity of commercial development means.

    b. Decide whether the City needs to control the intensity of commercial development.

    c. If the Commision decides that the City needs to control intensity, recommend ways to do it. The Commission should consider regulating maximum lot coverages and floor area to lot area ratios.

REFERENCE

CURRENT COMMERCIAL AND INDUSTRIAL POLICIES

The City's commercial and industrial development policies are on pages 22-23 of the Comprehensive Plan. The following five of these policies relate to protecting residential properties:

1. Avoid disruption of adjacent residential areas.

2. Use planned unit developments wherever practical. Maintain orderly transitions between commercial and residential areas.

3. Require commercial and industrial developers to make all necessary improvements to ensure compatibility with surrounding residential uses.

4. Require adequate screening or buffering of new or expanded commercial areas from any adjacent existing or planned residential development.

5. Plan land uses and streets to route nonresidential traffic around residential neighborhoods.

MAPLEWOOD'S COMMERCIAL ZONING DISTRICTS

(Refer to the attached sections from the Zoning Code on pages 118-125 for specific types of uses allowed and prohibited in each zone.)

NC (Neighborhood Commercial) Zoning District

The Code says that the City intends the NC (neighborhood commercial) district for activities and businesses that are compatible with adjacent residential uses. The Code limits the uses in this district to offices and smaller retail uses that cater to convenience shopping. Each NC zone has residential uses on at least two sides.

Commercial Office (CO)

The commercial office classification is for offices and related uses, such as supportive, low-intensity commercial uses. These zones should be close to residential neighborhoods to conveniently serve the public. These zones should be on heavily traveled streets or adjacent to commercial or industrial districts, to lessen their impact on residential areas.

BC (Business Commercial) Zoning District

The BC zone is the general commercial zoning district in Maplewood. The BC zone allows a wide variety of commercial land uses in this district. The City may permit high-intensity commercial uses, such as fast-food restaurants and gas stations, subject to specific guidelines. The City Code does not state that this zone is intended to be next to residences. There are some examples of this however.

In 1992, the City Council changed the Code to provide more protection for adjacent residential uses. The changes included not allowing a motor fuel station within 350 feet of a residential use and requiring a CUP for any building or outside use within 75 feet of a residential building.

LBC (Limited Business Commercial) Zoning District

The City intends this district for offices, medical clinics and child-care facilities that would be adjacent to residential uses. It also may serve as a transition zone between residential and more intense commercial uses. The permitted uses in the LBC are compatible with residential uses. LBC uses are usually not open during evenings or weekends. The LBC zones have a residential use on at least one side. This zoning district does not have conditional or prohibited uses.

BC(M) (Business Commercial Modified) Zoning District

The City Code says that the intent of the BC(M) district is to provide for the orderly transition between more intense commercial uses and low and medium density residential uses. The City may require restrictions on building height, setbacks, orientation and parking lot location to insure compatibility with abutting residential uses.

There are eight areas in Maplewood with the BC(M) zoning. These areas have residential uses on at least one side. The conditional and permitted uses in the BC(M) zone limit the activities that could occur in this zone. These limits help protect the nearby residential uses.

SC (Shopping Center) Zoning District

The permitted uses in the SC zone are similar to the permitted uses in the BC(M) zone. The only SC zone is the Plaza 3000 shopping center. This center is north of Lydia Avenue between White Bear Avenue and Ariel Street.

M-1 (Light Manufacturing) Zoning District

The M-1 zone allows the permitted uses of the BC zoning district and a variety of industrial uses. These include wholesale businesses, contractors shops, manufacturing plants, laboratories or research facilities and warehouses. The conditional uses in the M-1 zone include the conditional uses in the BC zone, trucking yard or terminal and privately-owned recycling facilities. The M-1 zone also requires a CUP for any building or exterior use within 350 feet of a residential district. This helps protect residential uses from the effects of potentially disruptive nearby commercial and industrial uses.

LAND USE CHANGES FROM COMMERCIAL TO RESIDENTIAL AND VICE VERSA

1982

The City changed the land use plan for the west side of White Bear Avenue, between Larpenteur and Frost Avenues. This change was from LSC (limited service commercial) to low-density residential.

1989

The City changed the zoning on the west side of Highway 61 between County Road C and Beam Avenue. This change was from commercial to F (farm residential). Most of this land is wetland owned by KSTP.

1990

The City zoned 1881-1889 Clarence (south of Frost Avenue) from BC (business commercial) to R-1 (single dwellings). The owner had developed these two lots with single dwellings.

The City changed the land use plan and zoning behind Guldens and 3065 Highway 61 from M-1 (light manufacturing) to R-1.

The City changed the land use plan and zoning at 1765 County Road D from multiple dwelling to commercial for the expansion of Frank's Nursery.

The City rezoned about one acre of Hillcrest Development land on Ariel Street, between Cope and Castle Avenues, from commercial to R-1.

The City rezoned 2708 Minnehaha Avenue (next to McDonald's) from R-1 to LBC (limited business commercial). This change was to allow McDonald's to expand their parking lot. (McDonald's decided not to expand the parking lot.)

The City rezoned a 2.5-acre parcel in the middle of Battle Creek Park from commercial to F (farm residential).

The City rezoned several properties west of Highway 61, between Gervais Avenue and County Road C from residential to commercial and vice versa. The Council made these changes as part of the updating of the Comprehensive Plan.

1991

The City rezoned the rear of the Maplewood Drive-In property from BC (business commercial) to R-1S (small-lot single dwellings).

The City rezoned the land behind the former Carlton Racquetball Club (600 Carlton Street) from R-1 to M-1 (light manufacturing). The rezoning allowed 3M to expand the parking lot for a training center.

The City changed the land use plan and zoning from R-1 to LBC (limited business commercial) for the property at 2702 Stillwater Road. The Council made this change to allow Knowlan's Supermarket and the Midvale Center to expand.

The City changed the land use plan from medium-density residential to M-1 (light manufacturing) for the south side of Frost Avenue, east of Phalen Place. The City had already zoned this land commercially and the owner was using the site for commercial use.

1992

The City approved a planned unit development (PUD) on the north side of Gervais Avenue for the Care Free Cottages of Maplewood. The City has zoned this property LBC (limited business commercial).

The City changed the land use plan and zoning map from medium-density residential to single dwelling for the north side of Frisbee Avenue, west of English Street. The City made these changes for the 14-lot Frisbee Hill plat for single dwellings.

1993

The City changed the zoning map from M-1 (light manufacturing) to R-2 (single and double dwellings) for the south side of Duluth Street, south of County Road C. The City made this change to allow Goff Homes to build double dwellings on the site.

The City changed the land use plan from LBC (limited business commercial) to C (church) for the property at 2425 White Bear Avenue. The City made this change to convert the former Montgomery Ward's office building to a church.

go:b-7:commpr11.mem (4.55)
Attachments:

1. The February 23, 1993 Planning Commission Proposal
2. Chanhassen Landscaping Ordinance
3. 1993 Lake Road/I-494 Interchange Plan
4. Vista Hills Land Use Plan Map
5. Highwood Land Use Plan Map
6. Woodbury Land Use Plan Map
7. Woodbury Zoning Map
8. Oakdale Comprehensive Plan Map (District 6)
9. Beaver Lake Land Use Plan Map (Stillwater Road and Century Avenue)
10. Property Line/Zoning Map (Stillwater Road and Century Avenue)
11. Beaver Lake Land Use Plan Map (Century, north of Minnehaha)
12. Property Line/Zoning Map (Century, north of Minnehaha)
13. Oakdale Comprehensive Plan Map (District 8)
14. Property Line/Zoning Map (Ariel, north of Highway 36)
15. Land Use Plan, north of Highway 36 at Ariel Street

16–19. Location Maps for Homes Near Commercial Uses

20–41. Property Line/Zoning Maps and Land Use Maps

42. 2-18-94 letter from Kent Smith
43. Sections 36-27 and 36-28 of the City Code (Landscaping and Screening)
44. Proposed Changes in Commercial Uses by Zoning District
45. Memo on Chemical Abuse Clinics Ordinance
46. City Attorney's Letter on Gun Shops
47. City Attorney's Memo on Amortizing Nonconforming Uses
48. Maplewood Off-street Parking Requirements
49. Blaine Parking Requirements
50. Bloomington Parking Requirements
51. Brooklyn Center Parking Requirements
52. Golden Valley Parking Requirements
53. Richfield Parking Requirements
54. City Attorney's Letter on Requiring Conditions of Changes in Nonconforming Uses
55. Commercial Zoning Districts

TO: MAPLEWOOD CITY COUNCIL
FROM: MAPLEWOOD PLANNING COMMISSION
TOPIC: COMMERCIAL PROPERTY STUDY
DATE: FEBRUARY 23, 1993

The planning commission has a concern with commercial development in Maplewood with special concerns in areas were commercial zoning and residential zoning adjoin each other.

These concerns come from some basic beliefs they are,

1) The residents of Maplewood are the foundation of the city and as such should receive all due benefits and protection in development matters.

2) Commercial development is a convenience to the residents. It does have benefits to the city which do deserve consideration but these considerations should not be allowed to overwhelm existing residents or burden the future residential areas of the city.

3) Commercial development can have a deteriorating effect on residential areas. Over the long term a vicious cycle of encroachment of commercial development, deterioration of residential, and expansion of commercial into residential can take place.

4) Consideration of all areas where commercial and residential land uses adjoin should receive the same consideration. Areas of future residential development should be protected in the same manner as existing residential areas. In doing so the city will be creating the best situation to attract better quality residential developments to these areas.

5) Some intense or bothersome commerical uses which generate excessive noise, fumes, or traffic should not be allowed to adjoin residential areas.

6) The city should have the ability to regulate the intensity of use on commercial property, much like it does with residential property.

There are a number of areas which could be looked at to regulate the buffer zone between residential and commercial development areas.

A) Make some changes to the existing zoning codes.
B) Rezone land to create buffer zones.
C) Change the comprehensive plan.
D) P.U.D. ordinance update.

The most likely situation to affect changes which would have some impact now and into the future would be to put in place a combination of these options.

The following are some examples of items which could be reviewed by a commercial property study. These are just examples and may not encompass all possible options.

Increase the amount of landscaped area. In our concept the idea is to create some distance and aesthetic value to the area between commercial and residential uses.

Take a close look at any land which has residential zoning but is being used for commercial purposes also review any land which is zoned for commercial use but is being used residentially.

We believe that the city's screening ordinances along with all required setbacks should be reviewed and updated to offer the greatest protection to residential areas as is deemed possible.

A study should also look at the city's existing farm zoning areas and update these areas to minimize or eliminate the farm zone.

The commercial property study should also address some aspects of the commercial zones. We should review what can be done to improve the overall appearance of commercial areas and how to introduce more green area into commercial development. The regulation of commercial intensity is also an area of concern. All the residential zones are governed by density tables as a means to control intensity of use. We could look at floor area, percentage of building coverage of property, traffic generation, etc. as some ways to regulate the intensity of use of commercial property.

Rezoning some properties to create a buffer zone may be a possibility in some areas, a review of the city's zoning and land use maps may turn up some areas which could be changed. This action would have to include a review of the comprehensive plan as well.

We would suggest that a review of commercial property, both existing development areas and future commercial areas be done to determine:

A) How many areas exist with BC adjoining R-1, BC adjoining R-2, BC (M) adjoining R-1 and R-2, etc.
B) What existing roads are in place and are they adequate.
C) What future roads might be needed to handle future development.
D) Other infrastructure needs for development.

E) Gather information from existing developments as to density or intensity of use.

F) Special situations which might need addressing for future development on any particular parcel of land. I.e. wetlands or terrain. These items if cataloged could serve as guidelines for the staff, planning commission and council when a development is proposed and eliminate some reacting to proposals with concerns thought out in advance.

One other tool which has been under consideration which should be used in concert with these proposals is a revised P.U.D. ordinance. To what affect it may play a role is yet to be determined. However, if the P.U.D. was imposed as an overlay zone, then the underlaying zone still serves as a basis to code changes and variances as modified by the P.U.D. and if some stronger ordinances are in place in the underlaying zone then the city's position can only be strengthened.

In conclusion the city should initiate a study to look at commercial areas of the city and their relationship to residential areas. The study should encompass, improving the overall appearance of commercial areas, and studying the intensity of use on commercial property. The study would include all existing and proposed commercial land and would locate trouble spots and gather information for future use. Ordinances should be reviewed to find areas were changes could be made to improve the residential environment. The study should include input from the city council, planning commission, design review board, engineering department, the community development department and any other department or groups which have input.

Recommendation- Direct staff to initiate and coordinate a commercial property study to evaluate the relationship between commercial and residential zones and the control of the intensity of use of commercial property.

CHANHASSEN CITY CODE

DIVISION 2. TREE PRESERVATION

The section below will be amended with the adoption of the Tree Preservation Ordinance proposed for subdivision.

Sec. 20-1178. **Generally.**

DIVISION 3. LANDSCAPING STANDARDS

Sec. 20-1179. Landscape budget.

(a) Landscaping shall be provided that meets the minimum landscaping budget provided in the table below.

*Project value**	*Minimum Landscape Value***
(~~Including~~Is building construction, site preparation, and the site improvements)	*(Is the minimum landscape value and shall include only expenditures on trees and* ***plant material excluding sod or seed, excluding labor and grading.)***
Below $1,000,000	2%
$1,000,001- 2,000,000	20,000 + 1% of project value in excess of $1,000,000
2,000,001- 3,000,000	$30,000 + 0.75% of project value in excess of $2,000,000
3,000,001- 4,000,000	$37,500 + 0.25% of project value in excess of $3,000,000
Over $4,000,000	1%

(b) ~~At the City's discretion.~~ The value of tree preservation may be utilized to offset landscaping requirements, **if there is a finding of significant trees that are worthy of preservation. The following formula shall be used for calculating the value of tree preservation:**

Cross-sectional Area	x	Dollars Per Square Inch	x	Species Factor	x	Condition Factor	x	Location Factor	=	Dollar Tree Value

NOTE: The formula used may be changed by resolution approved by the City Council.

(see definitions section) Add definition of Interior Landscaping (area exclusive of mandated setback).

Sec. 20-1180. Screening for visual impacts.

(a) Visual impacts must be screened ~~or buffered~~ as required by the city. These shall include, but not be limited to, truck loading areas, trash storage, parking lots, interior lot areas and perimeters, outdoor storage areas, large unadorned building massing, garage doors associated with auto-oriented uses and vehicular stacking areas for drive-through uses.

(1) Required screening ~~or buffering~~ for any visual impact may be achieved with fences, walls, earth berms, hedges or other landscape materials. All walls and fences shall be architecturally harmonious with the principal building. The use of wooden screen fences or chain link fences equipped with slats is prohibited. Earth berms shall not exceed a slope of 3:1 unless provided with landscaping designed to minimize maintenance. The screen shall be designed to employ materials which provide effective visual barrier during all seasons.

(2) All required screening ~~or buffering~~ shall be located on the lot occupied by the use, building, facility or structure to be screened. No landscape screening shall be located on any public right-of-way or within eight (8) feet of the traveled portion of any street or highway.

(3) Screening ~~or buffering~~ required by this section shall be of a height needed to accomplish the goals of this section. Height of plantings required under this section shall be measured at the time of installation.

(b) The following uses shall be screened ~~or buffered~~ in accordance with the requirements of this subdivision:

(1) Principal buildings and structures and any building or structure accessory thereto located in any business, industrial or planned unit development district containing nonresidential uses shall be ~~buffered~~ **screened** from lots used for any residential purpose.

(2) Principal buildings and structures and any building or structure accessory thereto located in any R4, R8, R12, R16 district or planned unit development district containing residential development at densities exceeding four (4) units

per acre shall be ~~buffered~~ **screened** from lots located in any A1, A2, RR or RSF district.

(3) Additional buffer yard requirements are established by the city comprehensive plan and listed in individual district standards.

(4) Outside storage in any district subject to these provisions and allowed by other provisions of this ordinance, shall be screened from all public views.

Sec. 20-1181. Vehicular areas.

(a) Parking lot perimeters where vehicular areas, including driveways and drive aisles, are not entirely screened visually by an intervening building or structure from any abutting right-of-way, there shall be provided landscaping designed to buffer direct views of cars and hard surface areas. The goal of this section is to break up expanses of hard surface areas, help to visually define boulevards and soften direct views of parking areas **and provide for reforestation with overstory tree from the approved tree species list identified for parking or other species as approved by city staff.**

~~**Note: The Planning Commission directed staff to review the use of required irrigation on commercial and industrial sites, most cities do not require sprinkling for landscaping. Most larger developments install sprinkling systems, so this is true of commercial and industrial developments. The other request of parking lot trees is identified on the species list at the end of this document. The species list has been modified to reflect interior/parking lot landscaping and exterior/perimeter landscaping.**~~

All new planting areas must have an irrigation system installed ~~**available.**~~

(b) Interior landscaping for vehicular use areas:

(1) Any open vehicular use areas ~~(excluding loading, unloading, and storage areas in IOP and BG districts)~~ containing more than six thousand (6,000) square feet of area, or twenty (20) or more vehicular parking spaces, shall provide interior landscaping in accordance with this division in addition to "perimeter" landscaping. Interior landscaping may be peninsular or island types.

(2) For each one hundred (100) square feet, or fraction thereof, of vehicular use area, ~~five (5)~~ **eight (8)** square feet of landscaped area shall be provided.

(3) The minimum landscape area permitted shall be ~~sixty-four (64)~~ **two hundred (200)** square feet, with a ~~four—ten~~ **six** foot minimum dimension to all trees from edge of pavement where vehicles overhang **and a four foot minimum dimension to all trees where vehicles do not overhang.**

(4) In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than ~~three hundred fifty (350)~~ **seven hundred twenty (720)** square feet in vehicular use areas under thirty thousand (30,000) square feet, **unless there is a preservation area**. In both cases, the least dimension of any required area shall be four-foot minimum dimension to all trees from edge of pavement where vehicles overhang. Landscape areas larger than above are permitted as long as the additional areas are in excess of the required minimum.

(5) A minimum of one (1) tree shall be required for each two hundred fifty (250) square feet or fraction thereof, of required landscape area. Trees shall have a clear trunk of at least five (5) feet above the ground, and the remaining area shall be landscaped with shrubs, or ground cover (not to include rocks or gravel **except as a mulch around shrubs and ground cover**), not to exceed two (2) feet in height.

~~(6) Parked vehicles may hang over the interior landscape area no more than two and one half (2½) feet, as long as a concrete curb is provided to ensure no greater overhang or penetration of the landscape area.~~

(7) All landscaped areas shall be protected by concrete curbing.

(8) All landscaping area shall have the proper soil preparation to ensure the viability of the vegetation to survive. The landscaping plan shall provide specifications for proper soil preparation.

Sec. 20-1182. **Foundation and aesthetic plantings.**

(a) Landscaping plans shall provide for an appropriate mix of plantings around the exterior footprint of all buildings. The intent of this section is to improve the appearance of the structures and, where necessary, break up large unadorned building elevations. These plantings are not intended to obscure views of the building or accessory signage.

(b) All undeveloped areas of the site, excluding protected wetlands and tree preservation areas, shall be seeded or sodded. In addition, an appropriate mix of trees and other plant material shall be provided to create an aesthetically pleasing site.

(c) **Boulevard and streetscape plantings,** Where undeveloped or open areas of a site are located adjacent to public right-of-way, the plan shall provide for over-story boulevard trees. A minimum of one (1) tree for every thirty (30) feet of frontage is required. The city may approve alternatives if it meets the intent of the ordinance **from approved tree species list or as approved by city staff.**

Sec. 20-1183. **Landscaping materials.**

(a) The landscaping materials shall consist of the following:

(1) Walls and fences. Walls shall be constructed of natural stone, brick or other appropriate materials. Fences shall be constructed of wood. Chain link fencing will be permitted only if covered with plant material or otherwise screened.

2) Earth berms. Earth berms shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound, and shall not be considered as fulfilling any screening requirement.

(3) *Plants. All* plant materials shall be living plants; artificial plants are prohibited. Plant materials shall meet the following requirements:

a. *Deciduous trees.* Shall be species having an average crown spread of greater than fifteen (15) feet and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where an eight-foot clear wood requirement will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen foot crown spread. A minimum of ten (10) feet overall height or minimum caliper (trunk diameter, measured six (6) inches above ground for trees up to four (4) inches caliper) of at least two and one-half (2½) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be placed closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete. **Trees shall be selected from the approved list of tree species or as approved by city staff.**

b. Evergreen trees. Evergreen trees shall be a minimum of six (6) feet high with a minimum caliper of one and one-half (1½) inches when planted.

c. Shrubs and hedges. Deciduous shrubs shall be at least two (2) feet in average height when planted, and shall conform to the opacity and other requirements within four (4) years after planting Evergreen shrubs shall be at least two (2) feet in average height and two (2) feet in diameter. **Materials to be selected from approved list or as approved by city staff.**

d. *Vines.* Vines shall be at least twelve (12) inches high at planting, and are generally used in conjunction with walls or fences. **Materials to be selected from approved list or as approved by city staff.**

e. *Grass or ground cover.* Grass shall be planted in species normally grown as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and seventy-five (75) percent of complete coverage after two (2) complete growing seasons, with a maximum of fifteen (15) inches on center. In certain cases, ground cover also may consist of rocks, pebbles, sand and similar ~~approved~~ materials **if approved by the city. Materials to be selected from approved list or as approved by city staff.**

f. *Retaining.* Retaining walls exceeding ~~five (5)~~ **four (4)** feet in height, including stage walls which cumulatively exceed ~~five (5)~~ **four (4)** in height, must be constructed in accordance with plans prepared by a registered engineer or landscape architect of brick, concrete or natural stone. Artificial material may be approved if appropriate. **A building permit is required.**

DIVISION 4. MAINTENANCE AND INSTALLATION

Sec. 20-1184. Generally.

The owner, **assigns**, tenant, and their respective agents shall be held jointly and severally responsible to **continually** maintain their property and landscaping **as approved with the official site plan** in a condition presenting a healthy, neat and orderly appearance and free from refuse and debris. Plants and ground cover which are required by an approved site or landscape plan and which have died shall be replaced within three (3) months of notifications by the city. However, the time for compliance may be extended up to nine (9) months by the director of planning in order to allow for seasonal or weather conditions.

Sec. 20-1186--20-1260. Reserved.

DEFINITIONS:

Screening - Visually shielding or obscuring structures or uses through the use of densely planted vegetation. Vegetation shall include a mix of deciduous and coniferous to provide year round screening.

Cross-Sectional Area - is a measure of tree size. It is calculated from the trunk diameter using the formula 0.785d2 where d2 is the trunk diameter of the tree measured in inches squared. Diameter measurements should be taken at a point on the trunk 4½ feet above the level.

Dollars per square Inch - is the value determined by the Council of Trees and Landscape appraisers. The current value is $27.00 per square inch.

Species Factor - is the measure of the relative value of each shade or ornamental tree species. See attached list with values (Attachment A).

Condition Factor - is the measure of an individual tree and its relative physical condition compared to a tree of the same species which has perfect health and form (Attachment B).

Location Factor - is the function value of a tree based on its location in the landscape. The location factor may vary from 0 to 100 percent with 100 percent representing a perfect location. Its greater value is due to its aesthetic and functional impact on the property. Positive functions such as providing shade, controlling snow drifting, or providing wildlife habitat enhances a tree's location value. Negative functions such as interference with public safety, utilities, sidewalks, building or other properties can lessen the value.

List of Desirable Tree Species for Planting in Chanhassen means the following list tree species.

List of Desirable Tree Species for Planting in Chanhassen

Key to notations used:

ST = Relatively tolerant to deicing salt
DT = Relatively tolerant to drought or dry sites
Size: (in terms of expected mature height)
L = Large (over 50 feet)
M = Medium (between 25 to 50 feet)
S = Small (less than 25 feet)
Blvd = Suitable for boulevard planting and parking lot
Pkg = Suitable for parking lots

Suitable Tree Species

Broadleaf Species	Size	Tolerance	Location	Notes
Ash, Mountain *Sorbus spp.*	M		BLVD	Protect from sunscald

Birch, River *Betula nigra*	M			Relatively tolerant of wet sites
Coffeetree, Kentucky *Gymnocladus dioicus*	L	DT	BLVD PKG	
Corktree, Amur *Phellodendron amurense*	M	DT		
Crabapple, Flowering *Malus spp.*	S		BLVD	Many varieties available; check for disease resistance; protect from sunscald
Ginkgo *Ginkgo biloba*	M		BLVD	Male trees only
Hackberry *Celtis occidentalis*	L	DT ST	PKG	
Hawthorn *Crataegus spp.*	S	DT ST	PKG	Thornless varieties available
Hickory, Shagbark *Carya ovata*	L	DT		
Honeylocust *Gleditsia triacanthos*	M-L	ST	BLVD/PKG	Protect from sunscald. Thornless varieties popular
Ironwood *Ostrya virginiana*	M			Grows well under shade of other trees
Lilac, Japanese Tree *Syringa reticulata*	S	ST	BLVD	
Linden, American *Tilia americana*	L		BLVD/PKG	A.K.A Basswood; Relatively tolerant of wet sites
Linden, Littleleaf *Tilia cordata*	M		BLVD	

Locust, Black *Robinia pseuedoacacia*	L	DT	PKG	
Maple, Amur *Acer ginnala*	S			Shade tolerant.
Maple, Norway *Acer platanoides*	M-L	ST	BLVD/PKG	Protect from sunscald.
Maple, Red *Acer rubrum*	M-L		BLVD	Protect from sunscald. Grows best on moists, acid soils.
Maple, Sugar *Acer saccharum*	L		BLVD PKG	Protect from sunscald. Prefers heavy, moist soils. Shade tolerant.
Northern Catalpa *Catalpa speciosa*	M-L	DT		
Oak, White *Quercus alba*	L			
Oak, Bur *Quercus macrocarpa*	L	DT ST	BLVD/PKG	
Oak, Red *Quercus rubra*	L	ST	BLVD/PKG	
Oak, Swamp White *Quercus bicolor*	L		PKG	Relatively tolerant of wet sites
Ohio Buckeye *Aesculus glabra*	M		BLVD	
Walnut, Black *Juglans nigra*	L			
CONIFERS				
Arborvitae, American *Thuja occidentalis*	M			

Fir, Balsam *Abies balsamea*	M			Relatively tolerant of wet sites. Shade tolerant.
Fir, White *Abies concolor*	M	DT		
Pine, Austrian *Pinus nigra*	M			
Pine, Red *Pinus resinosa*	L	DT		State tree
Spruce, Black Hills *Picea glauca densata*	M			
Spruce, Colorado *Picea pungens*	M			
Spruce, Norway *Picea abies*	L			
Spruce, White *Picea glauca*	L			
Tamarack *Larix laricina*	L			Tolerant of wet sites. Only conifer that drops its needles each year in fall.

8/26/93
9/22/93

LIST OF DESIRABLE GROUND COVER AND HERBACEOUS PERENNIAL

KEY:

ST = Relatively Salt Tolerant
SN = Relatively Tolerant of Snow Loading

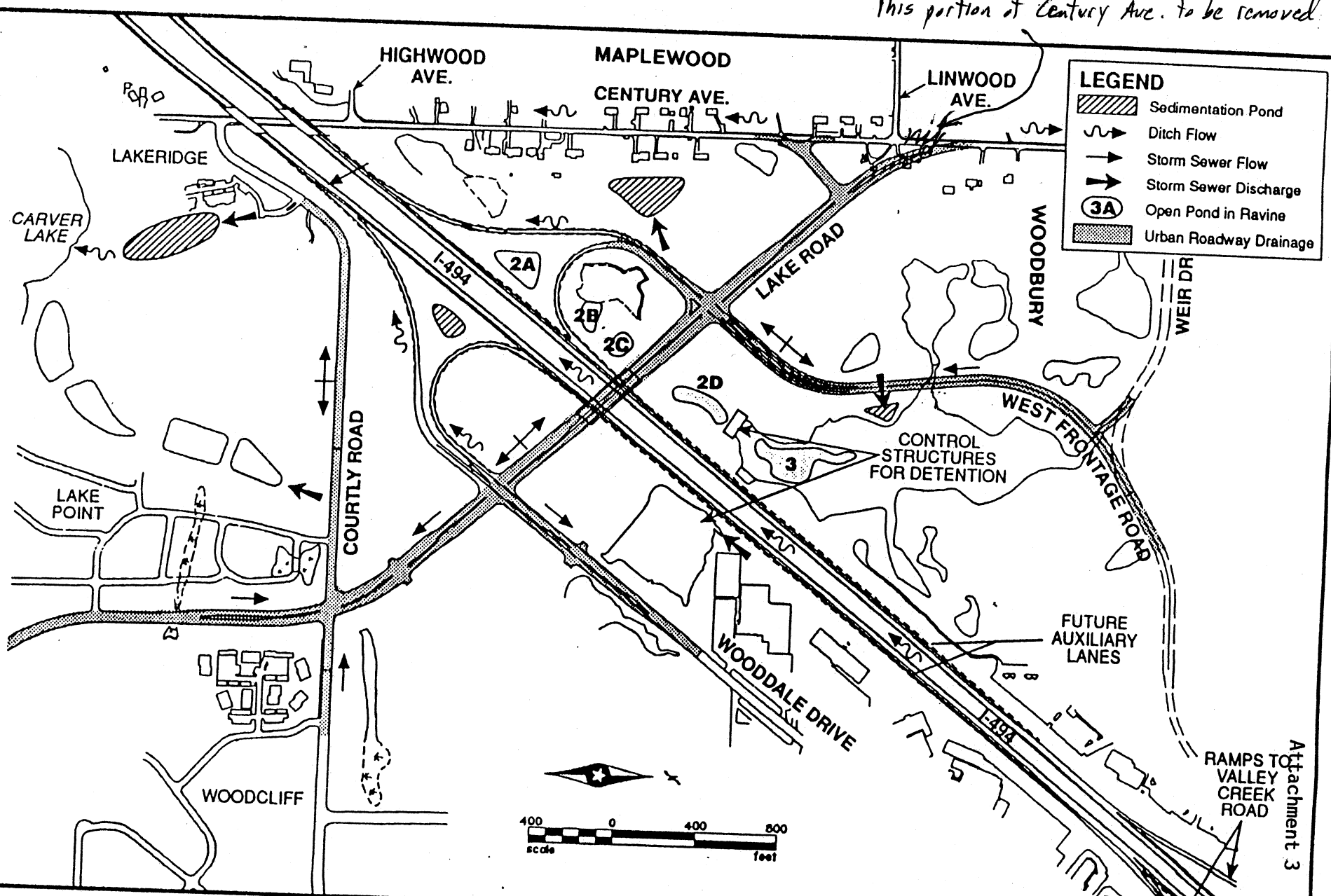
Botanical Name	Common Name	Size	Tolerance	Notes
Achillea Filperd	Yarrow	24"	PT DT SN	
Artemisia Schmidtiana	'Silver King' Artemisia	36"	DT ST SN	
Astilbe spp.	Astilbe	12"-30"	SN	Partial Shade
Aegepodium Podograria	Goutweed/ Snow On The Mountain	12"	SN	
Baptisia Amstralin	False Indigo	36"	ST DT SN	Shrub Like
Euophorbia Epithymoides	Cushion Spurge	18"	DT SN	
Festica Ovina 'Glauca'	Blue Fescue	12"	DT SN	Fall Sun
Hemerocallus spp.	Day Lily	12"-30"	ST DT SN	
Hosta spp.	Plantain Lily	12"-30"	SN	Partial Shade
Huechera Sanguinea	Coral Bells	18"	ST SN	
Hypericum Calycinum	St. Johns Wort	18"-24"	PT SN	
Lamium Maculatum	Pend Nettle	18"	SN	Sun or Shade
Linum Perenne	Perennial Blue Flax	24"	DT SN	
Monarda Didyma	Beebalm	24"	ST SN	
Partheno Cissus Quinguefolia	Virginia Creeper	15"	SN	Partial Shade
Polygonum Tricuspidatam 'Compactum'	Fleece Flower	24"	DT SN	Can Be Invasive
Pennisetum Alopecuroides	Fountain Grass	36"	SN	
Rudbeckia Fulgida 'Goldsturm'	Black-eyed Susan	24"	ST SN	
Sporobolus Heterolepis	Prairie Drapseed	24"	ST DT SN	Full Sun
Veronica spp.	Speedwell	24"	SN	

Shrubs Continued
2

Botanical Name	Common Name	Size	Tolerance	Notes
Yucca Filamentosa	Yucca	24"	ST DT	Full Sun
Sedum Spectabile 'Autumn Joy'	Stone Crop	18"	ST DT SN	
Iris Siberica	Siberian Iris	24"	ST DT SN	
Cornus Alba 'Red Elf''	Dogwood 'Red Elf'	36"		
Diervilla Lonicera	Dwarf Bush Honeysuckle	36"	SN	
Juniperus Horizontalis 'Hughes'	Juniper	18"	DT SN	
Juniperus Sabina 'Arcadia'	Juniper	18"	DT SN	
Junipers Sabina 'Baffalo'	Juniper	18"	DT SN	
Lonicera Xxylosteum 'Emerald Mound'	Honeysuckle	24"		
Potentilla Fruticosa	McKay's White Potentilla	30"	DT SN	
Potentilla Fruticosa 'Gold Finger'	Potentilla	30"	PT SN	
Rosa spp.	Carefree Beauty Rose	36"	DT	
Rosa spp.	Nearly Wild Rose	36"	DT	
Spires Japonica 'Alpina'	Alpine Spirea	12"	SN	
Spirea Japonica 'Alpina'	Alpine Spirea	12"	SN	

* NOTE: Other materials may be used subject to city approval.

This portion of Century Ave. to be removed



INTERCHANGE PLAN

995-645

Attachment 3

47

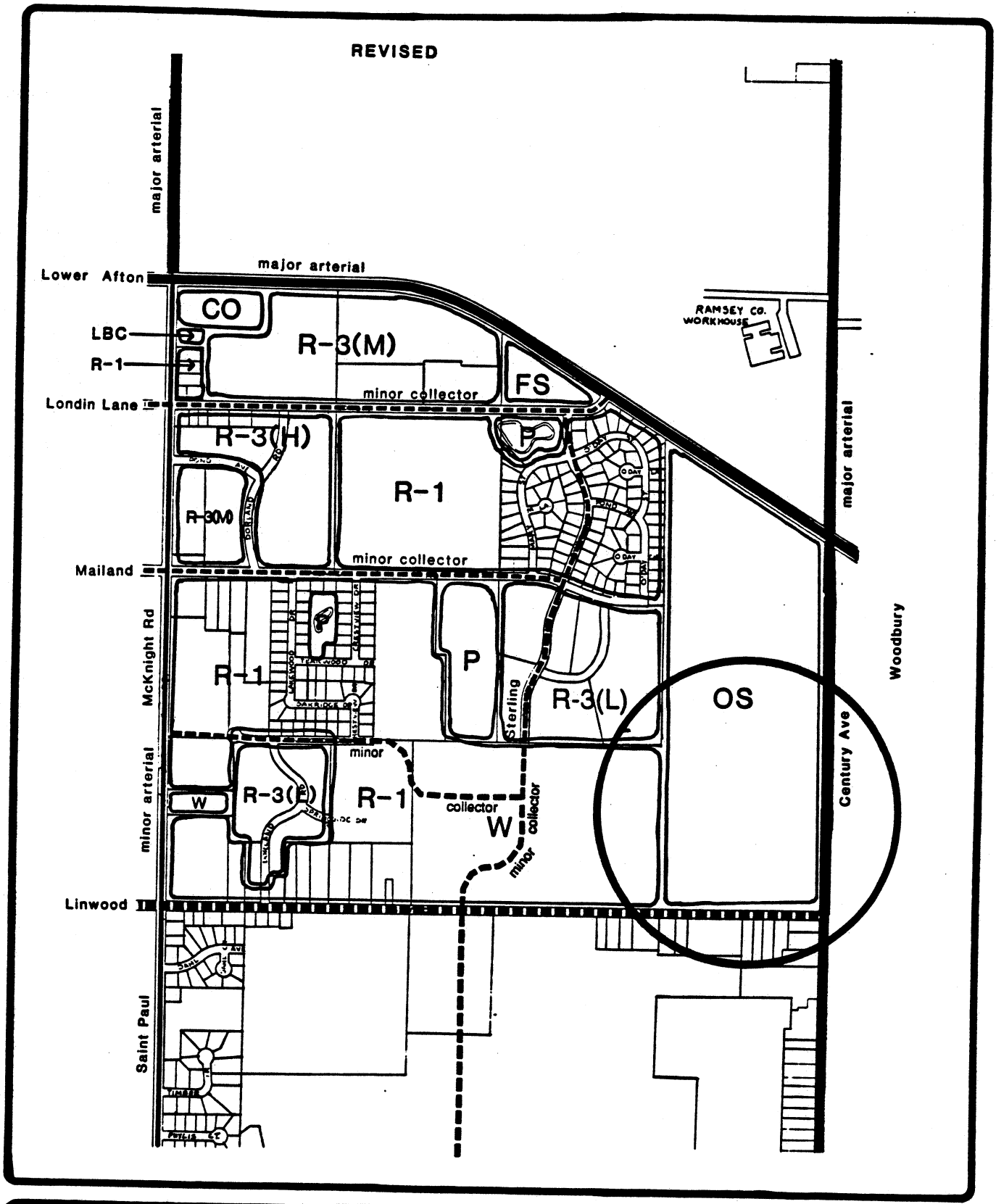
SRF STRGAR-ROSCOE-FAUSCH, INC. CONSULTING ENGINEERS & PLANNERS

SRF NO. 0911590.5

PROPOSED ROADWAYS AND DRAINAGE PLAN

LAKE ROAD INTERCHANGE

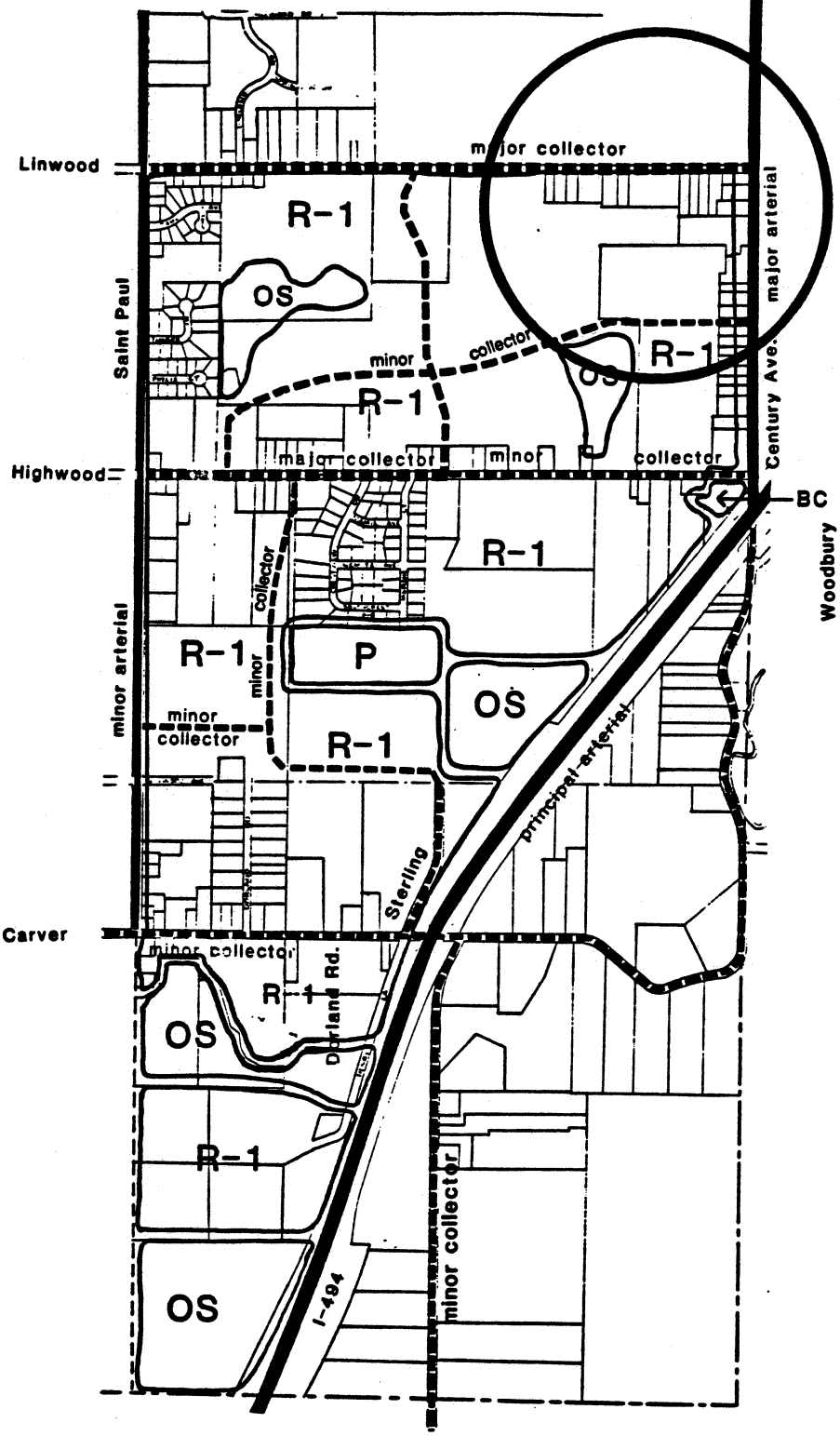
FIGURE 2



VISTA HILLS
NEIGHBORHOOD LAND USE PLAN
PLANNING AREA NUMBER 11

N

Figure 20

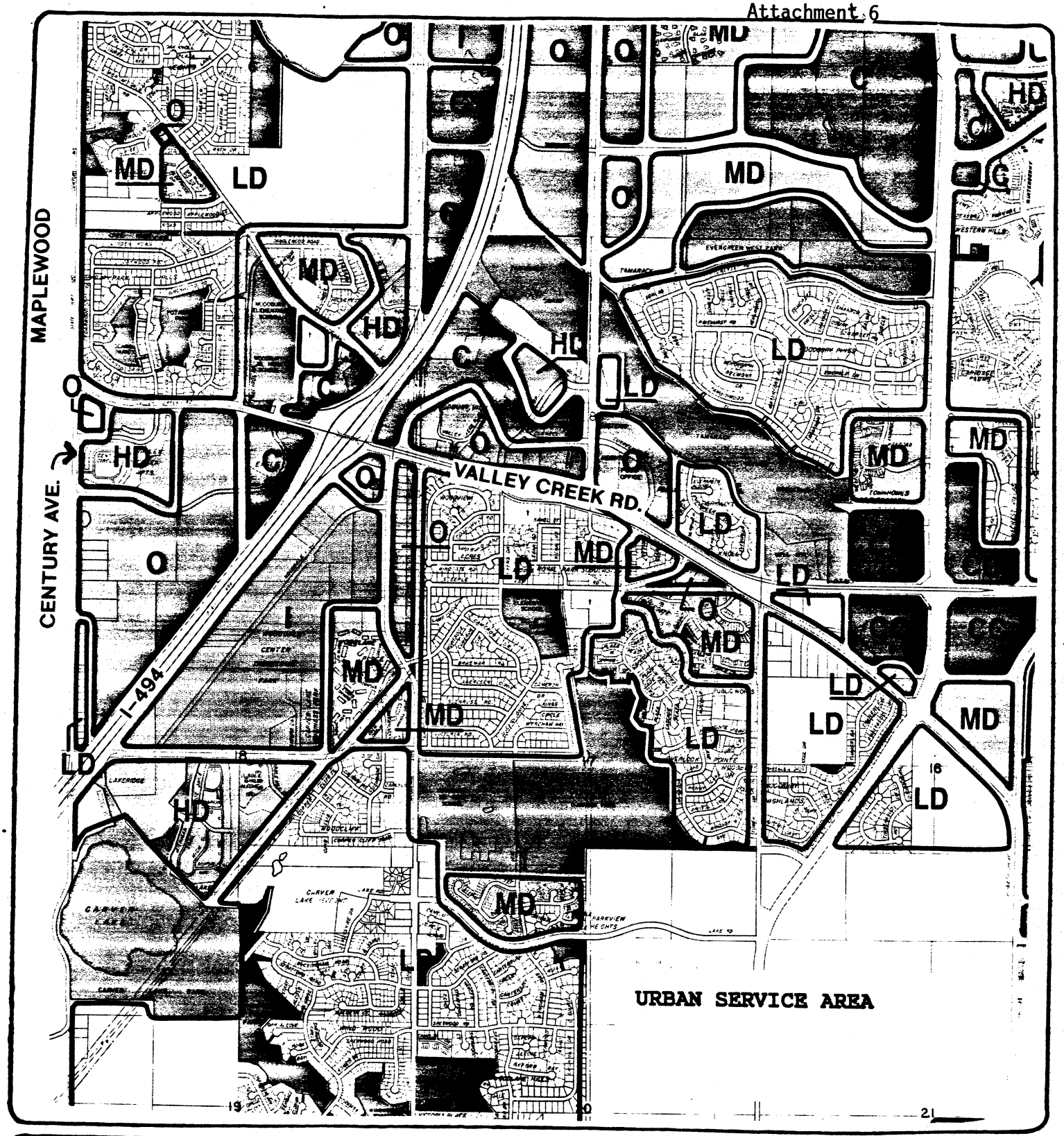


HIGHWOOD
NEIGHBORHOOD LAND USE PLAN

PLANNING AREA NUMBER 12

N

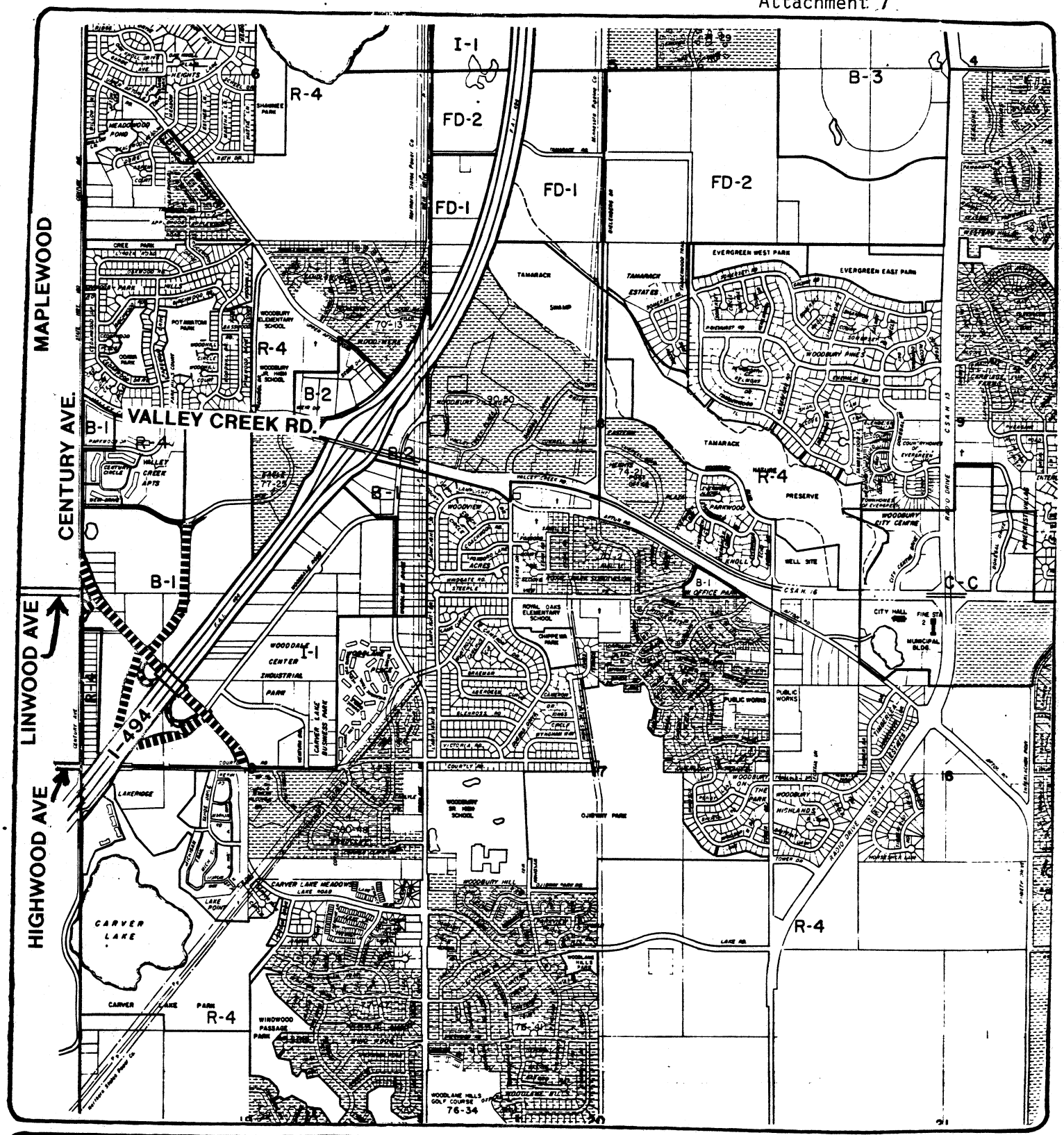
Figure 21



CITY OF WOODBURY LAND USE PLAN

LD LOW DENSITY RESID.	HD HIGH DENSITY RESID.	I INDUSTRY
MD MED. DENSITY RESID.	O OFFICE	C COMMERCIAL RETAIL

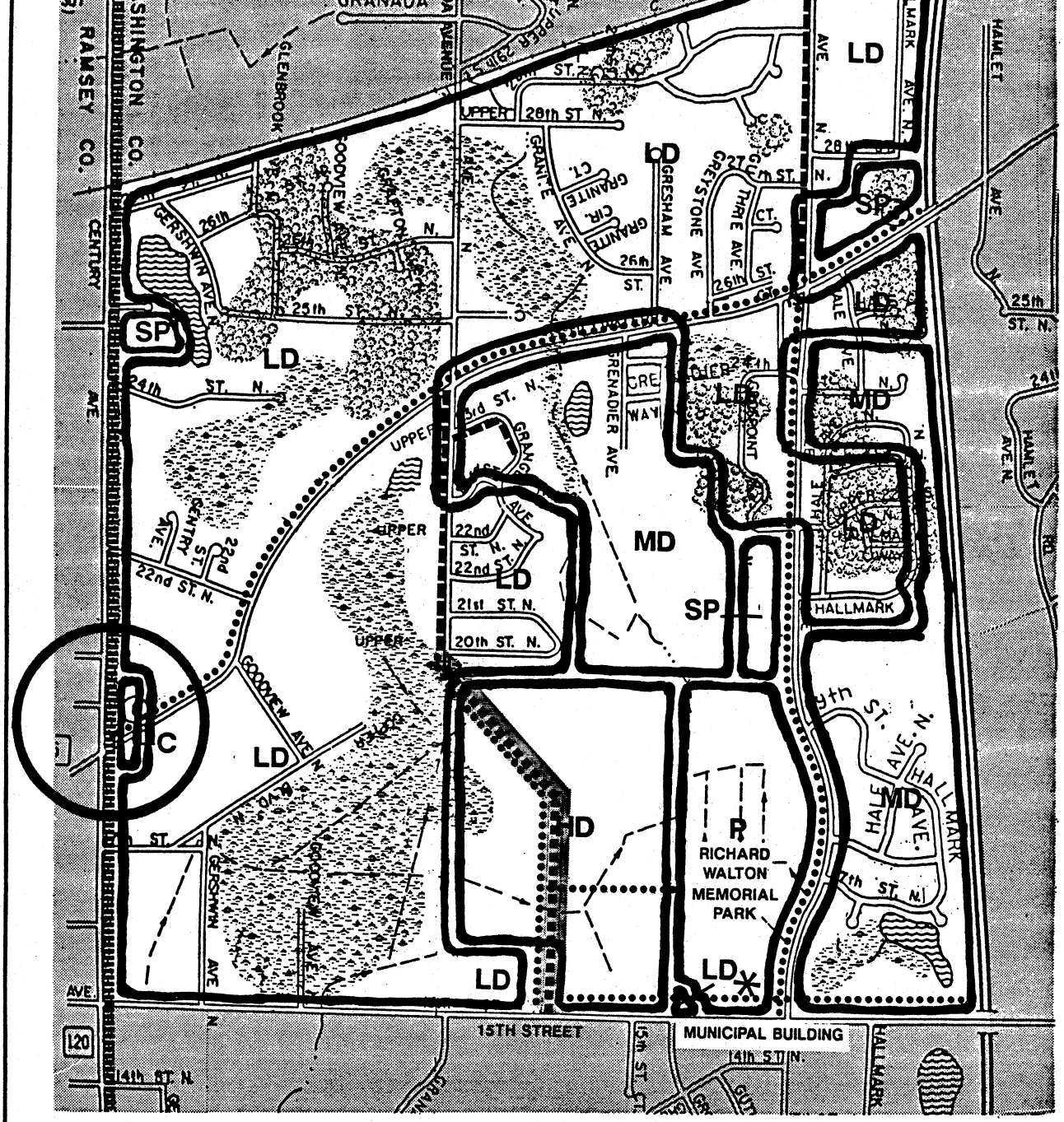
N



CITY OF WOODBURY ZONING

R-4 SGL. FAMILY	B-2 GENERAL BUS.	FD-1 FREEWAY BUS.
B-1 OFFICE PARK	I-1 LIMITED INDUSTRY	FD-2 FREEWAY IMPACT

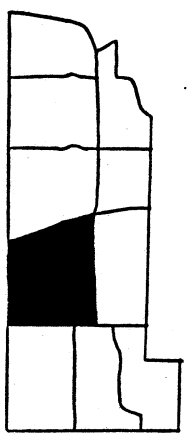
N



LD - LOW DENSITY RESIDENTIAL
MD - MEDIUM DENSITY RESIDENTIAL
HD - HIGH DENSITY RESIDENTIAL
P - PUBLIC
SP - SEMI-PUBLIC
C - COMMERCIAL
I/O - INDUSTRIAL/OFFICE
GI - GENERAL INDUSTRIAL

WETLANDS
WOODLANDS
STEEP SLOPES
EXISTING TRAILS
PROPOSED TRAILS
FUTURE STREETS

NORTH
250' 0' 250' 500' 1000' 1500'



Oakdale Minnesota

Planning District 6

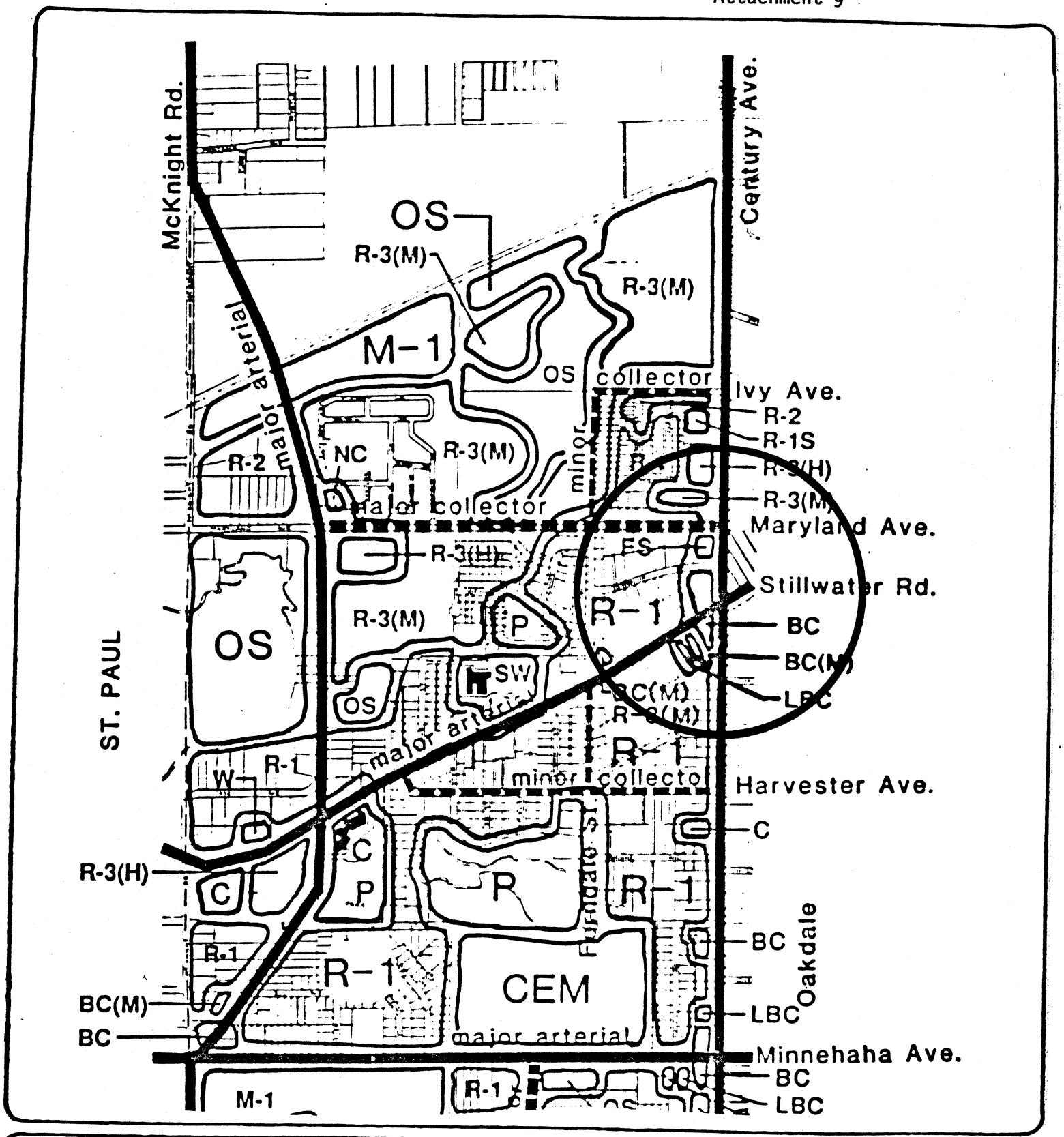
Note: This map is for planning purposes only and should not be used when precise measurements are required.

Base map source: Minnesota Dept. of Transportation - 1989

Northwest Associated Consultants, Inc.

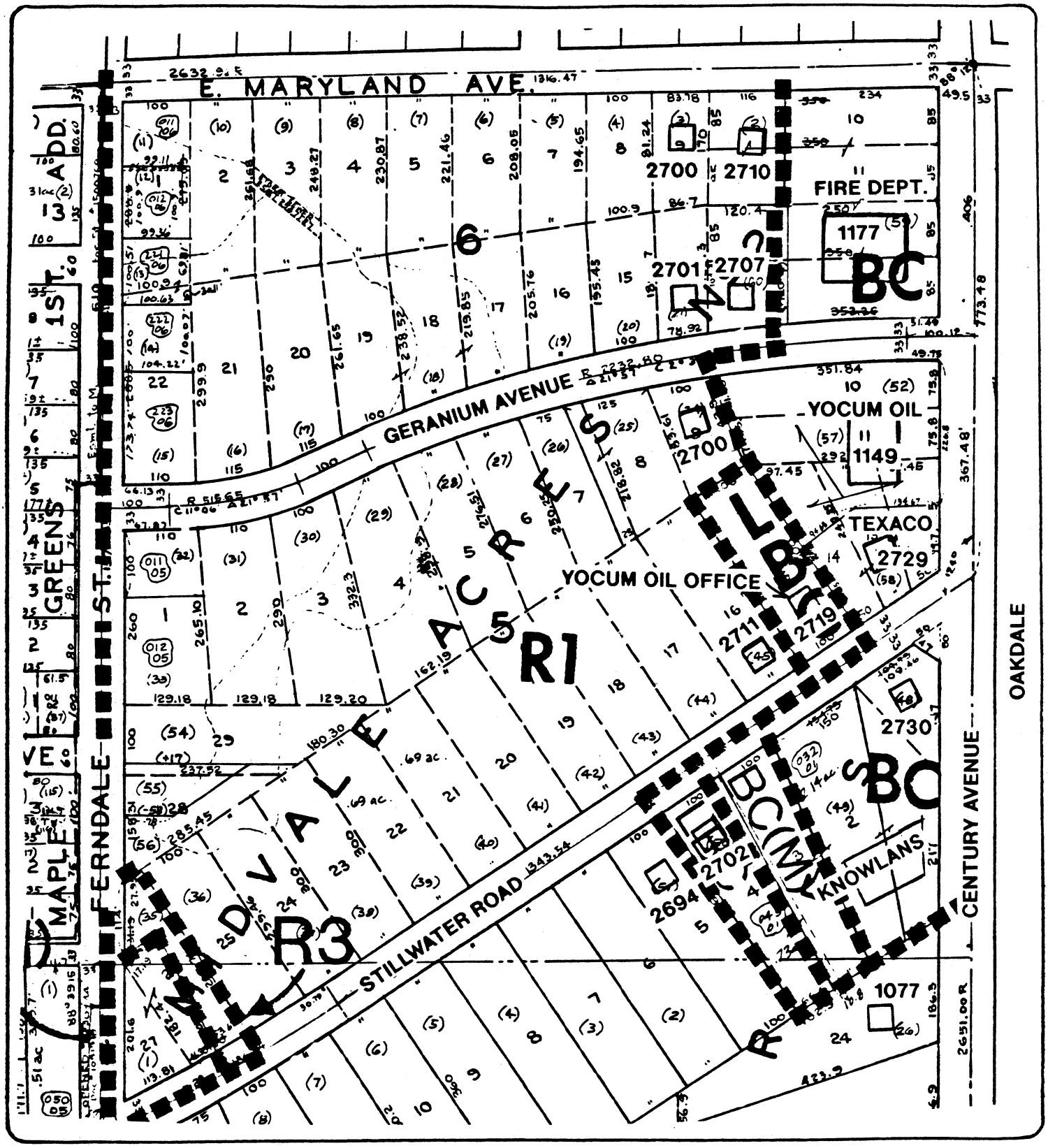
OAKDALE COMPREHENSIVE PLAN

Attachment 8



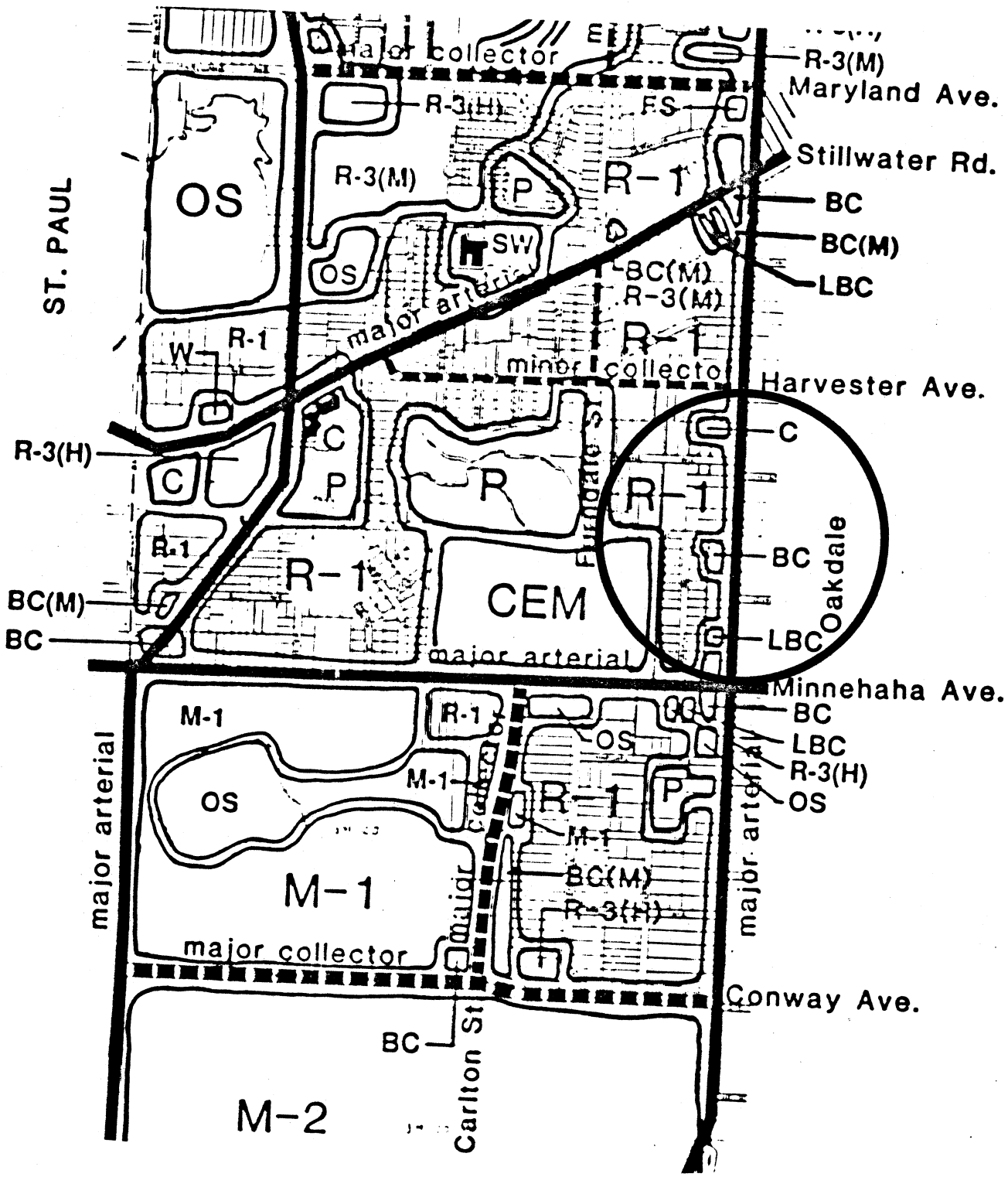
LAND USE MAP

N



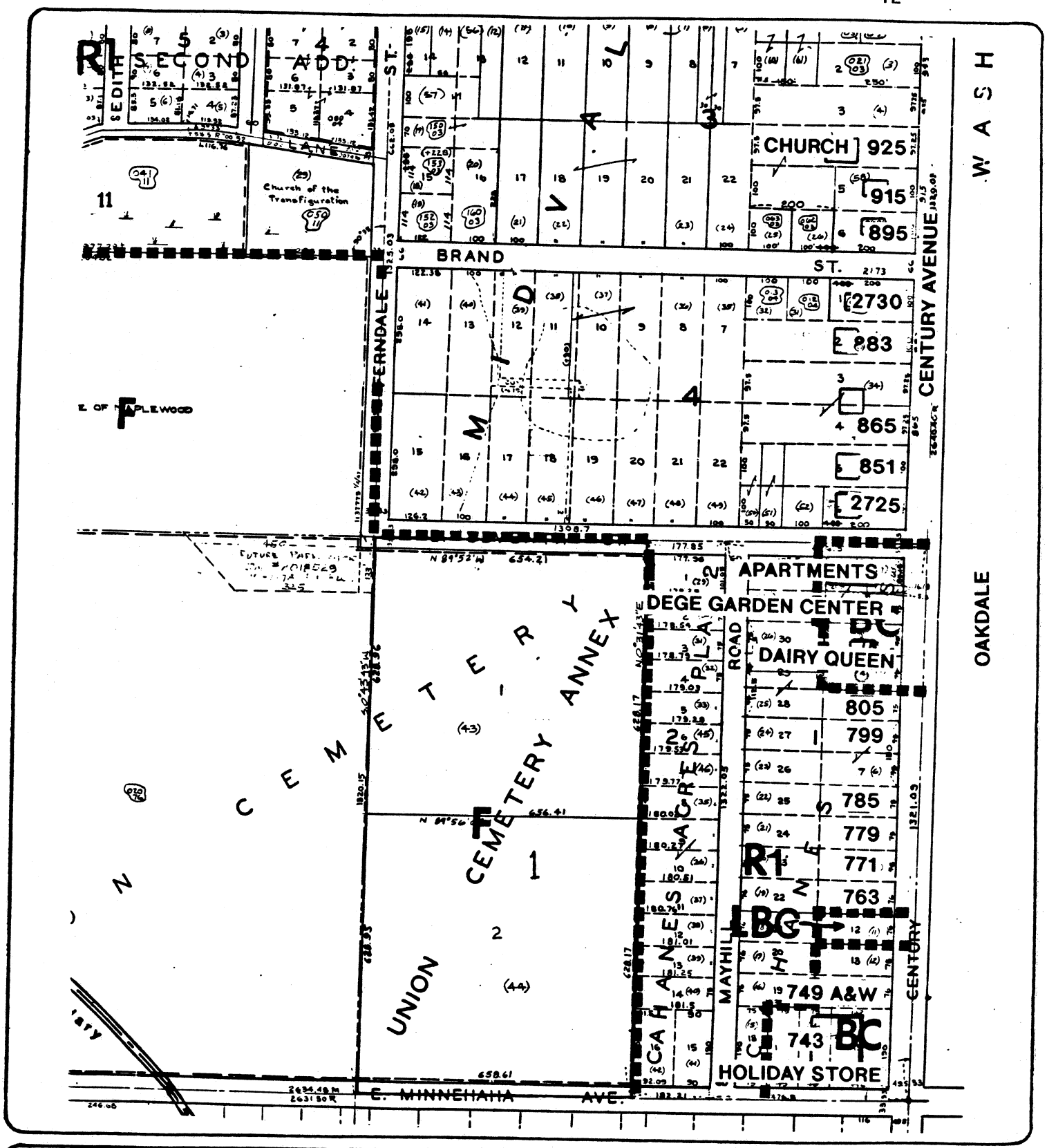
PROPERTY LINE / ZONING MAP

N



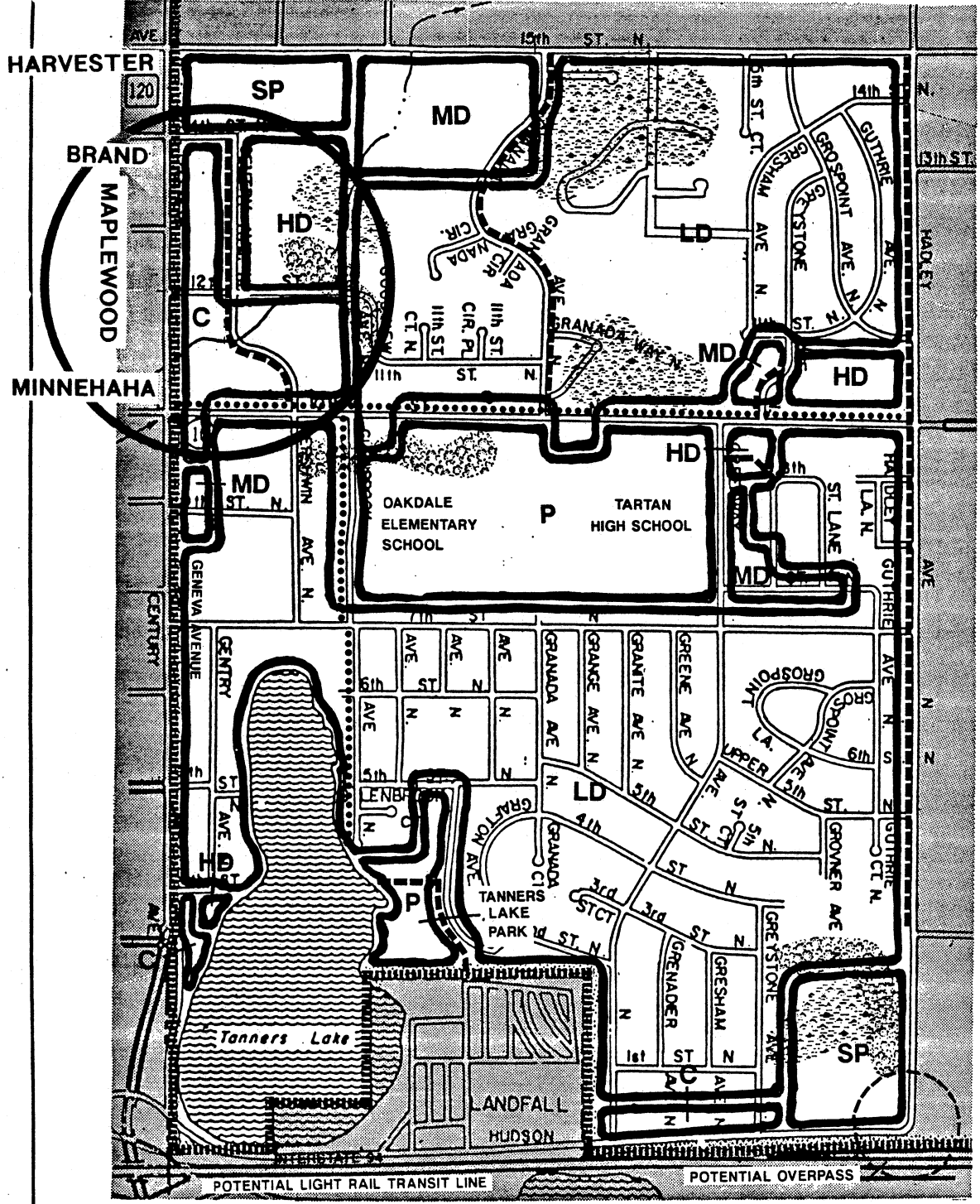
LAND USE MAP

N



PROPERTY LINE / ZONING MAP

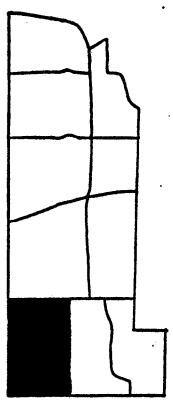
N



LD - LOW DENSITY RESIDENTIAL
MD - MEDIUM DENSITY RESIDENTIAL
HD - HIGH DENSITY RESIDENTIAL
P - PUBLIC/SEMI-PUBLIC
C - COMMERCIAL
I/O - INDUSTRIAL/OFFICE
GI - GENERAL INDUSTRIAL

WETLANDS
WOODLANDS
STEEP SLOPES
EXISTING TRAILS
PROPOSED TRAILS
FUTURE STREETS

NORTH
250' 0' 250' 500' 1000' 1500'



Oakdale Minnesota

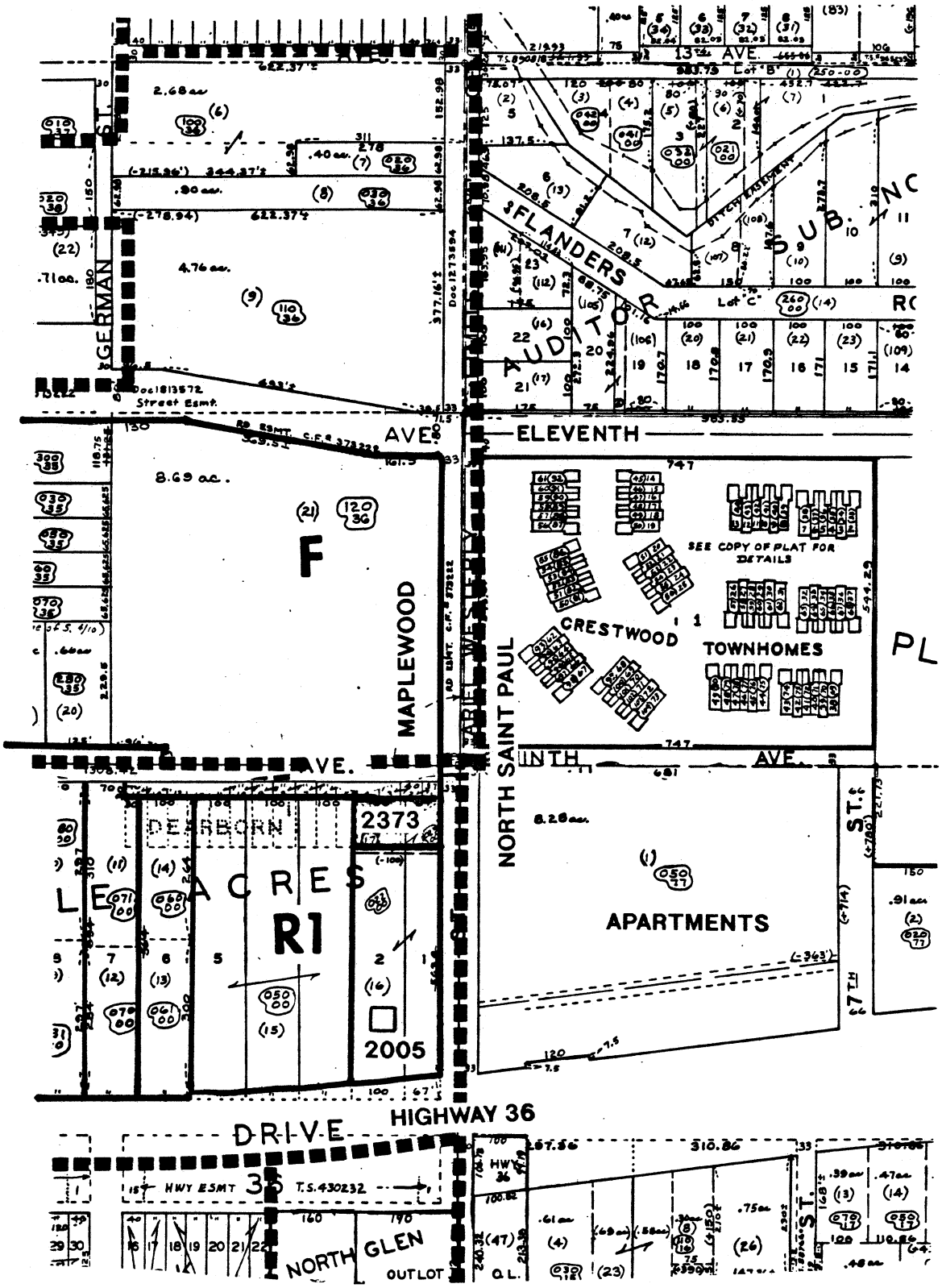
Planning District 8

Note: This map is for planning purposes only and should not be used when precise measurements are required.

Base map source: Minnesota Dept. of Transportation - 1989

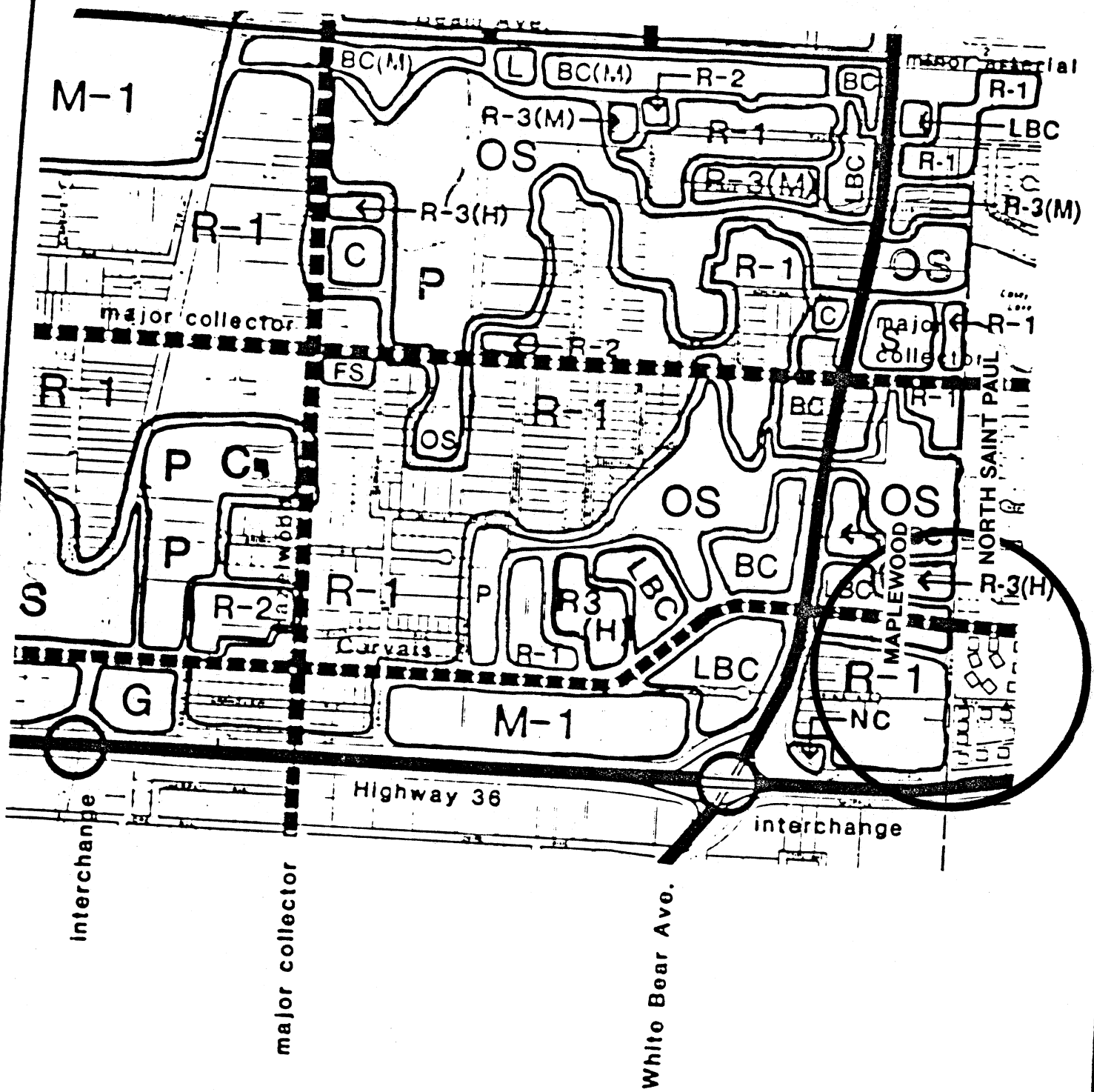
Northwest Associated Consultants, Inc.

Attachment 13



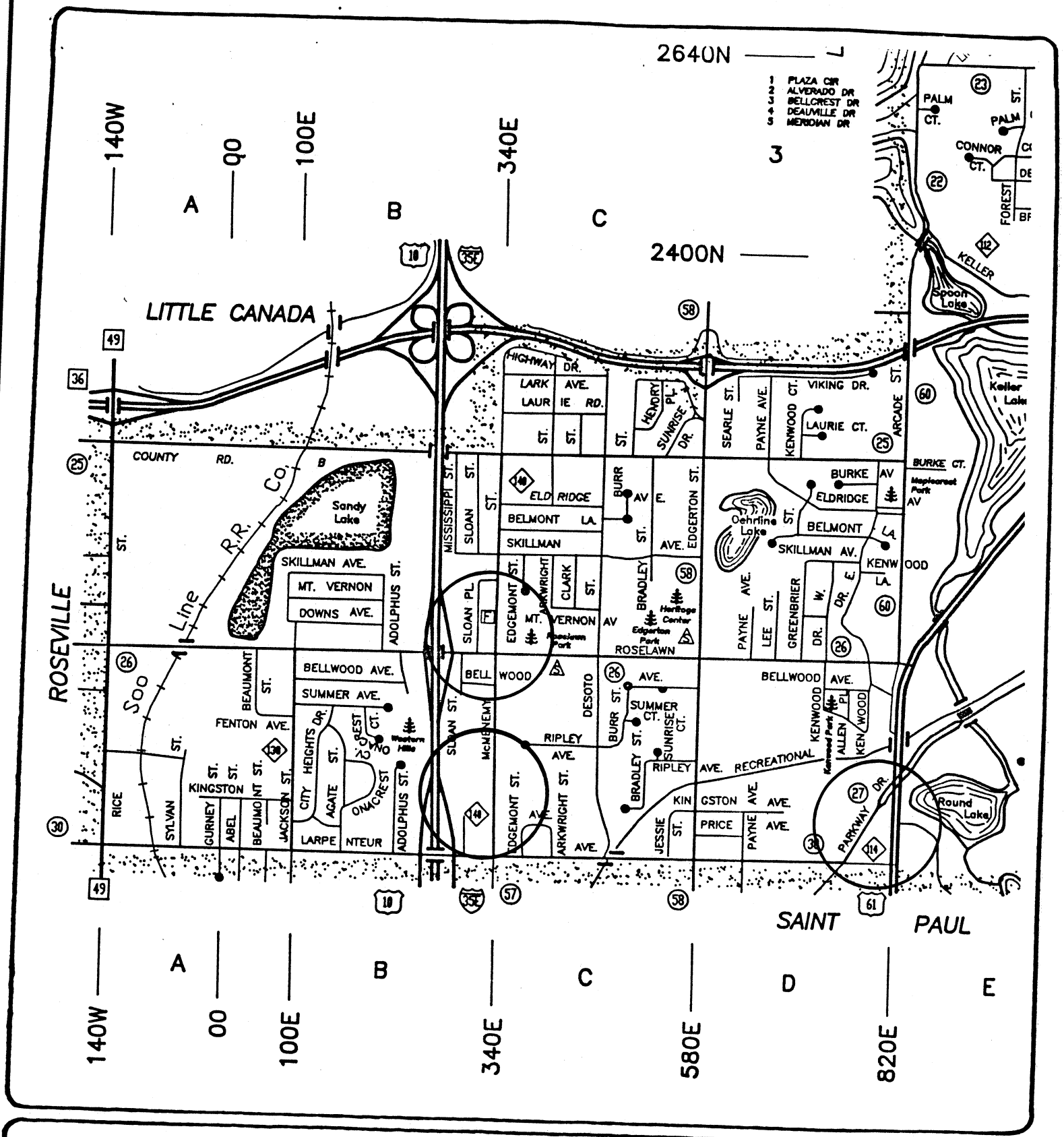
PROPERTY LINE / ZONING MAP

N



LAND USE MAP

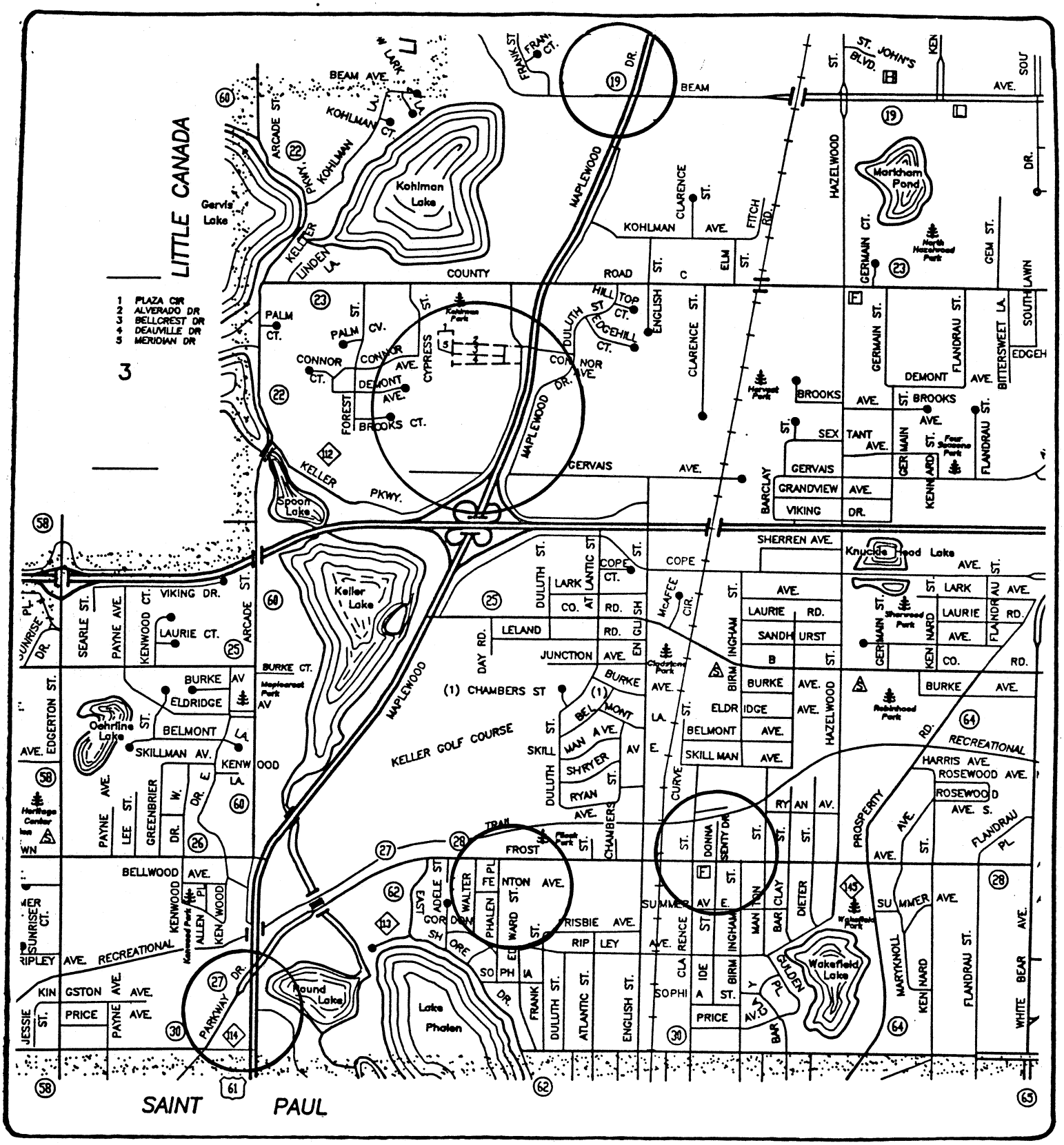
N



LOCATION MAP

Homes Near Commercial

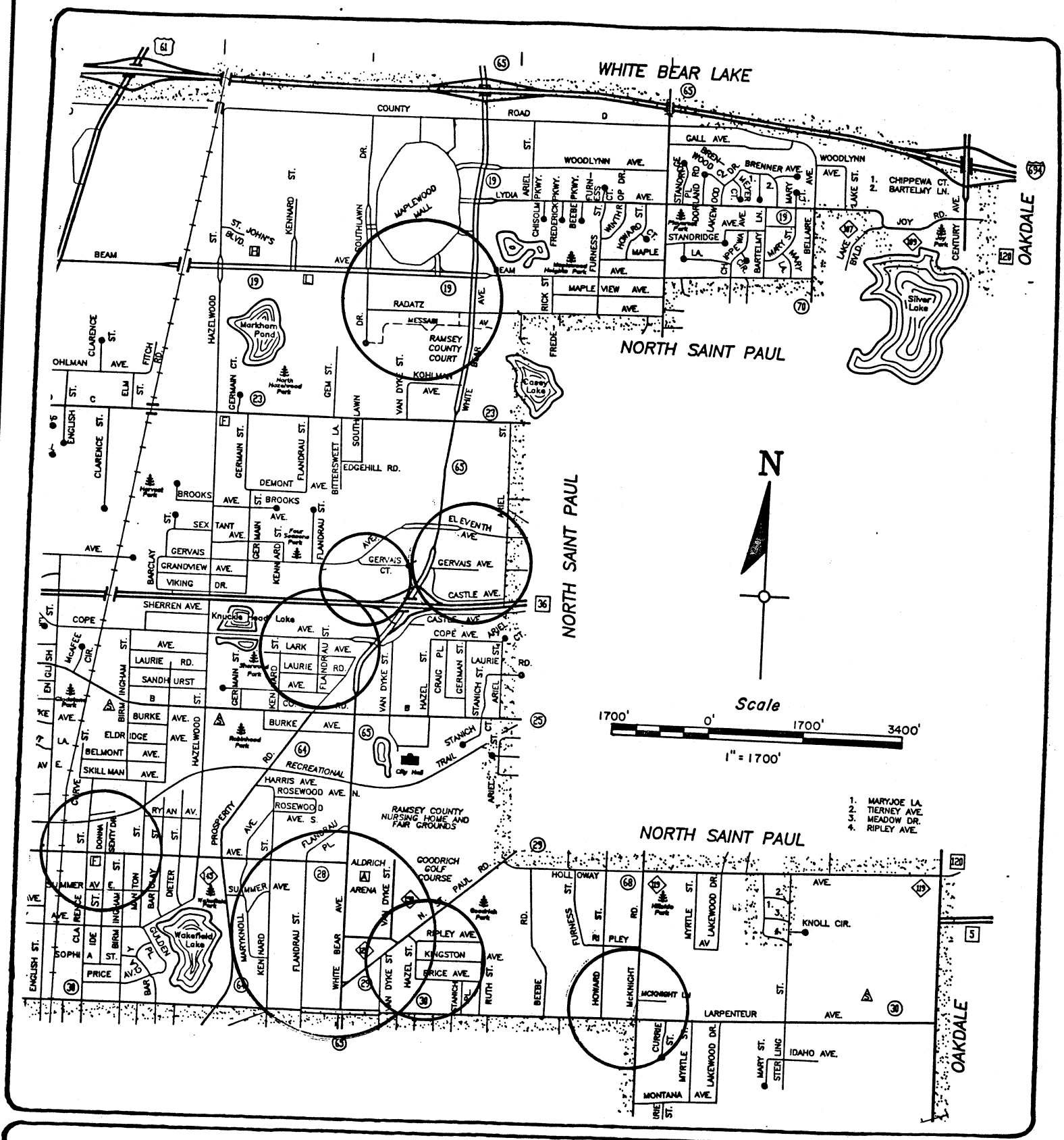
N



LOCATION MAP

Homes Near Commercial

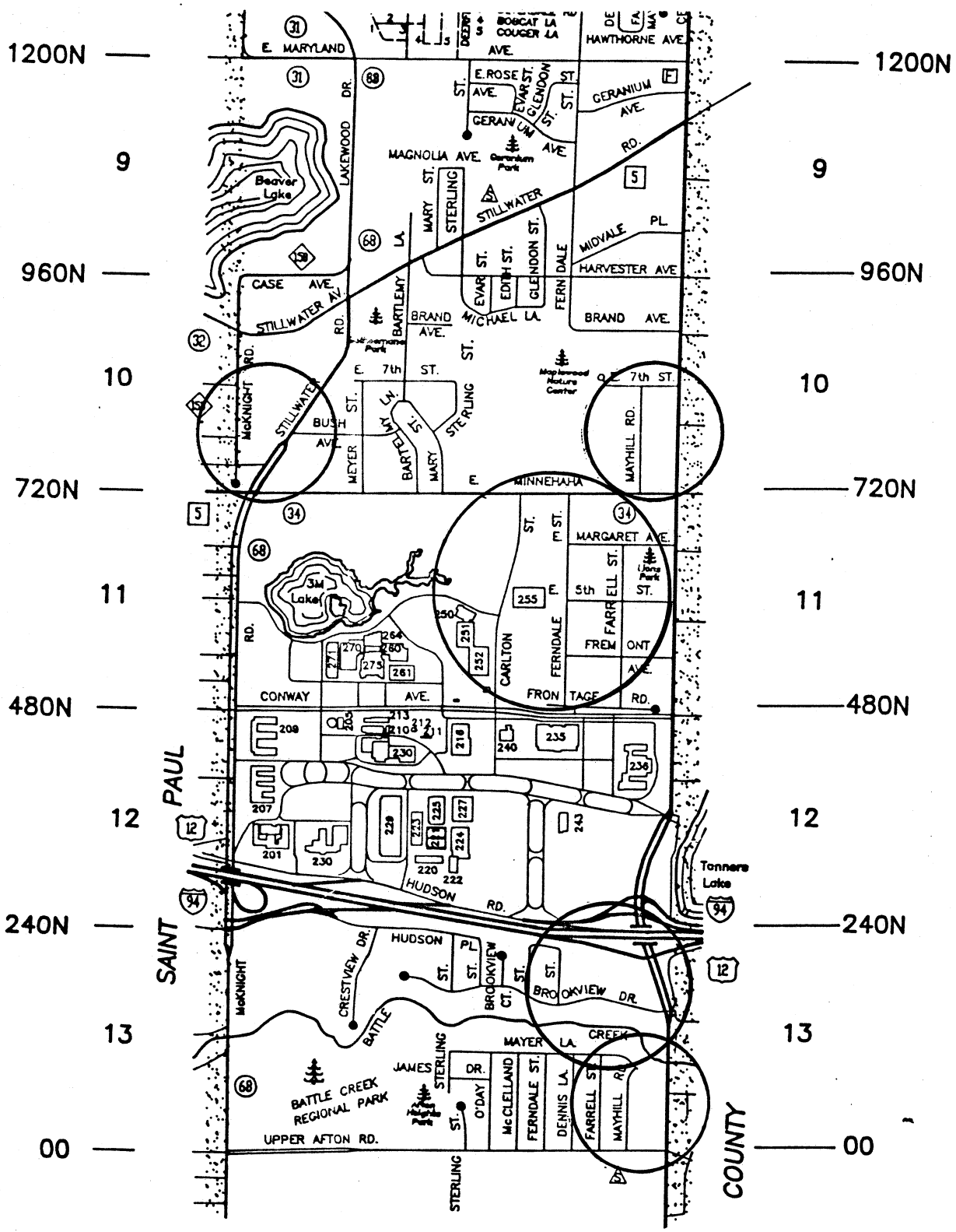
N



LOCATION MAP

Homes Near Commercial

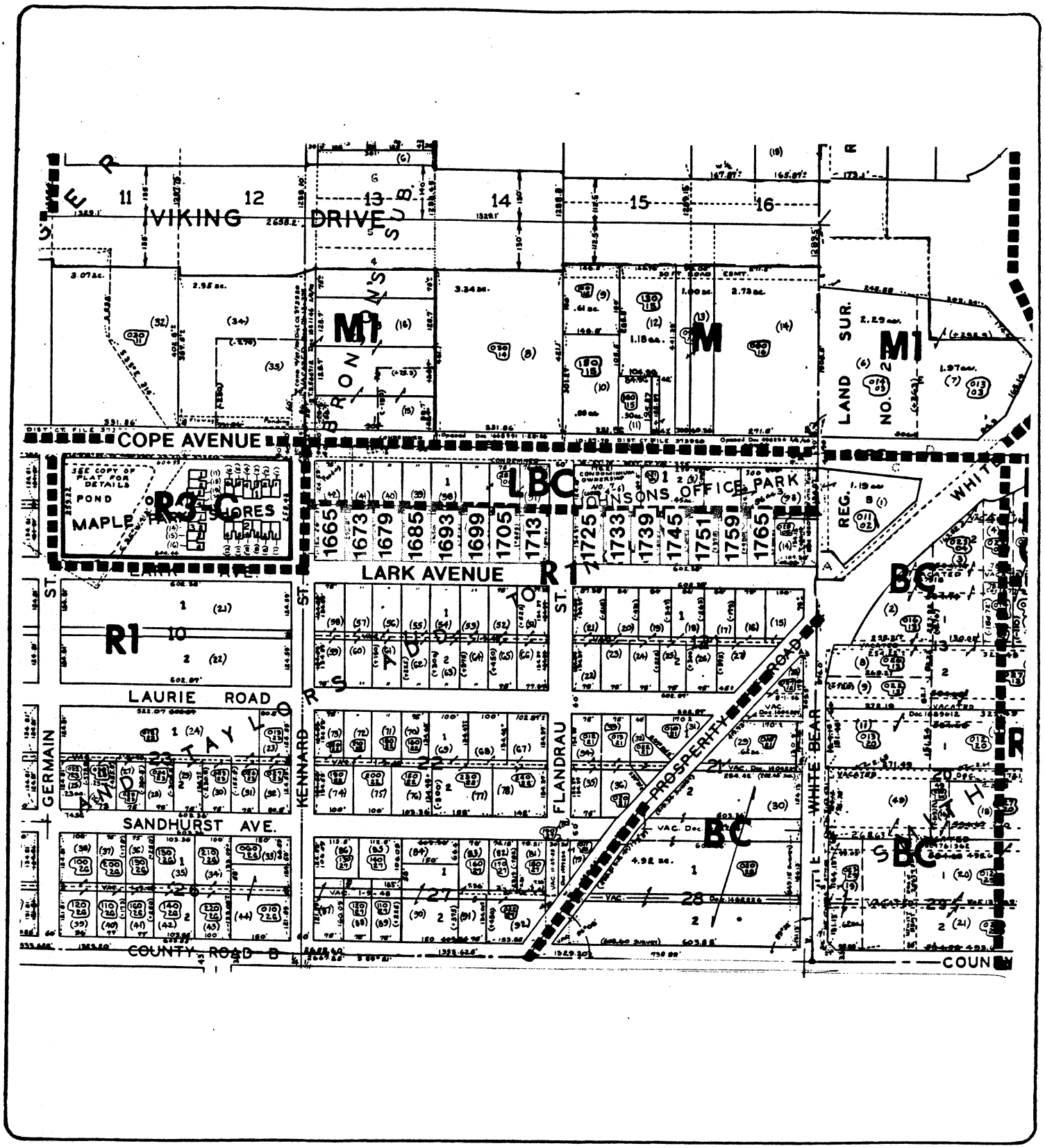
N



LOCATION MAP

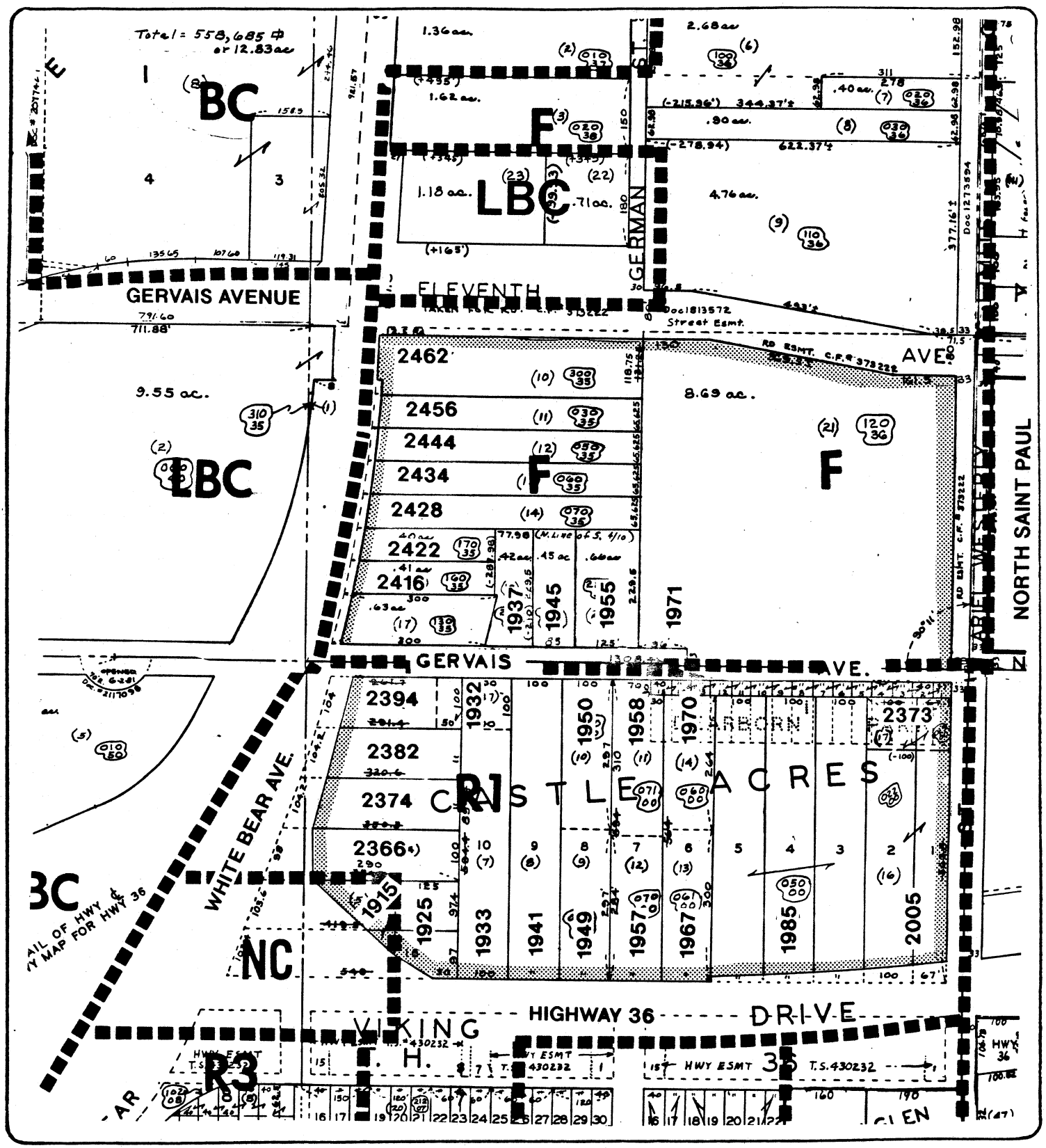
N

Homes Near Commercial



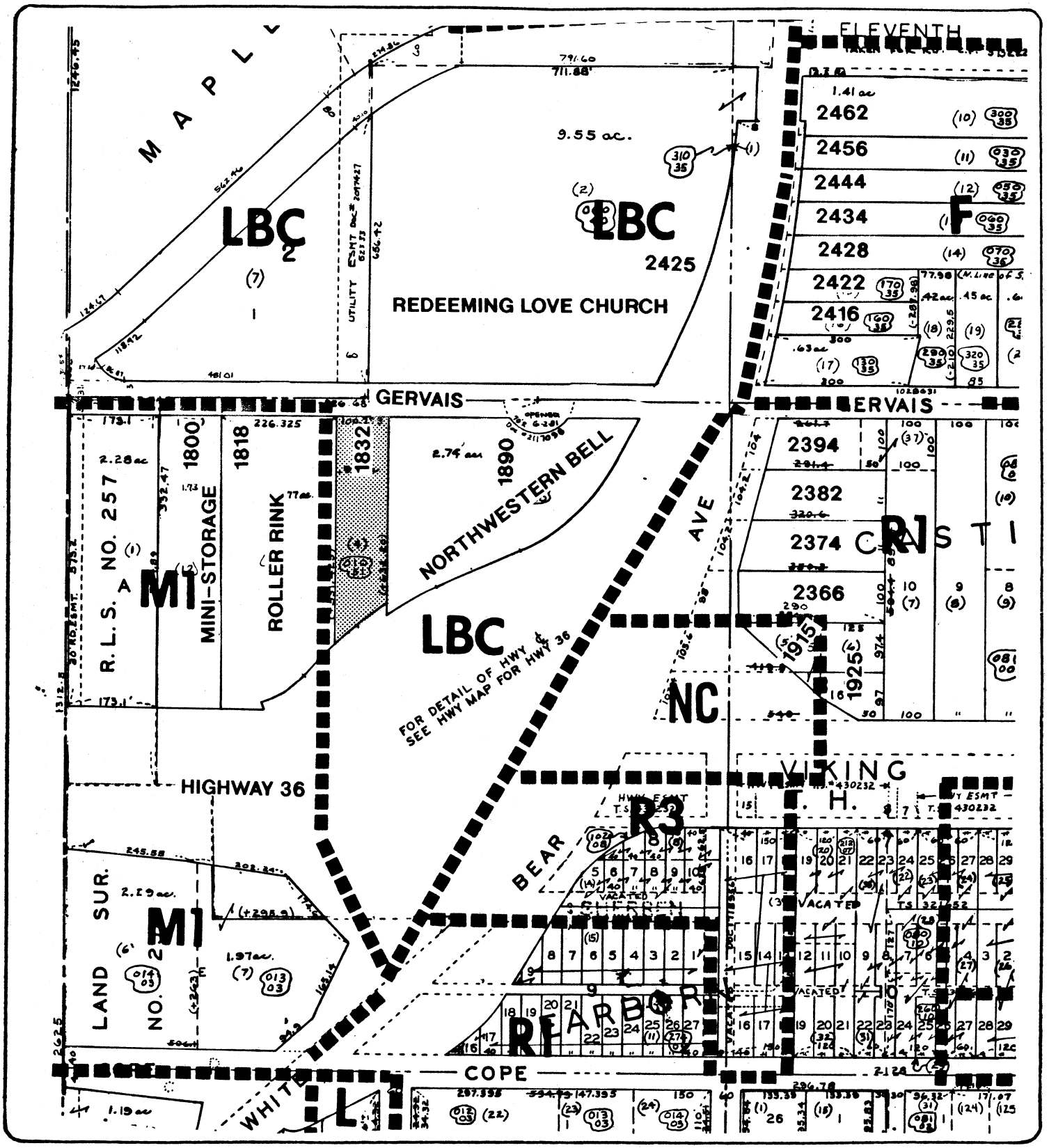
PROPERTY LINE / ZONING MAP

N



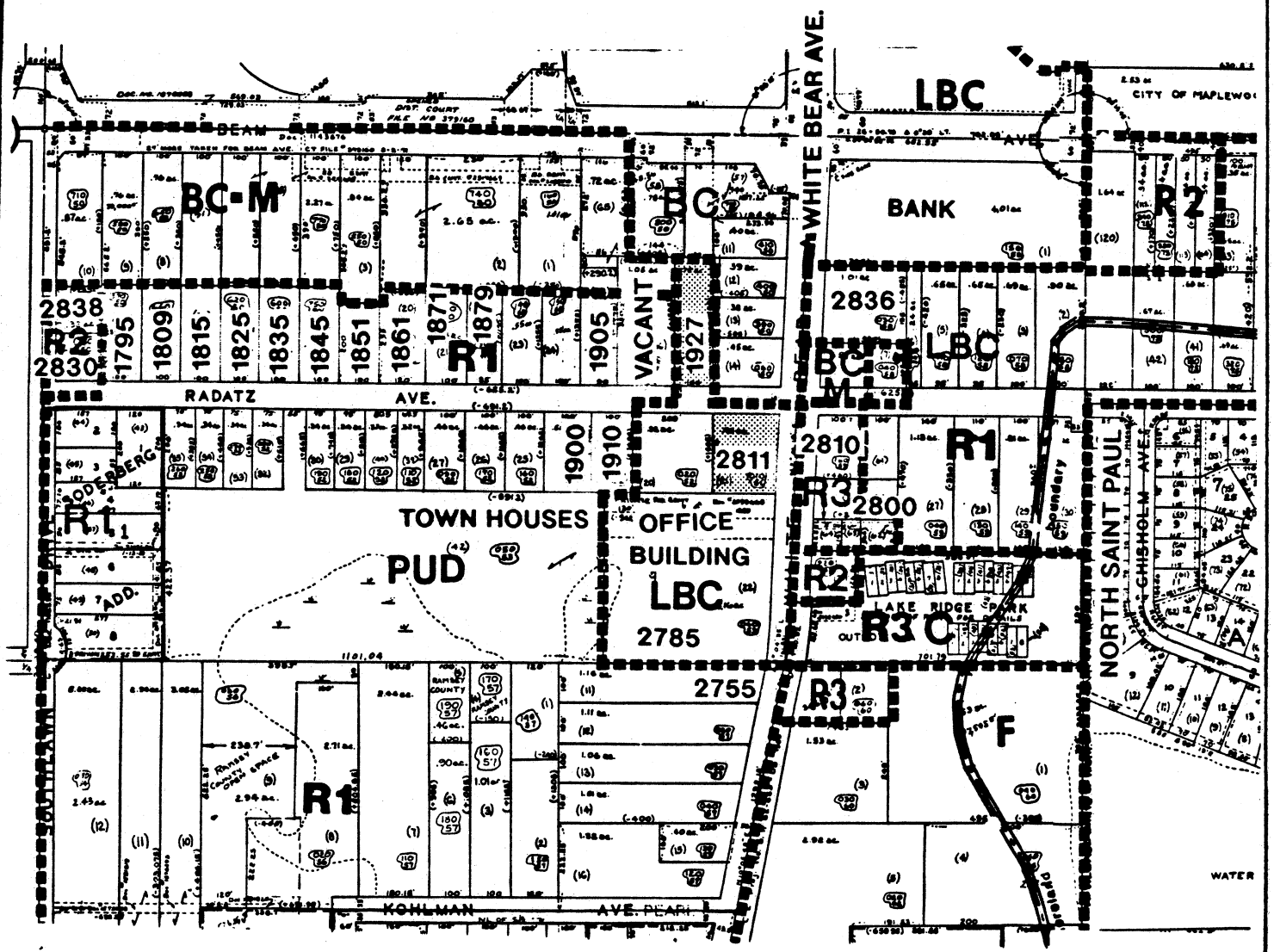
PROPERTY LINE / ZONING MAP

N



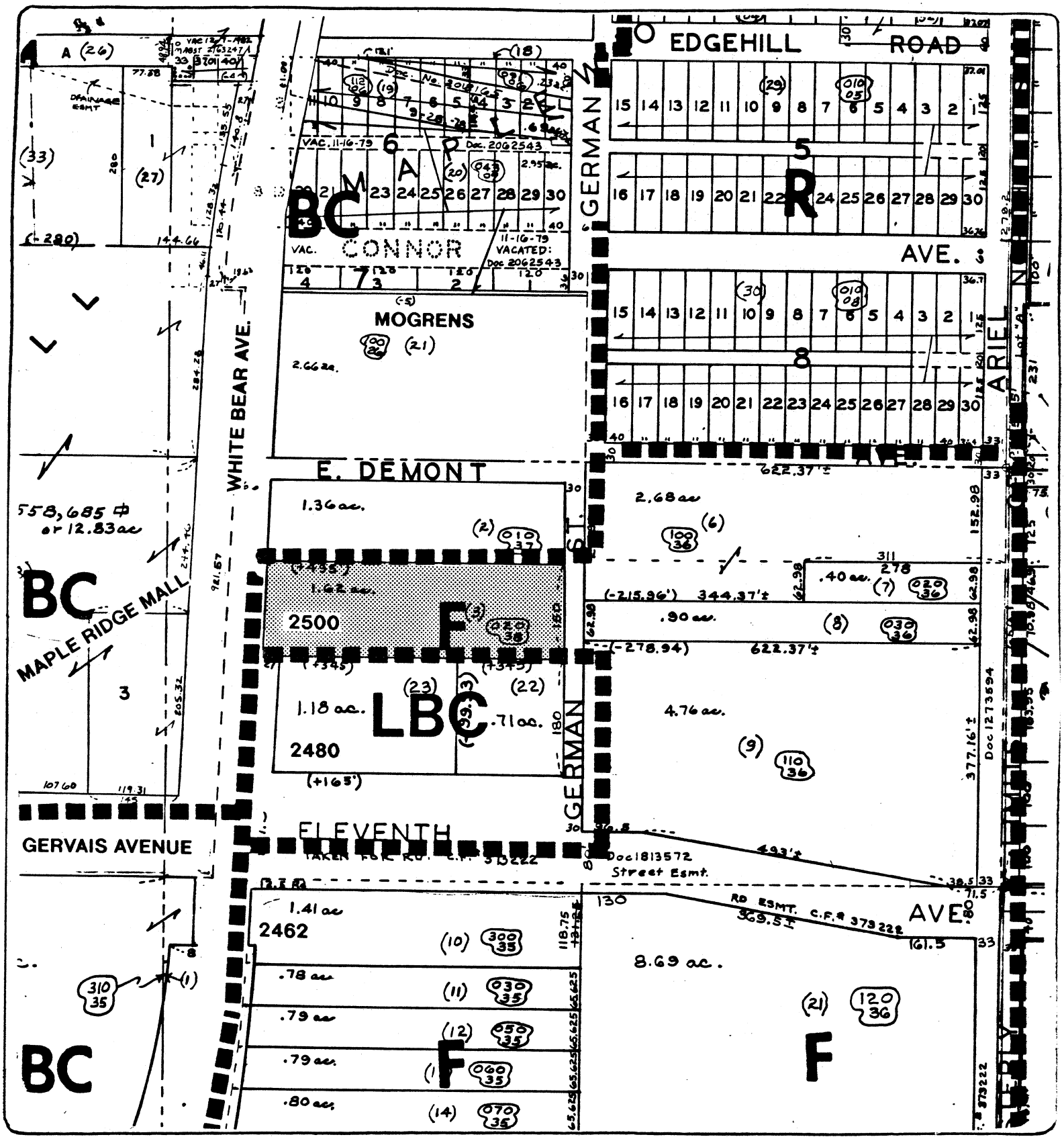
PROPERTY LINE / ZONING MAP

N



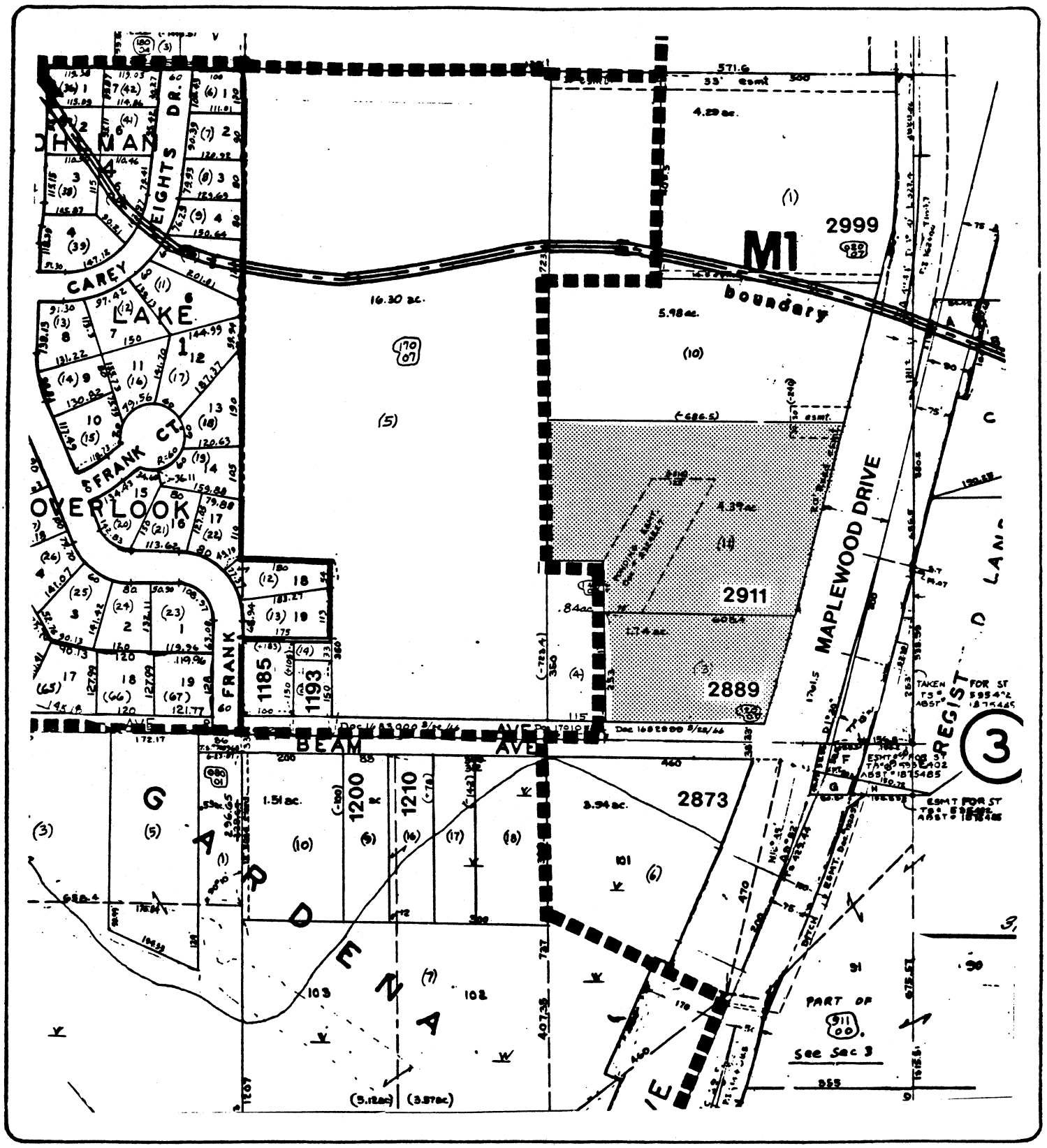
PROPERTY LINE / ZONING MAP

N



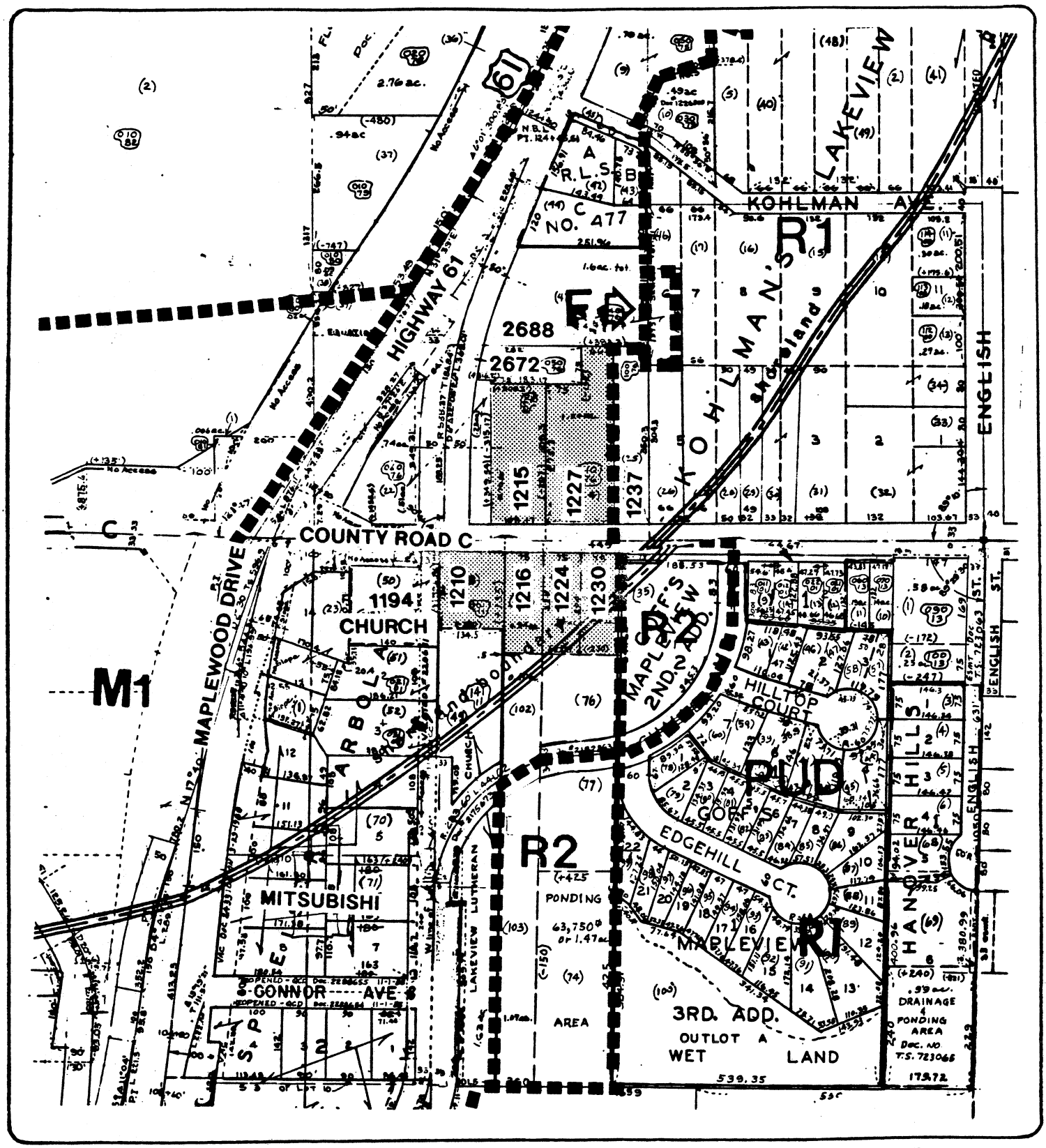
PROPERTY LINE / ZONING MAP

N



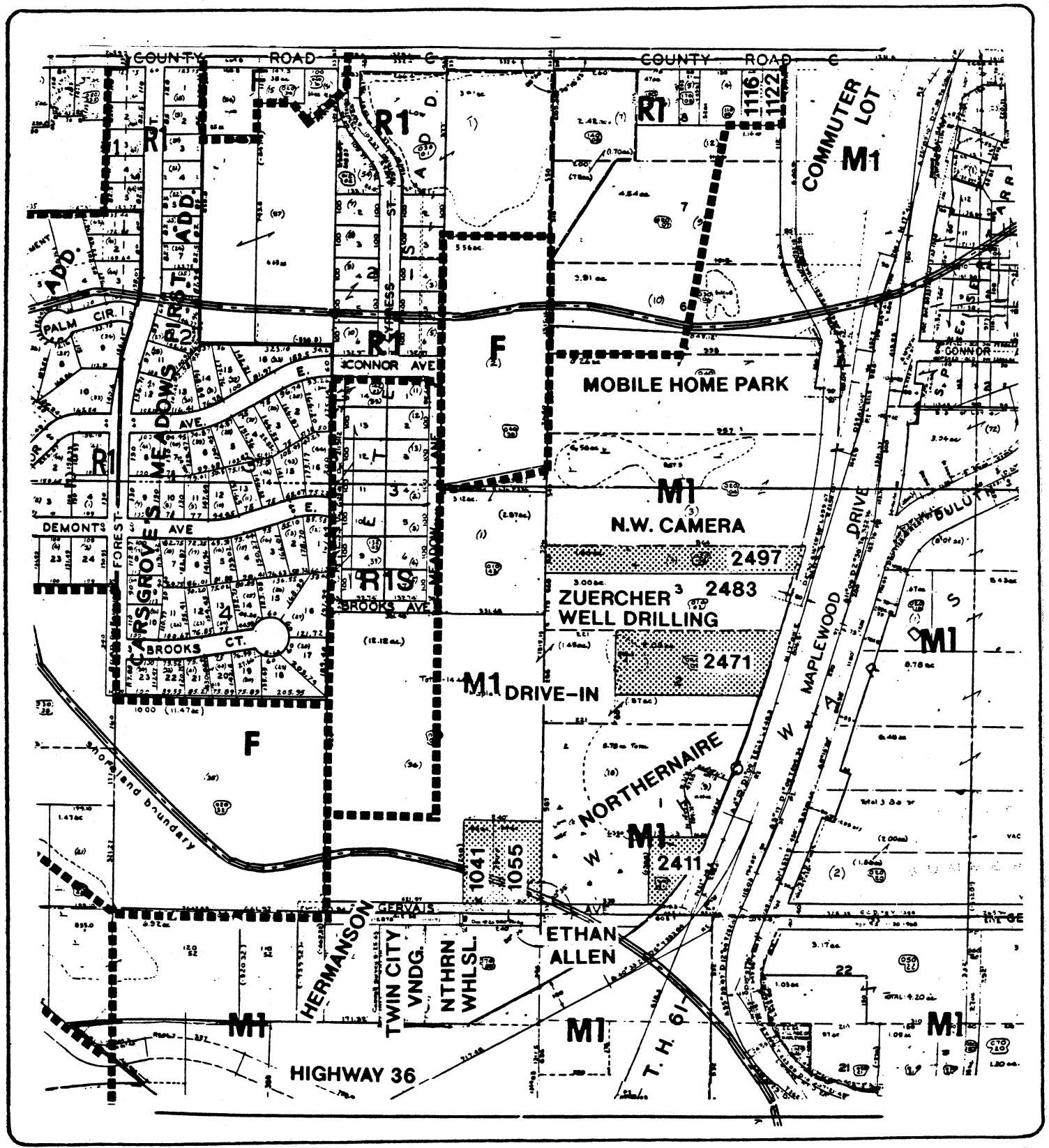
PROPERTY LINE / ZONING MAP

N



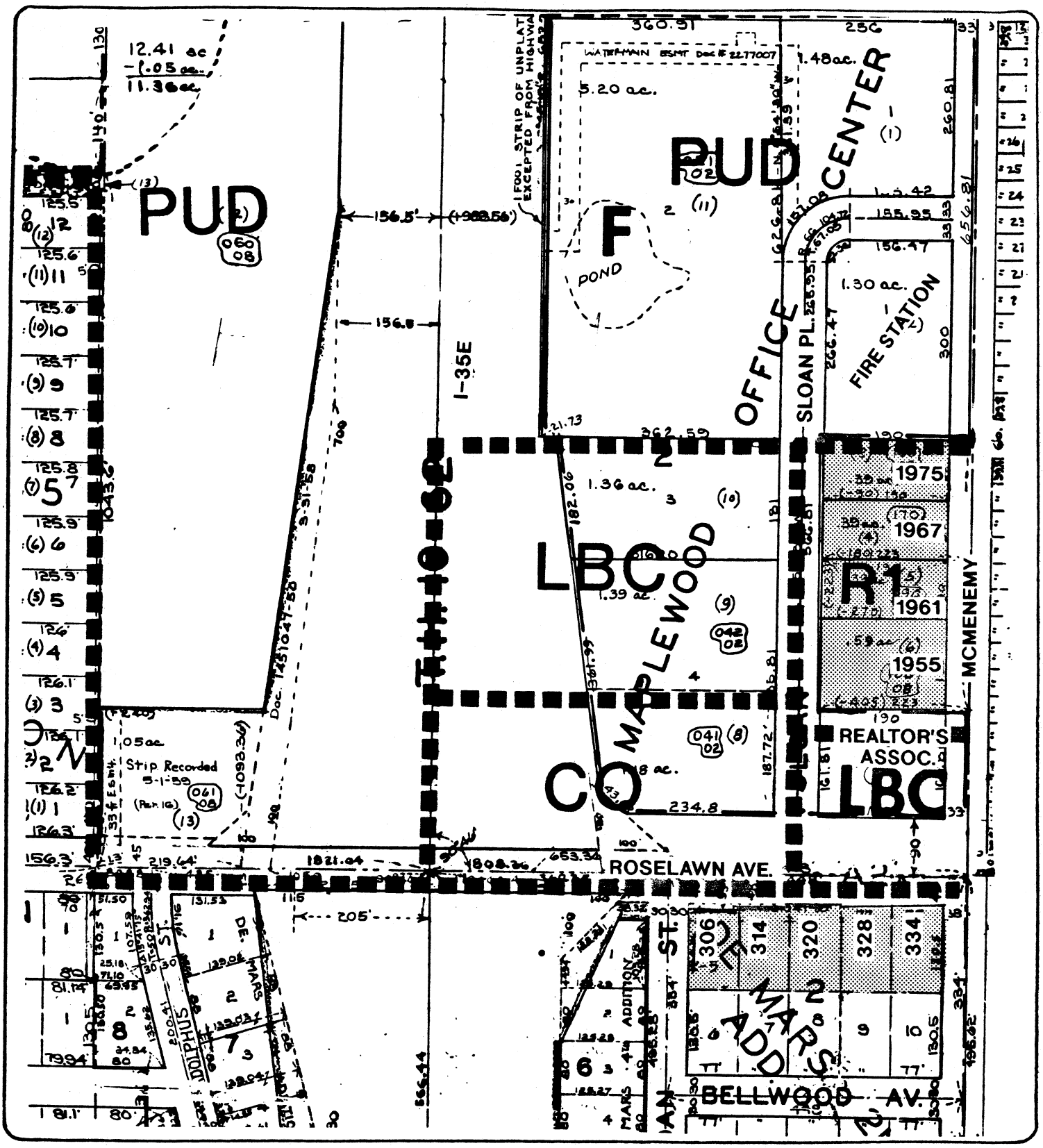
PROPERTY LINE / ZONING MAP

N



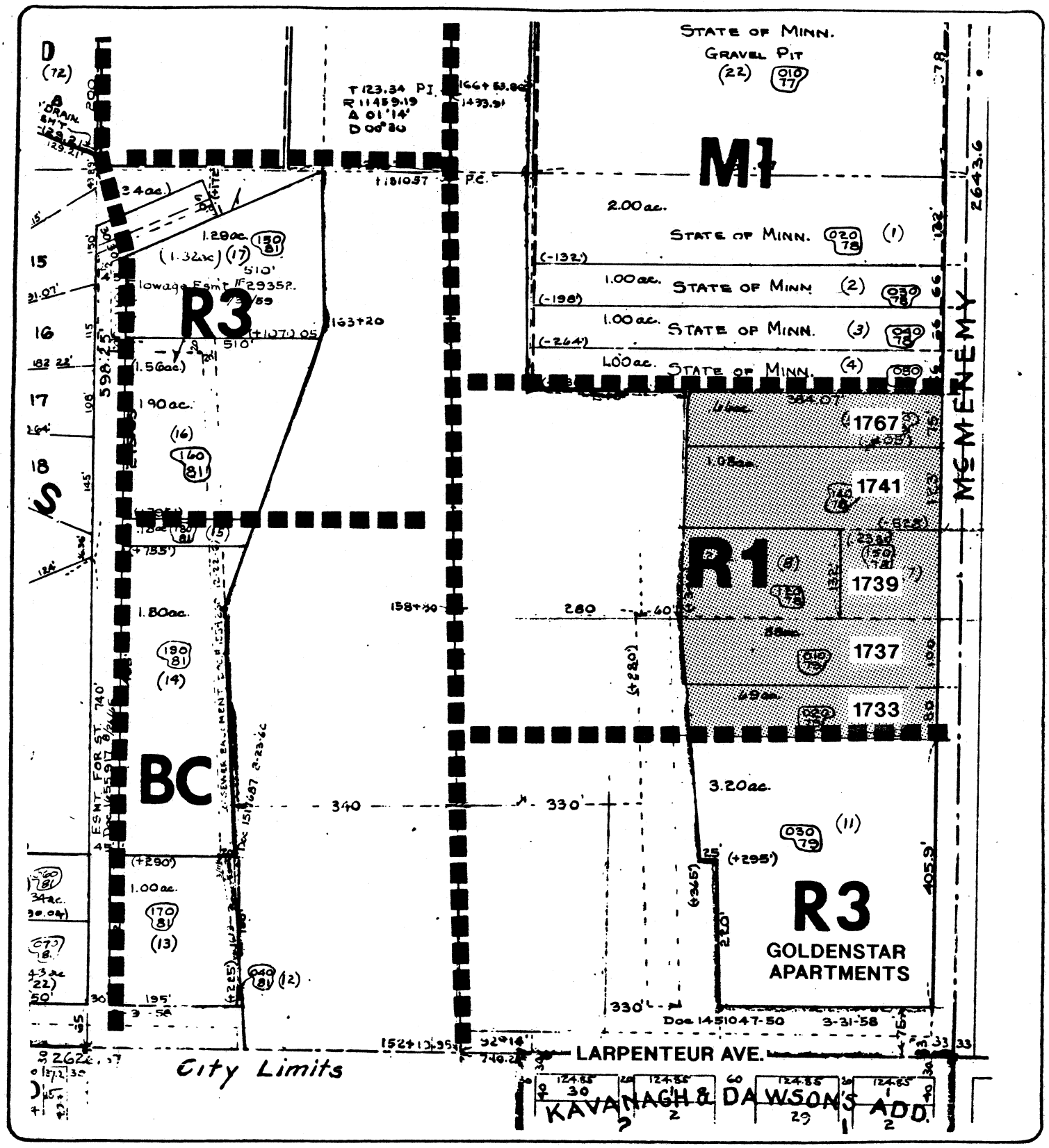
PROPERTY LINE / ZONING MAP

N



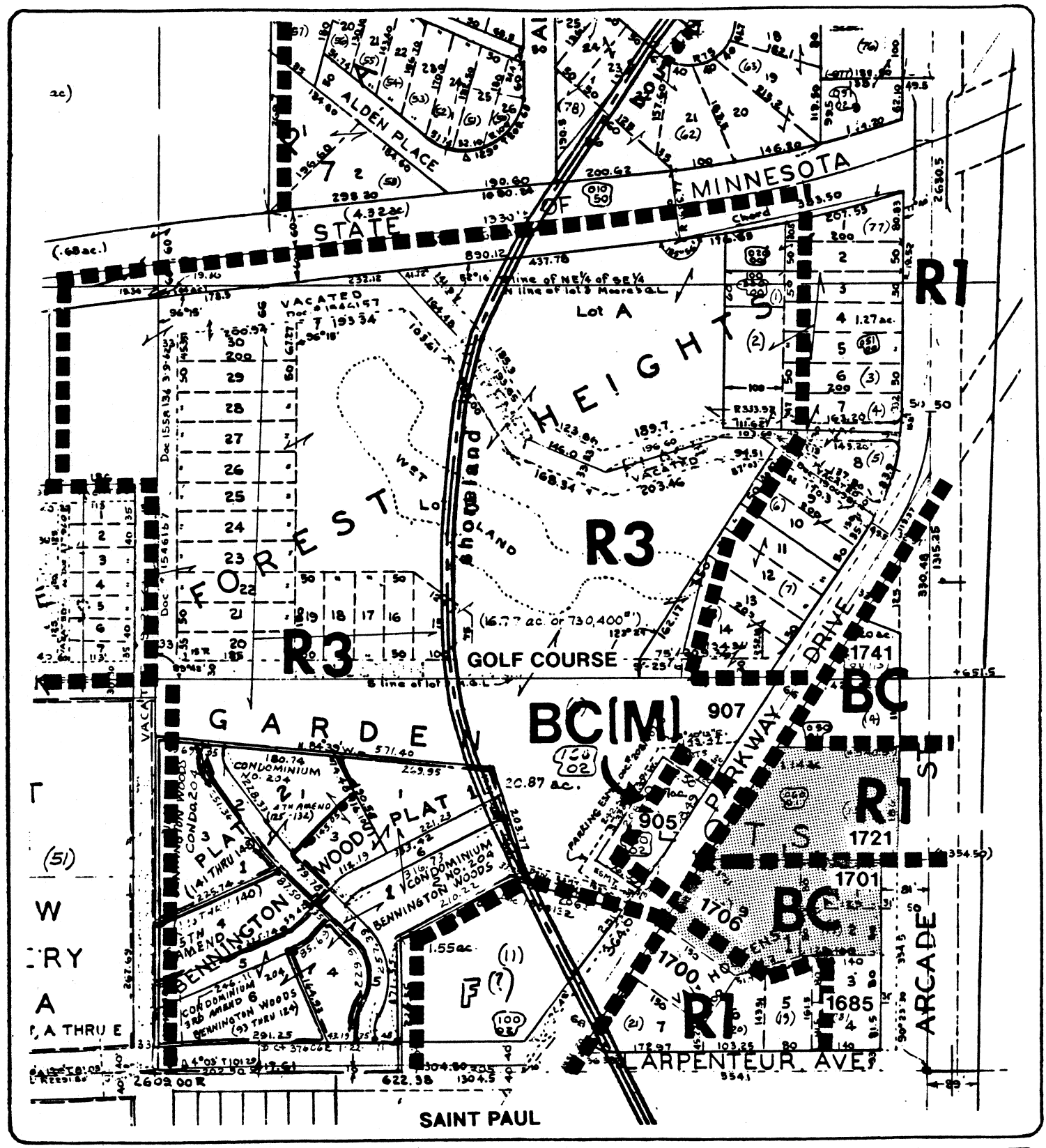
PROPERTY LINE / ZONING MAP

N



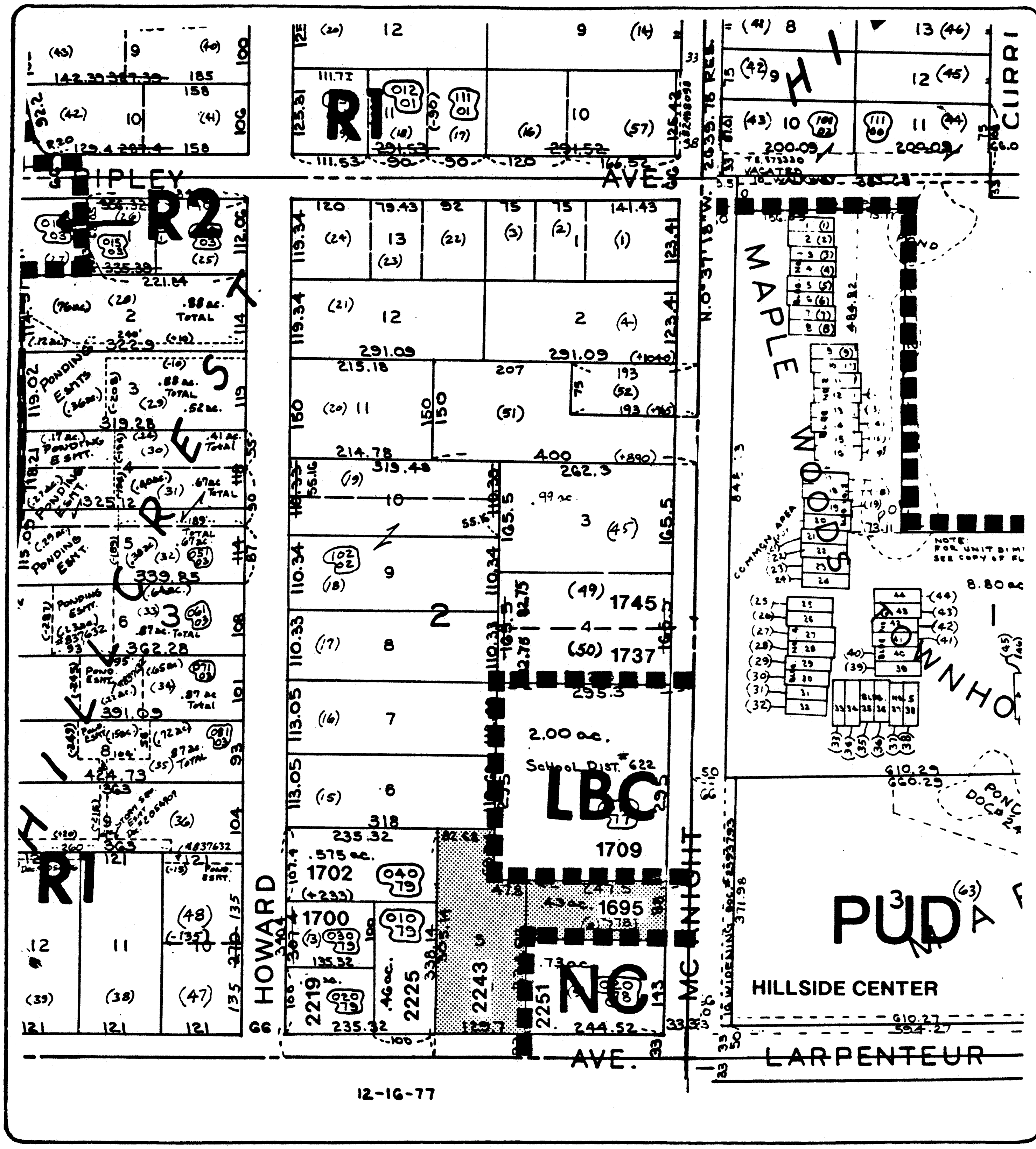
PROPERTY LINE / ZONING MAP

N



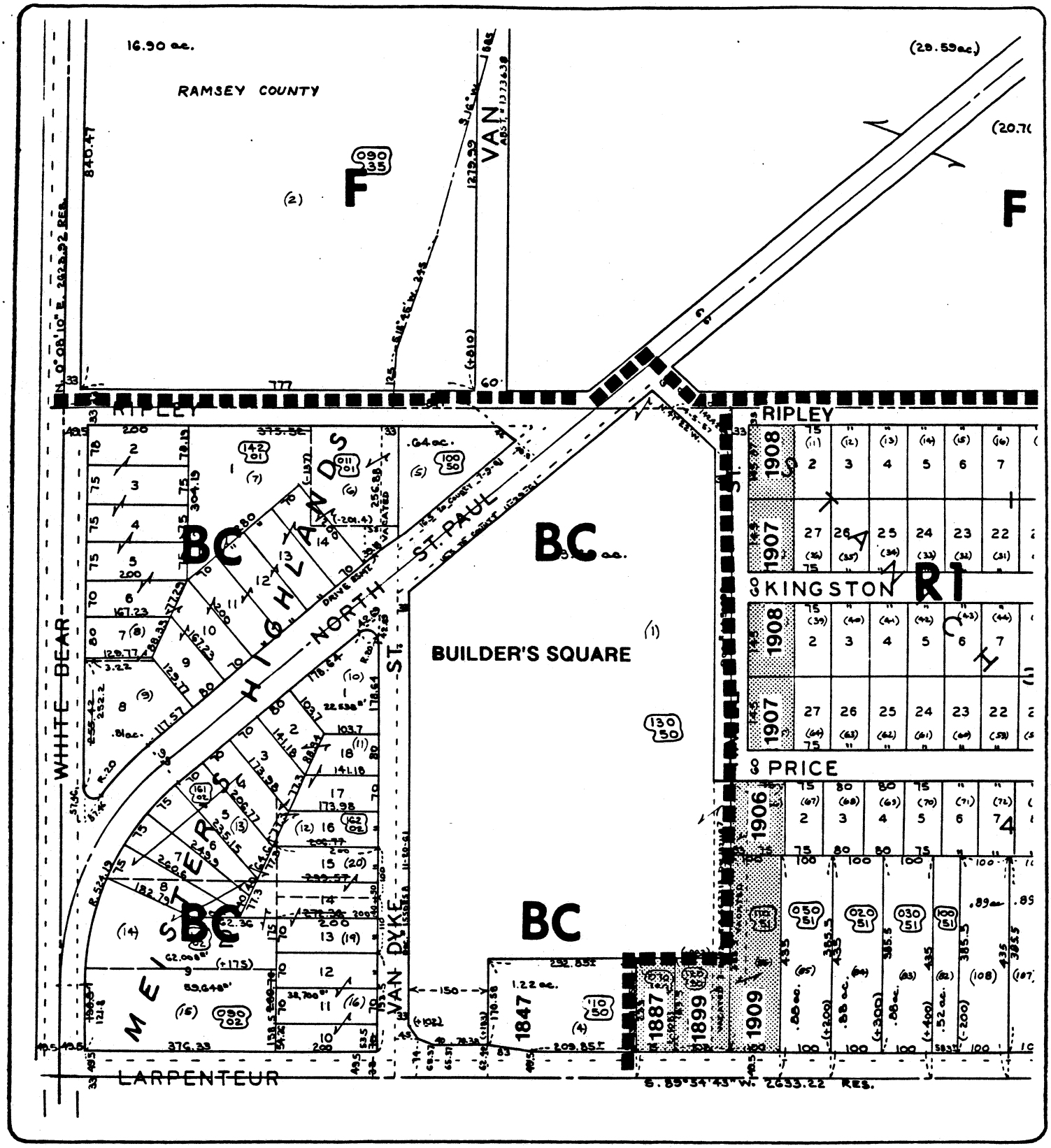
PROPERTY LINE / ZONING MAP

N



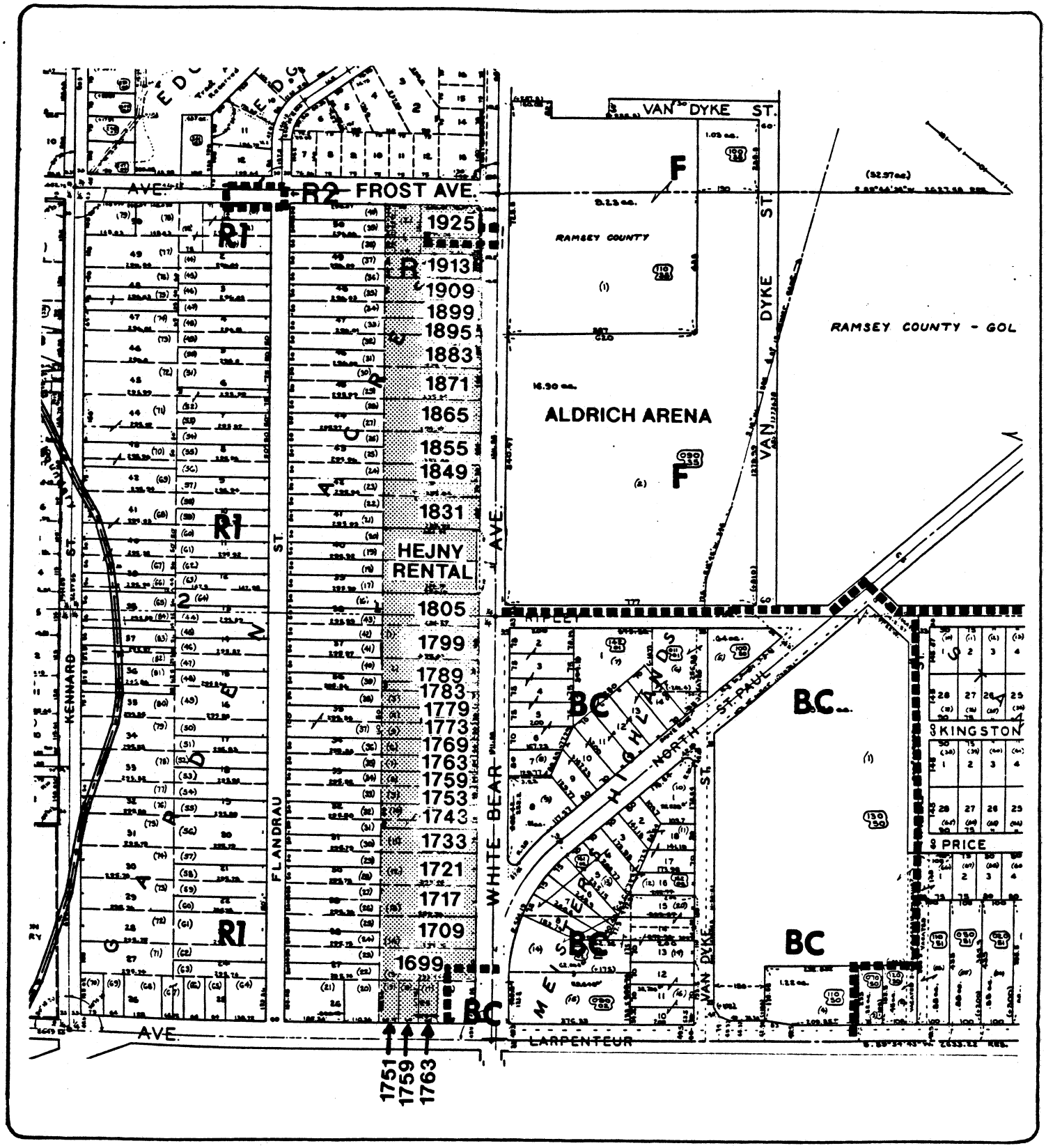
PROPERTY LINE / ZONING MAP

N



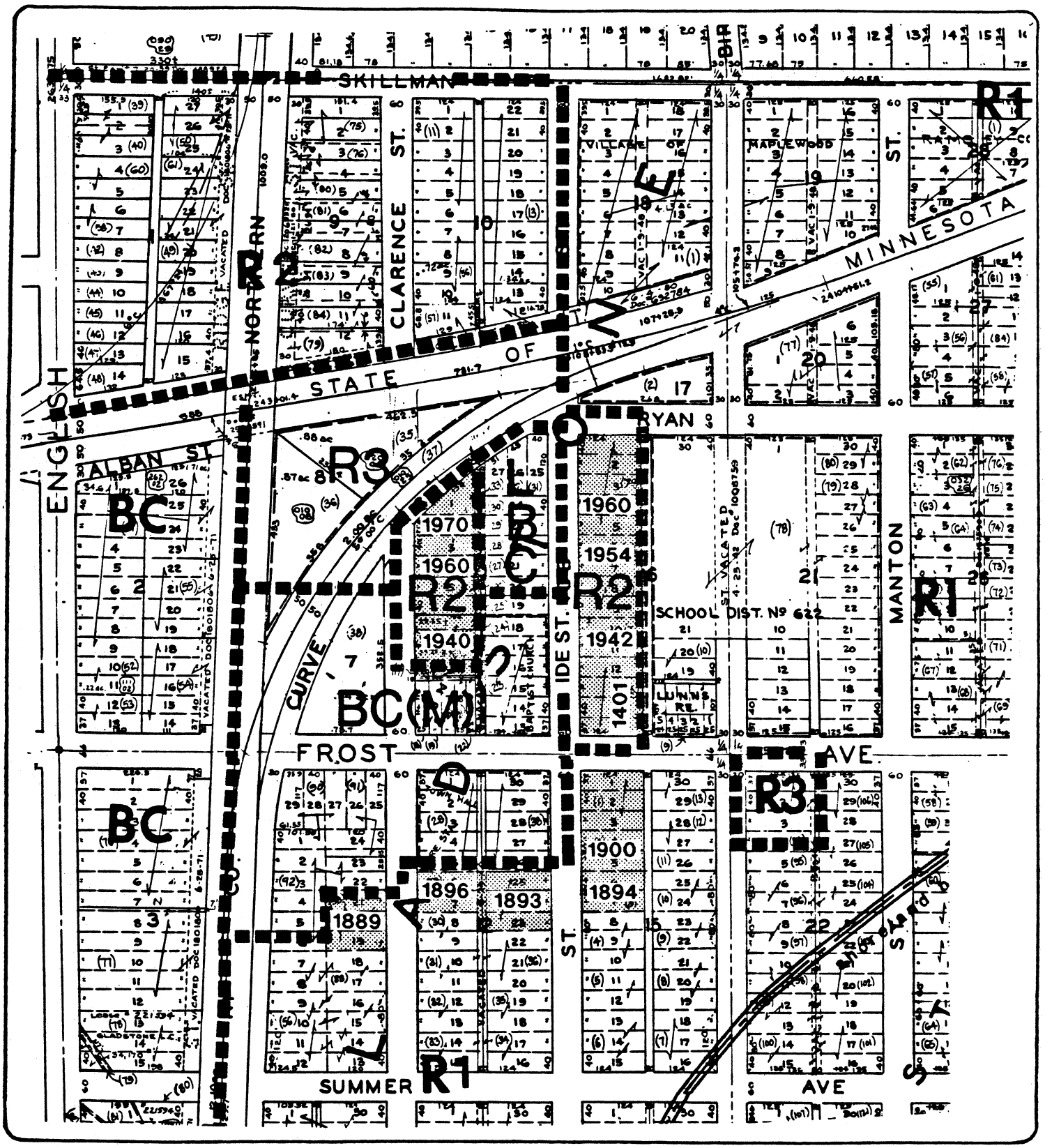
PROPERTY LINE / ZONING MAP

N



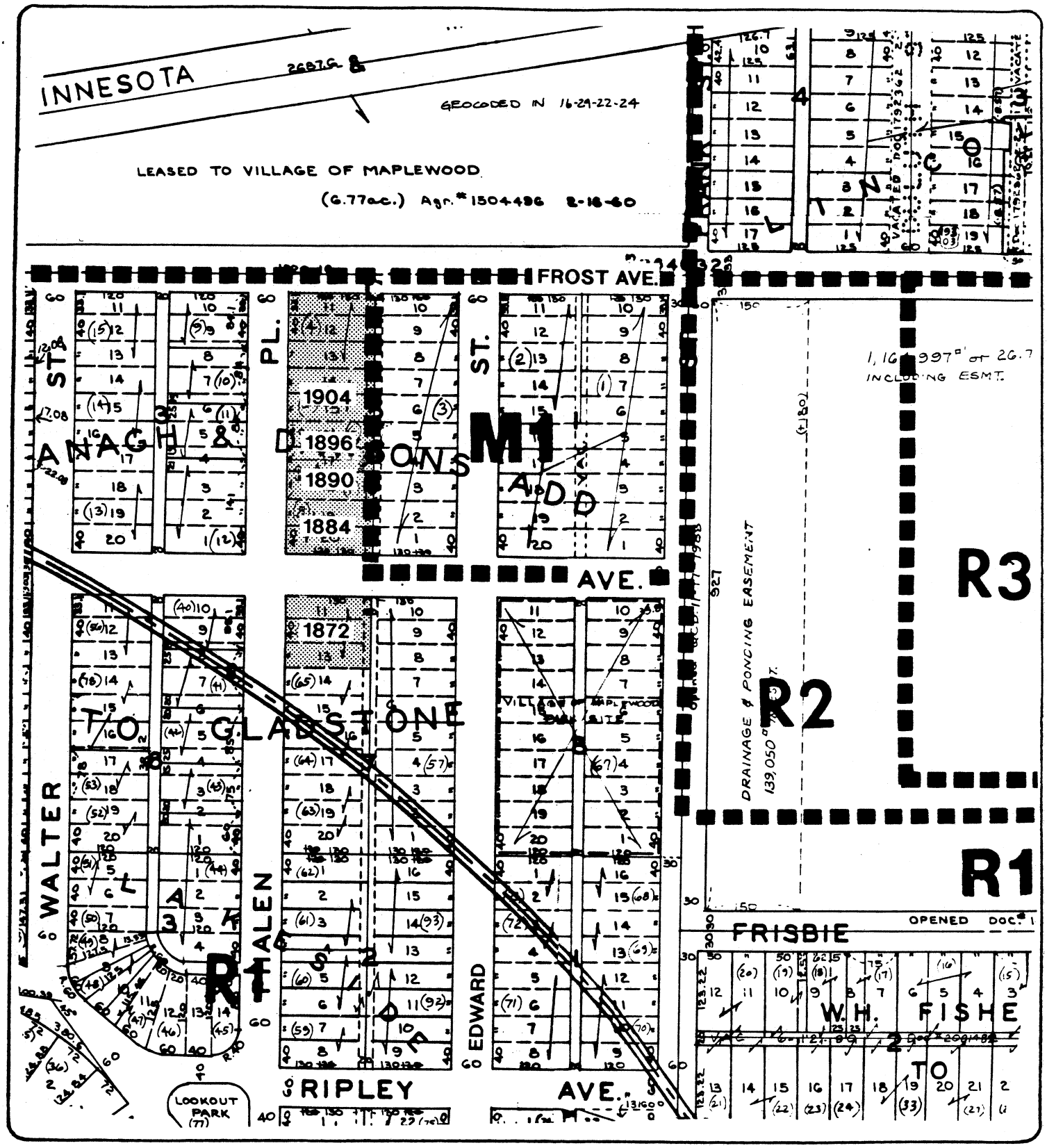
PROPERTY LINE / ZONING MAP

N



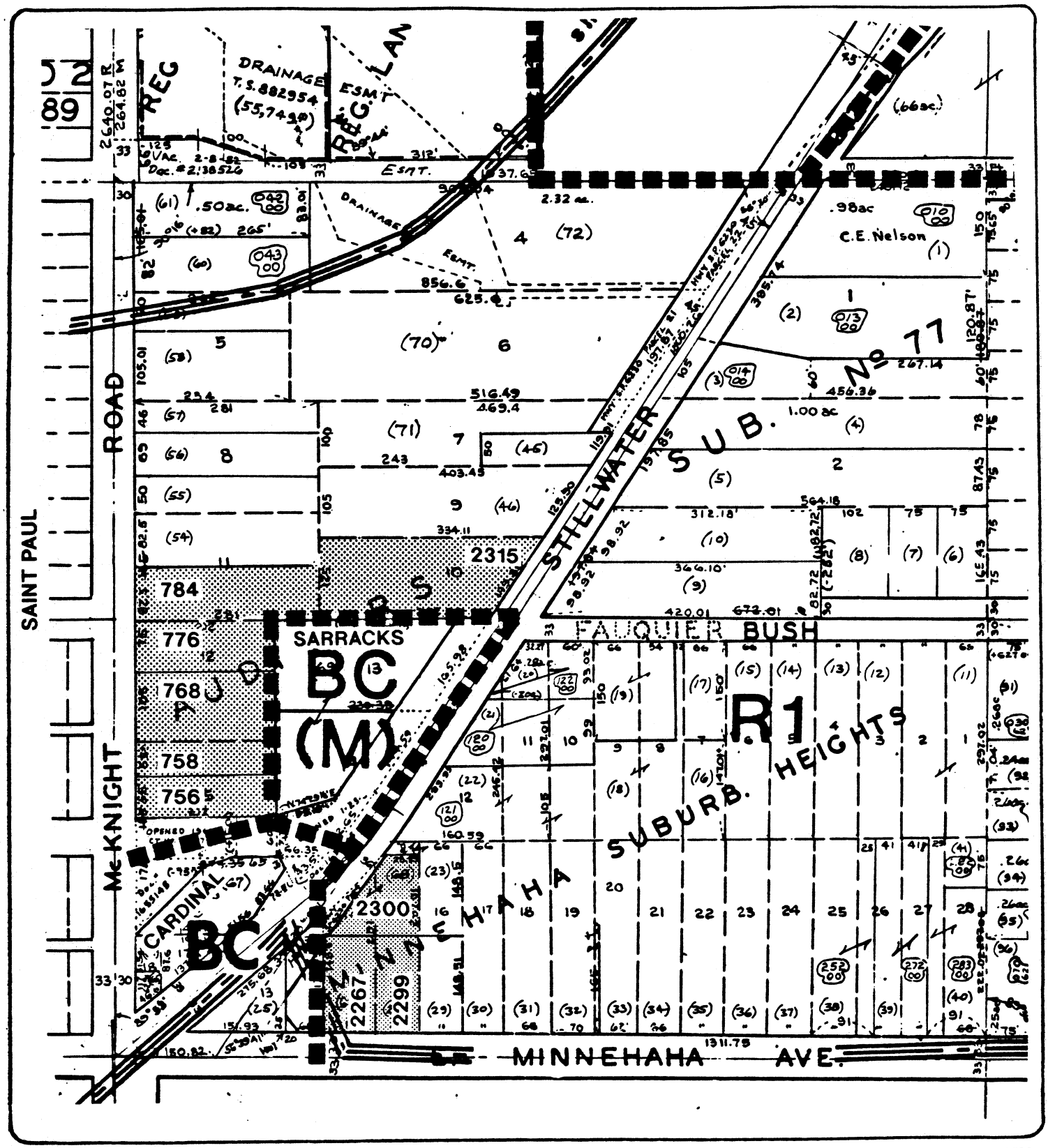
PROPERTY LINE / ZONING MAP

N

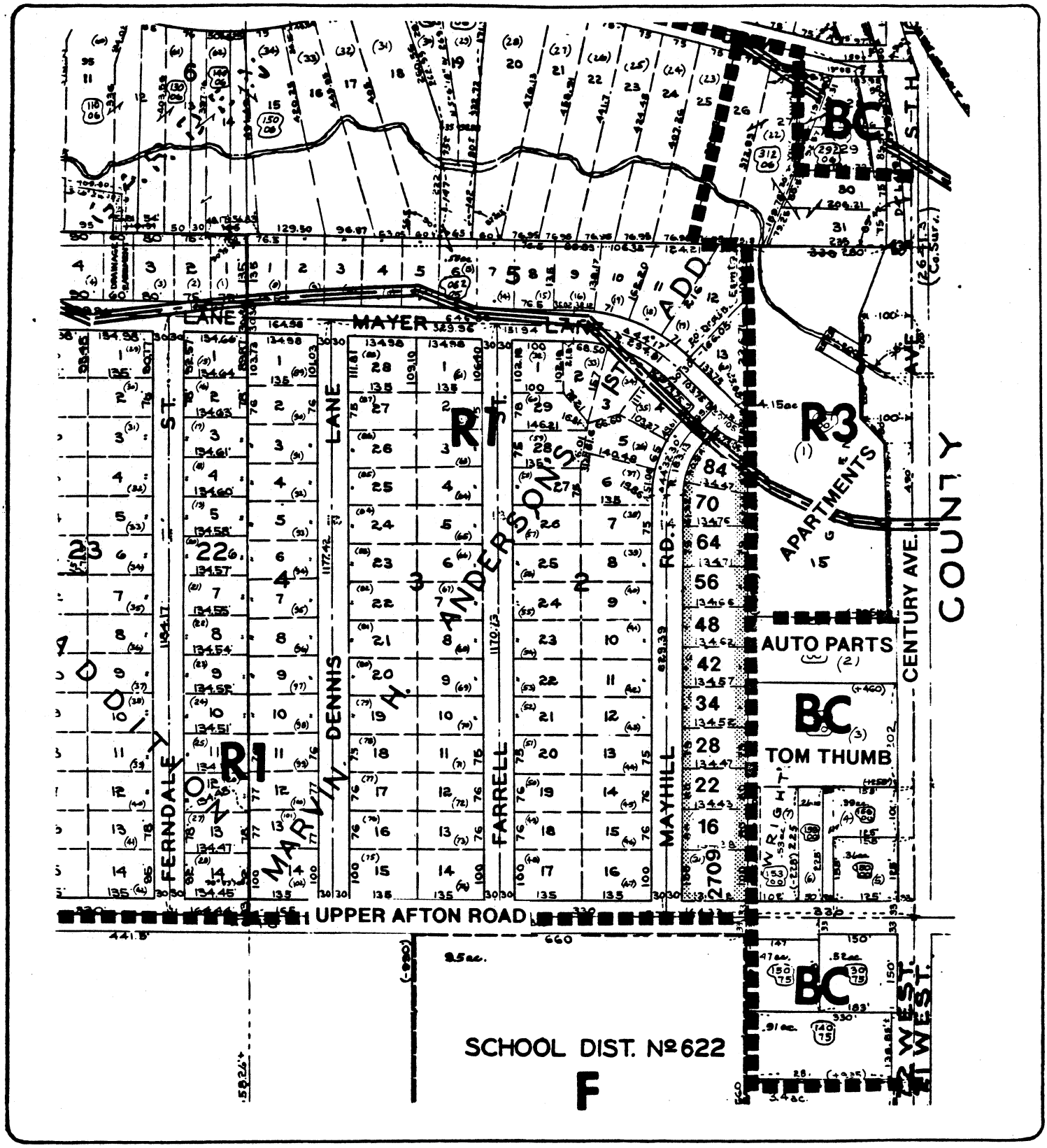


PROPERTY LINE / ZONING MAP

N

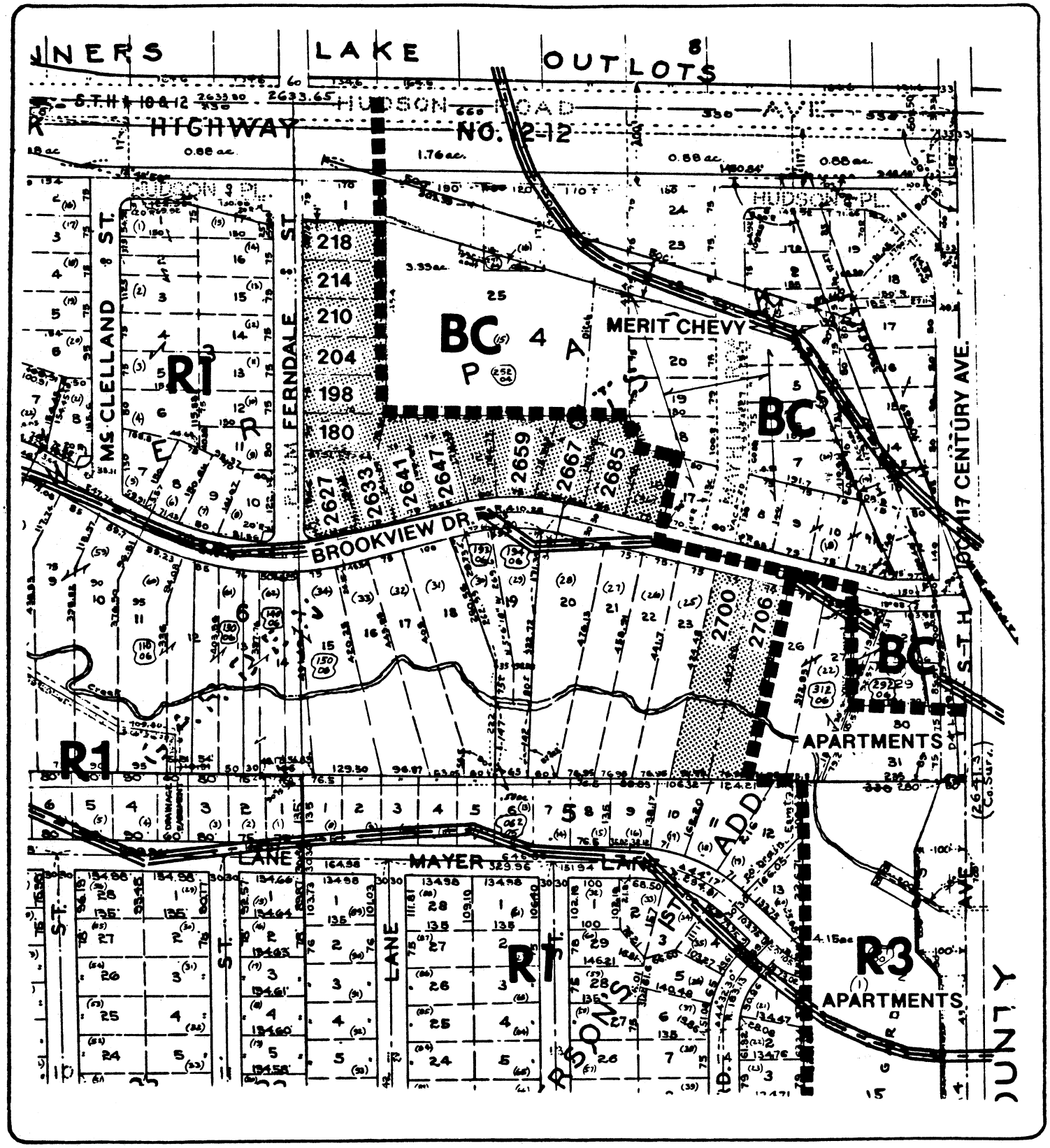


PROPERTY LINE / ZONING MAP



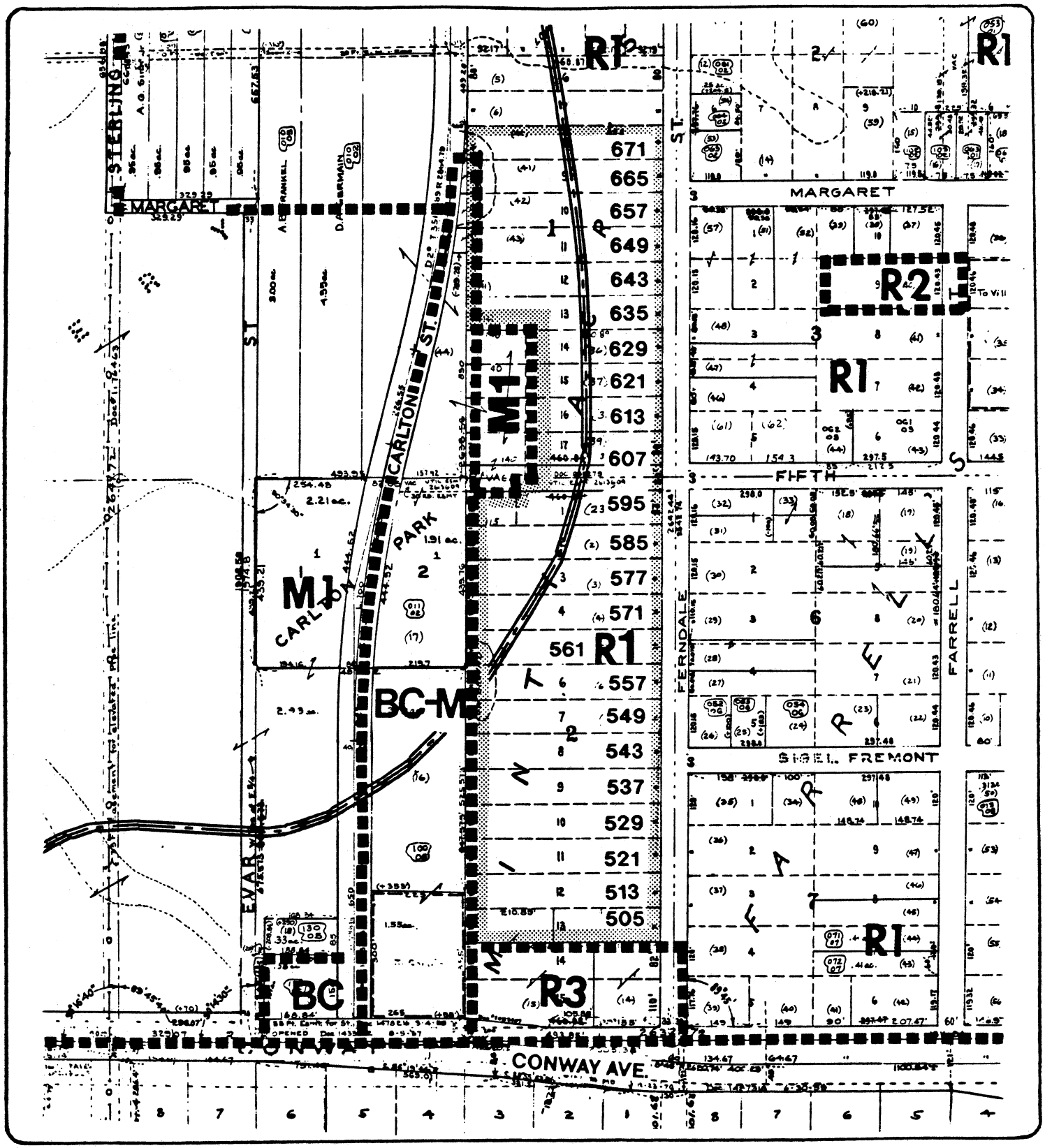
PROPERTY LINE / ZONING MAP

N



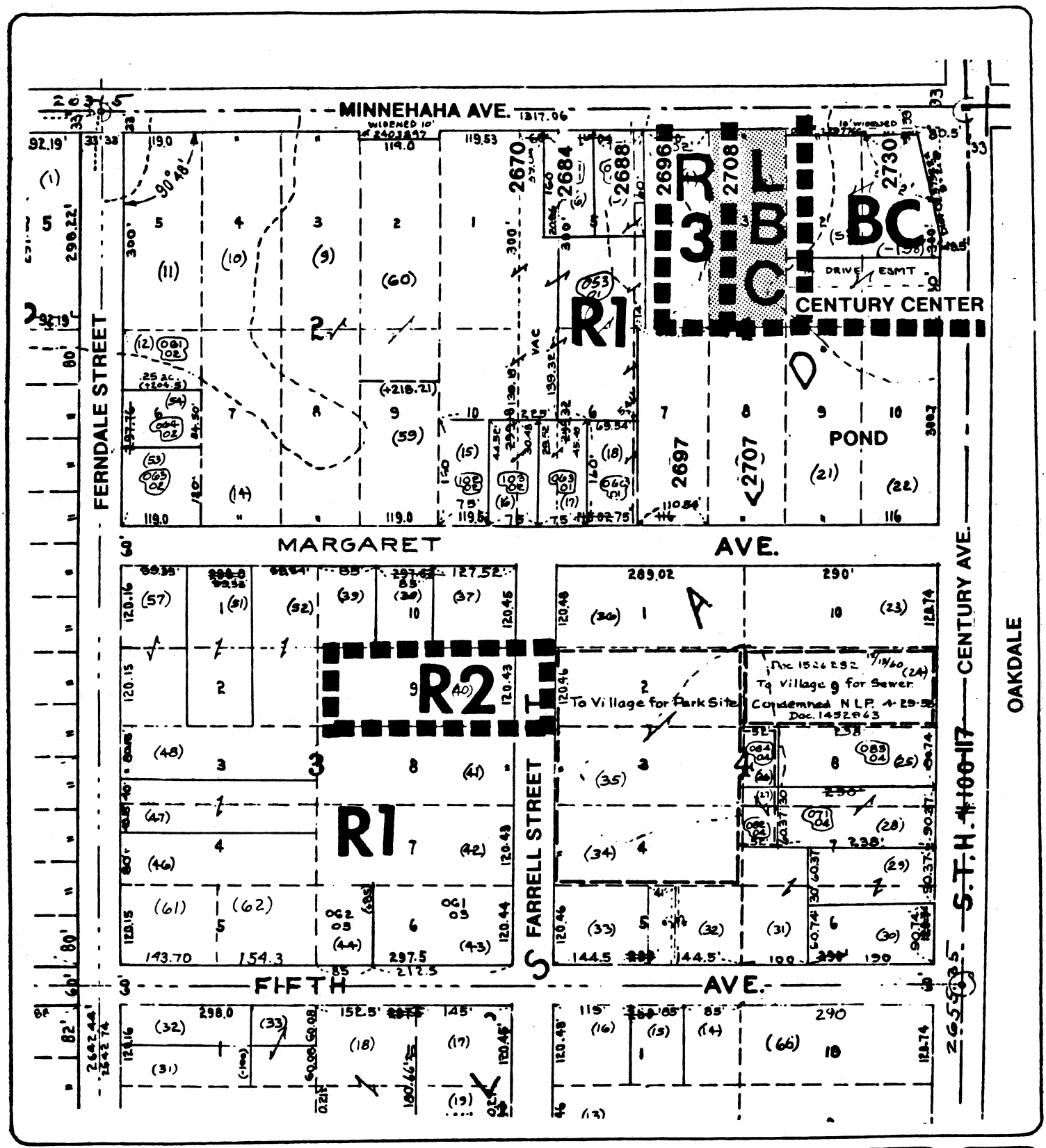
PROPERTY LINE / ZONING MAP

N



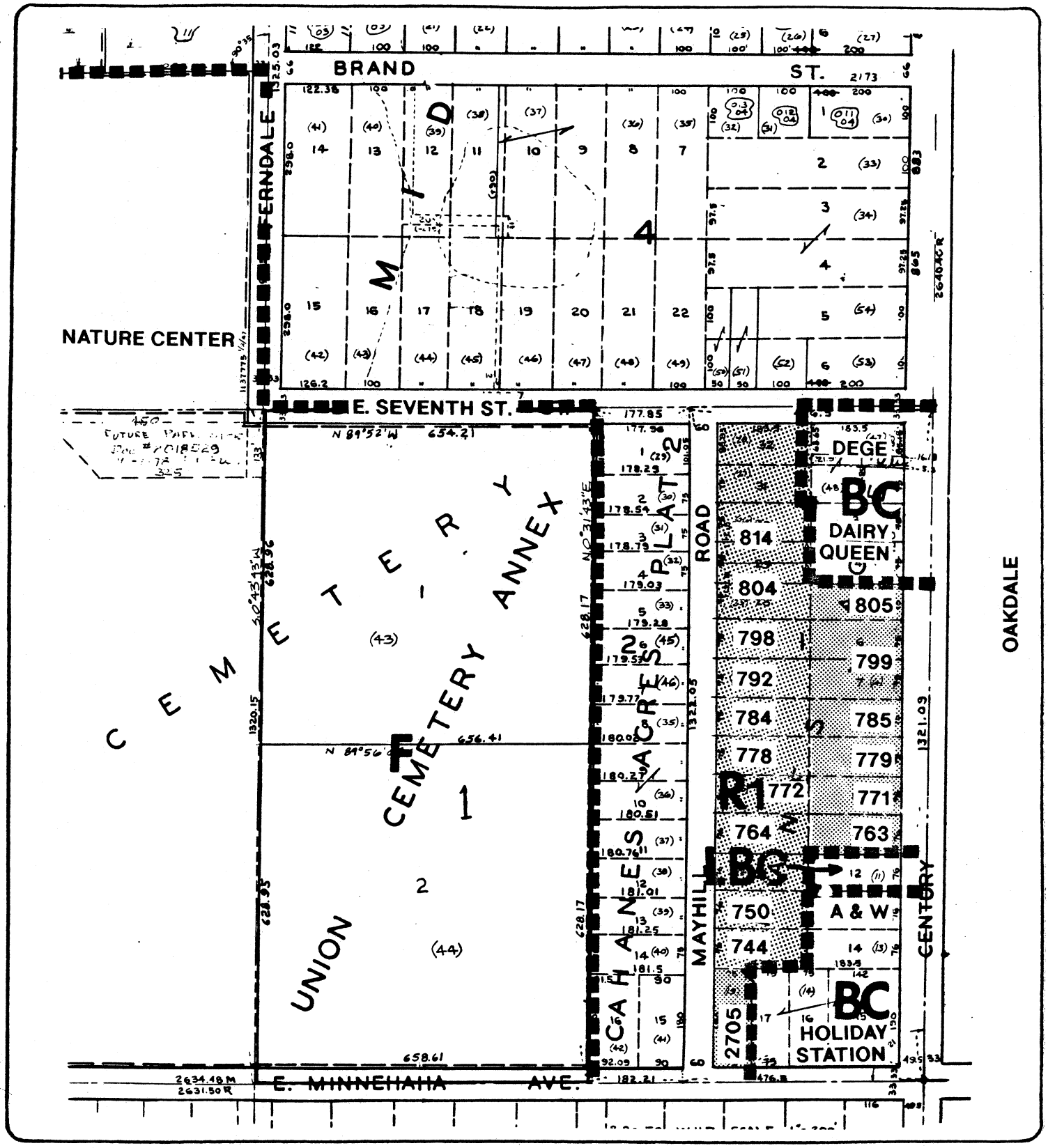
PROPERTY LINE / ZONING MAP

N



PROPERTY LINE / ZONING MAP

N



PROPERTY LINE / ZONING MAP

RAMSEY COUNTY

PROPERTY RECORDS AND REVENUE

LOU McKENNA
Director

Division Manager
BRIAN DUCKLOW

Attachment 42

February 18, 1994

Ken Roberts, Associate Planner
City of Maplewood
1830 E. County Road B
Maplewood, MN 55109

FEB 22 1994

Dear Ken:

This is a follow-up to our discussion February 14, 1994, regarding properties zoned commercially, but being used residentially.

There are two issues dealt with by the Assessor's office that impact this type of property: classification and valuation.

Classification of a property; examples being residential homestead, apartment or commercial-industrial, is determined by the use of the property. Zoning has no impact on classification unless the property is unimproved vacant land.

Valuation of property is based on the concept of highest and best use. Highest and best use relies on four tests: 1. legally permissible, 2. physically possible, 3. economically feasible, and 4. maximally productive.

The question in this case depends on highest and best use, which typically for an improved parcel, is its' current use. Highest and best use can be something other than its' current use. If, for example, a house of minimal value sits on a very large lot that is zoned commercially, the highest and best use could be as a vacant commercial site.

Unless a residential property has a highest and best use different than its' current use, the taxes would likely be the same whether zoned residential or commercial.

In situations where the issues dealing with zoning changes take place, we look at parcels on a case by case basis if warranted.

Sincerely yours,

Kent Smith
Appraiser

KS:sp

RAMSEY COUNTY GOVERNMENT CENTER WEST • 50 WEST KELLOGG BOULEVARD, SUITE 840 • ST. PAUL, MN 55102-1695
FAX 266-2199 • TTD # 266-2002

Sec. 36-27. Landscaping and screening.

(a) A landscaped area of not less than twenty (20) feet in width shall be provided where:

(1) A nonresidential use abuts a residentially zoned property.

(2) A multiple dwelling abuts a property zoned for single or double dwellings.

The requirements of this subsection shall not apply where the residentially zoned property is being used or is designated on the city's land use plan for a nonresidential use.

(b) Screening shall be provided where:

(1) The light from automobile headlights and other sources would be directed into residential windows.

(2) There would be exterior storage of goods or materials which could annoy or endanger property owners.

(3) Mechanical equipment on the ground or roof would be visible from public streets or adjoining property. Mechanical equipment shall not include chimneys, antennas or vents. The city shall not require screening for single dwellings, double dwellings, mobile homes or equipment for individual town house units. Equipment that serves more than one town house unit shall be screened. The community design review board may waive the screening requirement for mechanical equipment if they determine that screening would not improve the building appearance or protect property values. If the board waives this requirement, they shall require that the mechanical equipment be painted to match the building.

Such screening shall be compatible with the materials and design of the principal building and subject to staff or design review board approval. Approval shall be based on creativity in design to enhance the esthetics, durability of the structure and materials, and the percent of screening afforded. The screening and mechanical equipment shall be painted or stained to match the building.

(4) A parking lot is constructed next to a property that is used or shown on the city's land use plan for single- or double-dwelling use. The community design review board may waive this requirement if they determine that screening would not be needed or would not protect surrounding property values.

(c) Screening shall be satisfied by the use of a screening fence, planting screen, berm or combination thereof. If the topography, natural growth of vegetation, permanent buildings, or other barriers meet the standards of subsections (1) and (2) below, they may be substituted for all or part of the screening fence or planting screen.

(1) A planting screen shall consist of evergreen plantings. Trees shall be a minimum of two and one-half (2½) inches in trunk diameter, two (2) feet above grade. Shrubs may be used in combination with a berm and shall be a minimum of two (2) feet in height. Spacing of trees and shrubs shall be so as to create an eighty (80) percent opaque screening at least six (6) feet in height.

(2) Berms shall have mowable side slopes. Slopes greater than two and one-half (2½) to one may be used if the slopes are stepped with retaining walls. Plant materials resistant to erosion may be substituted for sod when approved by the community design review board.

(3) Screening fences shall be painted or stained whenever necessary, so as not to fade, chip or discolor. Broken or knocked down fences shall be repaired. Planting screens shall be maintained in a neat and healthy condition. Plantings that have died shall be promptly replaced.

(d) Screening may be satisfied with a screening fence. A screening fence shall be attractive, compatible with the principal building and surrounding land uses, at least six (6) feet in height, and provide a minimum opaqueness of eighty (80) percent.

(e) Trash container enclosures shall be provided around all trash containers and shall be one hundred (100) percent opaque. They shall be protected by concrete-filled steel posts, or the equivalent, anchored in the ground at the front corners of the structure. If the enclosure is masonry, the protective posts may be omitted.

In all instances, the enclosure must be of a design, material and color compatible with the building and be kept in good repair.

A gate that provides one hundred (100) percent opaqueness shall be provided.

The community design review board may waive any part of these requirements if they find that the trash container would be hidden from adjacent properties and streets.
(Ord. No. 530, § 1, 11-22-82; Ord. No. 580, § 1, 2-11-85; Ord. No. 633, § 1, 10-10-88; Ord. No. 710, § 1, 3-8-93)

Sec. 36-28. Additional design standards.

(a) All construction and landscaping shall comply with the plans approved by the city.

(b) The property owners shall maintain their building and grounds in at least as good a condition as when originally completed. Maintenance shall include:

(1) Replacing any landscaping shown on the approved plan that dies.

(2) Picking up all trash and debris from the grounds.

(3) Removing all noxious weeds.

(4) Watering the grass, trees and shrubs.

(5) Repairing any exterior parts of the building that deteriorate or break.

(c) The developer of any project, other than single or double dwellings, shall do the following:

(1) Install parking lot lighting. Lighting shall not be directly visible from any residential area or public street. Lighting shall not exceed one footcandle at a residential property line. Residential areas are areas planned or used for residential purposes.

(2) Drain all stormwater runoff from impervious surfaces to an underground, on-site stormwater collection system that is connected to a public stormwater system.

(3) Restore any public right-of-way, adjacent property or property irons disturbed by the construction.

(4) Install stop signs, handicap signs and building address signs as required by the city.

(5) Construct parking lots with the following minimum setbacks:

a. Fifteen (15) feet from a street right-of-way.
b. Five (5) feet from all other property lines. This setback shall be increased to twenty (20) feet if the adjacent property is used or shown on the city's land use plan for residential use.

(6) Construct all buildings, except single- and two-family homes, with the following minimum setbacks:

a. Thirty (30) feet from a street right-of-way.
b. Fifty (50) feet from property that is used or shown on the city's land use plan for residential use. This setback shall be increased up to seventy-five (75) feet based on the more restrictive of the following requirements:

1. *Building height:* The building setbacks shall be increased two (2) feet for each one foot the building exceeds twenty-five (25) feet in height.
2. *Exterior wall area:* Where an exterior wall faces a residentially zoned property, the wall setback shall be increased five (5) feet for each one thousand (1,000) square feet, or part thereof, in excess of two thousand (2,000) square feet.

SETBACKS

(7) The city council may approve a conditional use permit to allow an addition within a required setback if:

a. The required findings in section 36-442 for a conditional use permit are met.
b. The setback would be consistent with the setbacks for surrounding properties.
c. At least eighty (80) percent of the addition would be screened from property that is used or shown on the city's land use plan for residential use.

(8) Plant trees with the following minimum sizes:

a. Large deciduous trees, two and one-half (2½) inches in diameter, balled and burlapped.
b. Small deciduous (ornamental) trees, one and one-half (1½) inches in diameter, balled and burlapped.
c. Evergreen trees, six (6) feet in height.

(9) Install a lawn irrigation system that will not spray on public streets or sidewalks.

(10) Use low-maintenance materials on buildings.

(11) Use building materials that are compatible in quality with similar development in the area.

(12) Locate any bike racks so they do not interfere with vehicular or pedestrian traffic or fire lanes.

(13) Preserve significant natural features, such as wetlands and large trees, as required in the environmental protection ordinance (Chapter 9, Article IX).

(14) Provide on-site loading and unloading space where needed so that public streets are not used for this purpose. (Ord. No. 652, § 3, 9-11-89; Ord. No. 676, § 4, 11-26-90)

Secs. 36-29–36-40. Reserved.

PROPOSED CHANGES IN COMMERCIAL USES BY ZONING DISTRICT

CUP = a use that should have a conditional use permit (CUP) if within 350 feet of a property that the City is planning for residential use

350 feet = a use that should be at least 350 feet away from a property that the City is planning for residential use

BC (Business Commercial)

Permitted Uses:
- On-sale liquor that is not part of a restaurant—350 feet
- Craftsman's shop—CUP
- Motor vehicle sales (new only or new and used)—350 feet
- CNG (compressed natural gas) or LPG (liquid petroleum gas) dispensing facilities (limited capacity)—350 feet
- Add check cashing businesses—350 feet

Conditional Uses:
- Sale of used cars—350 feet
- Omit heliport (see below)
- Major motor fuel station, vehicle wash or maintenance garages—350 feet

M-1 (Light Manufacturing)

Permitted Uses:
- Contractors' shops—350 feet
- Manufacturing, assembly, or processing of products—350 feet

Conditional use:
- Mining or material recycling—350 feet

Other Changes

Gun shops (or sales)—prohibit anywhere in the City

Add helistop as an accessory use to a hospital, if it is not within 350 feet of a residential district. Define helistop as a place for one helicopter to land or takeoff, but does not include maintenance or fueling operations.

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: **Chemical Abuse Clinics Ordinance**
DATE: November 12, 1993

INTRODUCTION

On September 27, 1993, the City Council directed the staff to study changes to the zoning ordinance about clinics. The Council heard complaints from residents near 2223 White Bear Avenue. A methadone clinic is at this address. The clinic concerned the residents because it is so close to their neighborhood. On October 25, 1993, the Council considered first reading of the attached ordinance. The Council tabled first reading and referred the ordinance to the Planning Commission and Human Relations Commission. Both commissions have recommended against an ordinance regulating clinics. The Planning Commission felt that the City should look at all commercial uses near residential areas.

BACKGROUND

The City permits clinics in all commercial and industrial zones. The zoning code does not define clinics or differentiate between types of clinics. We use the dictionary when the zoning code does not define a term. The dictionary defines clinics as:

1. A class of medical instruction in which patients are examined and discussed.

2. A group meeting devoted to the analysis and solution of concrete problems or to the acquiring of specific skills or knowledge.

3. A facility (as of a hospital) for diagnosis and treatment of outpatients.

4. A group practice in which several physicians work cooperatively.

OPTIONS

1. Prohibit all chemical abuse clinics.

2. Prohibit all chemical abuse clinics within 350 feet of a residential lot line.

3. Require a conditional use permit for all chemical abuse clinics.

4. Require a conditional use permit for all chemical abuse clinics within 350 feet of a residential lot line.

5. Take no action.

DISCUSSION

On November 8, 1993, the Council passed a moratorium on new or expanding clinics until February 28, 1994. The Council wanted to look at the "big picture"—all commercial uses around residential areas. Because of the moratorium there is no need to adopt an ordinance regulating clinics now. The Council is leaning towards a more comprehensive study by the end of February. The Planning Commission has already started work on this study. The Commission will discuss the regulation of clinics as a part of this study.

If the Council wants to adopt an ordinance on clinics now, I have attached an ordinance on page 4. The attached ordinance requires a conditional use permit (CUP) for clinics that primarily treat chemical abuse and are within 350 feet of a residential property line (Option 4). The CUP would give the City the authority to regulate or prohibit such uses. The City requires a public hearing for a CUP. A hearing would give the residents a chance to ask questions and get information before a clinic opens.

The City Attorney advised me to be careful when creating regulations that only apply to certain clinic types. There must be a rational basis for protecting the health, safety and welfare of the residents.

I contacted six other cities about how they regulate clinics. None of these cities have special conditions or rules about outpatient clinics. Four of the six cities have these types of clinics. The cities with these clinics were not aware of any special problems. Our police department checked with the police departments in other cities. The other cities reported no problems or minor problems, such as loitering. (See the reference section on page 3 and the police report on page 8.) I cannot find any evidence for prohibiting clinics.

RECOMMENDATION

Take no action on a clinic ordinance now. The Council may reconsider this ordinance when the Planning Commission finishes their broader study of commercial uses near residential neighborhoods.

REFERENCE

OTHER CITIES—ZONING REGULATIONS FOR CLINICS

There are thirteen outpatient treatment programs in Ramsey County. Eight are in St. Paul and five are in the suburbs. Two of these clinics are in Maplewood. One is the methadone clinic. The other is an adolescent chemical dependency clinic at 1707 Cope Avenue.

I contacted the planning offices in six other cities. I asked how they regulate drug treatment or other outpatient clinics. I also asked about any problems these clinics caused. I contacted Bloomington, Minneapolis, Saint Paul, Atlanta Georgia, Orlando Florida and Ocala Florida. Each city considers such clinics as a permitted use in commercial and office zoning districts. The Colonial Group (the operators of the Maplewood clinic) has clinics in the last three cities. The planner in Orlando told me there are two of the Colonial Clinics in Orlando. The planner in Ocala told me that the chemical dependency clinic there has been open about seven years. The clinic is in a medical office park. None of the planners was aware of any problems with these types of clinics. The police report on page 8 did not find any serious problems with these clinics, other than loitering before the clinics open.

go/b-5:clinic3.mem (5.1)
Attachment:
1. Ordinance
2. Police Report

ORDINANCE NO.

AN ORDINANCE ABOUT CLINICS IN THE LBC (LIMITED BUSINESS COMMERCIAL), BC-M (BUSINESS COMMERCIAL MODIFIED), BC (BUSINESS COMMERCIAL), NC (NEIGHBORHOOD COMMERCIAL) AND CO (COMMERCIAL OFFICE) DISTRICTS

THE MAPLEWOOD CITY COUNCIL APPROVES THE FOLLOWING ORDINANCE:
(I crossed out the deletions and underlined the additions.)

Section 1. This section changes subsection 36-154(a) and adds subsection 36-154(b) to the LBC, Limited Business Commercial District as follows:

(a) Permitted Uses. The City shall only permit the following uses by right:

(1) Offices.

(2) Clinics, except those that primarily treat chemical abuse and are within 350 feet of a residential lot line.

(3) Day care centers.

~~(a) Permitted uses. Offices, medical or health related clinics, and day care centers.~~

(b) Conditional Uses. The following uses must have a conditional use permit: ~~Reserved.~~

(1) Clinics that primarily treat chemical abuse and are within 350 feet of a residential lot line.

Section 2. This section changes subsection 36-155(b)(1) and adds 36-155(c)(8) to the BC(M) Business Commercial District (Modified) as follows:

(b) Permitted uses. The City shall only permit the following uses by right:

(1) Retail or commercial rental activities, offices, clinics, except those that primarily treat chemical abuse and are within 350 feet of a residential lot line, ~~clinic,~~ studio, bank, personal service, day care center, craftsmen's shop or mortuary. All business, storage or display, except signs and parking, shall be in a closed building.

(c) Conditional uses. The following uses must have a conditional use permit:

(8) Clinics that primarily treat chemical abuse and are within 350 feet of a residential lot line.

Section 3. This section changes subsections 36-151(a)(3) and (b)(8) of Division 7 of Chapter 36 of the BC (Business Commercial District) as follows:

(a) Permitted uses. The City shall only permit the following uses by right:

(3) Retail or commercial rental activities, restaurant, on-sale liquor business (subject to license), office, clinics, except those that primarily treat chemical abuse and are within 350 feet of a residential lot line, ~~clinic,~~ studio, bank, personal service, day care center, craftsmen's shop or mortuary. All business, storage or display, except signs and parking, shall be in a closed building.

(b) Conditional uses. The following uses must have a conditional use permit:

(8) Clinics that primarily treat chemical abuse and are within 350 feet of a residential lot line. ~~Reserved.~~

Section 4. This section changes subsections 36-173(a)(1) and (b)(3) of Division 8 of Chapter 36 of the SC, Shopping Center District as follows:

(a) Permitted uses. The City shall only permit the following uses by right:

(1) Retail or commercial rental activities, restaurant, on-sale liquor business (subject to license), office, clinics, except those that primarily treat chemical abuse and are within 350 feet of a residential lot line, ~~clinic,~~ studio, bank, personal service, day care center, craftsmen's shop or mortuary. All business, storage or display, except signs and parking, shall be in a closed building.

(b) Conditional uses. The following uses must have a conditional use permit:

(3) Clinics that primarily treat chemical abuse and are within 350 feet of a residential lot line.

Section 5. This section changes subsection 36-127, Permitted Uses, of the NC Neighborhood Commercial District as follows:

Sec. 26-127. Permitted Uses.

(a) Permitted uses. The City shall only permit the following uses by right, provided that the floor area of all buildings in any one NC zone shall not exceed three thousand (3,000) square feet:

~~Any of the following uses, provided that the floor area of all buildings in any one NC zone shall not exceed three thousand (3,000) square feet:~~

(1) Bakery or candy shop. Any goods produced on the premises must be sold on the premises. ~~for the production of goods sold on the premises.~~

(2) Beauty parlor or barber shop.

(3) Dry cleaner or laundromat. All odors must be controlled so as not to be noticeable to adjacent residents.

(4) Office.

~~(4) Office or medical and dental clinics.~~

(5) Repair shop, except for motorized vehicles. All business, storage or display shall be in a closed building. ~~No work shall be performed outside of the building.~~

(6) Drug, hardware or grocery store.

(7) Studio.

(8) Tailor or dressmaker shop.

(9) Veterinary or grooming clinic where there are no outside kennels or storage.

(10) Video store ~~tape rentals~~.

(11) Printing shop.

(12) Clinics, except those that primarily treat chemical abuse and are within 350 feet of a residential lot line.

Section 6. This section changes subsection 36-129, Conditional Uses, of the NC Neighborhood Commercial District as follows:

Sec. 36-129. Conditional uses. ~~(requires council approval).~~

(a) Conditional uses. The following uses must have a conditional use permit. In addition, the floor area of all buildings in any one NC zone shall not exceed eight thousand (8,000) square feet:

~~Any of the following uses, provided that the floor area of all buildings in any one NC zone shall not exceed eight thousand (8,000) square feet:~~

(1) Any permitted use listed in Section 36-127.

(2) Club, lodge or hall.

(3) Private school, day care center or community service use.

(4) Taxi stand or bus stop.

(5) Restaurant, where there are no drive-up order windows of serving food to patrons in their automobiles. All cooking odors must be controlled so as to not be noticeable to adjacent residents.

(6) Other uses, where the City Council finds that the use would be compatible with the neighborhood and the intent of this division.

(7) Clinics that primarily treat chemical abuse and are within 350 feet of a residential lot line.

Section 7. This ordinance shall become effective after publication.

Passed by the Maplewood City Council on _____, 1993.

September 16, 1993

MEMORANDUM

To: Chief Kenneth Collins
From: Sergeant Michael Ryan
Subject: St. Paul Metro Treatment Center

I have contacted several of the names listed as renting office space to treatment centers located in several states. These sites vary from business district/industrial areas to sharing facilities with other medical related clinics and shopping center or store front areas. The locations also seem to be varied from high traffic, main street locations to other locations that could be described as "off the beaten path."

When asked about the clinics, the renters almost universally replied that they initially were apprehensive about renting to such facilities but admitted that they have had only minor problems. For the most part, these seem to be related to clients leaving coffee cups and cigarette butts at the clinic sites. None of those questioned had any negative comments and felt the clinics were good tenants.

I contacted police departments in Ocala and Temple Terrace, Florida to inquire about their clinics. Ocala reported only one incident at their clinic, that being a burglary in March of 1992. Temple Terrace Police Department advised that they were familiar with the clinic in their area. They have had many complaints that mostly deal with the clients loitering in the area. Temple Terrace has done some surveillance work on their clinic.

Temple Terrace referred me to Sherry Miller with the DEA at (813) 228-2486. In speaking with her, I found that Dr. Randall Green, the clinic owner, operates in accordance with all FDA and DEA rules and regulations. Miller told me that their concern was with the philosophy behind the "for profit" clinic where addicts are not urged to get off methadone or other substances. Miller did not have any negative information about the clinics.

I contacted police departments in Atlanta and Ft. Oglethorpe, Georgia. Atlanta advised that complaints deal with the loitering clients. They also advised that they have had incidents of clients buying other drugs at the clinic site and also selling their methadone, especially their take home doses on weekends. The Atlanta clinic hires outside security for their site. Ft. Oglethorpe Police advised that their clinic, while in Georgia, is only 10 miles from Chattanooga, Tennessee. They reported many problems with transients related to crimes in the area. Most of their crime consisted of shoplifting and shoplifting rings operating in the area. The clinic is located in a business district. They also reported that they have incidents of people

buying the methadone from the clinic clients. Ft. Oglethorpe Police felt that most of their problems came from persons that were from outside the area stating they come from Nashville, Knoxville and Florida.

Generally, the various police problems appear to be related to the locations of the clinics. It does appear that the most common complaint has to do with the loitering that occurs prior to the clinic opening in the early morning. Other police departments suggested that police presence seemed to help and they often made warrant arrests of clients waiting at the clinic.

Bannigan & Kelly, P.A.
ATTORNEYS AT LAW
1750 NORTH CENTRAL LIFE TOWER
445 MINNESOTA STREET
SAINT PAUL, MINNESOTA 55101

JOHN F. BANNIGAN, JR.
PATRICK J. KELLY
JAMES J. HANTON
JANET M. WILEBSKI
JOHN W. QUARNSTROM

(612) 224-3781
FAX (612) 223-8019

March 31, 1994

Mr. Geoff Olson
Director of Community Development
City of Maplewood
1830 E. County Road B
Maplewood, MN 55109

RE: Maplewood Planning Commission/Gun Shop Regulation

Dear Mr. Olson:

Pursuant to our earlier telephone conversation, I did contact the St. Paul City Attorney's office regarding the studies which have been initiated by the St. Paul Planning Commission to regulate gun shops. I was referred to Mr. Lawrence Soderholm with the St. Paul Department of Planning and Economic Development. Mr. Soderholm was extremely cooperative and willing to provide access to his file. In fact, Mr. Soderholm indicated that he would be more than happy to meet with you to discuss the matter further.

I am enclosing a variety of documents which I excerpted from Mr. Soderholm's file. The particular proposal before the St. Paul Planning Commission is presently tabled. There is a sense that the legislature might take further action this session with respect to gun control and gun shops. As a result, the Planning Commission is waiting to determine what steps, if any, the legislature might take.

Mr. Soderholm has collected an enormous amount of materials and literature regarding gun shop regulations. I would estimate that Mr. Soderholm has several files totalling perhaps one foot of documentation. The documentation includes a large number of studies, reports and statistical surveys. I have not copied any of those materials at this time.

I would suggest that you review the materials which I am currently enclosing. You will note that St. Paul is not attempting to *exclude* gun shops. In fact, you will not in the gun shop zoning study dated January, 1994 that there is a section addressing the authority of local

municipalities to regulate the location of businesses that sell guns (see page four). The study specifically makes reference to Minn. Stat. §471.635 which provides that "a governmental subdivision *may* regulate by **reasonable, non-discriminatory** and **non-arbitrary** zoning ordinances, the location of businesses where firearms are sold by a firearms dealer." As I mentioned in my previous correspondence, there is no question that pursuant to this statute, the City of Maplewood can take some action to regulate, by zoning, the location of gun shops. However, it is *highly* unlikely that this statutory authority can be construed so as to permit the *exclusion* of all gun shops.

I hope that this information will be of some assistance to you as you consult with the Planning Commission. If you have any further questions regarding this matter, please contact me.

Sincerely yours,

BANNIGAN & KELLY, P.A.

James J. Hanton

JJH:cge
Enclosures
C: Mr. Michael McGuire

Attachment 47

MEMO

To: Director of Community Development

From: City Attorney

Date: February 6, 1994

F 8 4

Re: *Legal Opinion/Amortization of Non-Conforming Uses*

On February 3, 1994, this office received from you a request for a legal opinion to be discussed with the Planning Commission on February 7, 1994. You have raised the following question:

> Whether the City has the legal authority to adopt an ordinance for the purpose of amortizing non-conforming uses?

It is the opinion of this office that the adoption of a zoning ordinance including an amortization provision is authorized and legal.

ANALYSIS

The controlling case in Minnesota is that of *Naegele Outdoor Advertising Company v. Village of Minnetonka,* 162 N.W.2d 206 (Minn. 1968). In that decision, the Minnesota Supreme Court upheld the legality and constitutionality of a municipal zoning ordinance which required the removal of non-conforming uses *after* a specified amortization period. A copy of that decision is enclosed. The Minnesota Supreme Court specifically concluded that the use of an amortization provision was constitutional "on its face." The Supreme Court went on to consider whether the particular amortization provision could be held unconstitutional when *applied* to that particular property owner. In essence, the Supreme Court analyzed whether an amortization period of three years was reasonable for the interest of that particular owner. The Supreme Court ultimately concluded that the three year amortization period was reasonable.

As noted above, it is the opinion of this office that the Minnesota Supreme Court has previously acknowledged the constitutionality of amortization provisions contained within zoning ordinances. The primary focus on such ordinances will be concerned with the "reasonableness" of an amortization requirement when applied to a particular situation. It should also be noted that the establishment of an amortization requirement or schedule should be linked in some manner to the promotion of the public health, safety or welfare. Therefore, shorter amortization periods should be linked to greater public risks. It is also important to note that any application of an amortization provision should be enforced equally in order to withstand any constitutional challenges.

In determining a reasonable period of amortization, there are a number of factors which should be considered:

(1) how severe a risk is presented by the particular non-conforming use;
(2) will the amortization of that use advance some legitimate public objective;
(3) how much investment does the owner have in the use;
(4) has the owner had sufficient time to recover his/her investment;
(5) has the owner financially benefitted from enjoying a "monopoly" in the area.

There may be other factors as well.

case amply sustains the specific finding made by the trial judge.

Affirmed.

OTIS, J., took no part in the consideration or decision of this case.

NAEGELE OUTDOOR ADVERTISING COMPANY OF MINNESOTA, Inc., Appellant,

v.

VILLAGE OF MINNETONKA, and Arthur C. Rydmark, its Chief Building Inspector, Respondents.

No. 40781.

Supreme Court of Minnesota.

Oct. 11, 1968.

Declaratory judgment action against village and its chief building inspector seeking to have zoning ordinance declared unconstitutional and requesting permanent injunction against enforcement, in which village counterclaimed seeking order directing plaintiff advertising company to remove nonconforming billboards. The District Court, Hennepin County, Arnold Hatfield, J., found that ordinance was not by its terms unconstitutional but had been discriminatorily enforced against plaintiff and enjoined enforcement until ordinance was uniformly applied, and advertising company appealed. The Supreme Court, Rogosheske, J., held that while no statute expressly or specifically authorized a municipality to enact an amortization zoning ordinance requiring removal of pre-existing nonconforming billboards from exclusively residential districts before a stated date, such a power must necessarily be implied to effectuate grant of powers which authorize municipalities to enact ordinances which promote general welfare of community, and authorize creation of residential districts pursuant to comprehensive municipal plan. The Court further held that the length of the amortization period was reasonable and that ordinance was constitutional on its face.

Affirmed.

1. Municipal Corporations ⟹122(4)

Ordinances enacted pursuant to the police power cannot be successfully attacked on constitutional grounds unless there is affirmative proof that the restriction is clearly arbitrary, discriminatory, and unreasonable and without any substantial relation to public health, safety, morals, or general welfare.

2. Constitutional Law ⟹48

While decision of a legislative body on what promotes public health, safety, morals, and general welfare is not conclusive, it is entitled to great weight.

3. Zoning ⟹620

Even where reasonableness of zoning ordinance is debatable, or where there are conflicting opinions as to desirability of restrictions it imposes, it is not function of courts to interfere with legislative discretion on such issues.

4. Municipal Corporations ⟹602

Where village enacted ordinance requiring removal of pre-existing nonconforming billboards that were concededly not detrimental to public health or morals and did not constitute safety or traffic hazard issue of constitutionality turned on whether plaintiff advertising company, established that village council was arbitrary and unreasonable in its legislative determination that exclusion of billboards in residential districts promoted general welfare.

5. Zoning ⟹101

Zoning regulation need not be a necessity but need only be substantially related to promoting general welfare of community to meet constitutional requirements of reasonableness.

6. Municipal Corporations ⟹602

Whether restrictive ordinance requiring removal of pre-existing nonconforming billboards was constitutional depended on whether village council, in exercising its legislative prerogative acted reasonably, with the question of reasonableness to be resolved by deciding whether its determination upon a consideration of the facts was based on reason and logic and not on whim or caprice and that it promoted legitimate police power objective.

7. Zoning ⟹36

Mere fact that adoption of zoning ordinance reflects desire to achieve aesthetic ends should not invalidate an otherwise valid ordinance.

8. Zoning ⟹36

If a zoning ordinance is otherwise constitutional as reasonably related to promoting the general welfare of community or any other legitimate objective of a municipality's police power, the mere fact that aesthetic considerations were significant factor in motivating its adoption will not invalidate the ordinance.

9. Zoning ⟹115

Zoning ordinance, which was enacted by village pursuant to its police power, which was part of comprehensive municipal plan, which prohibited construction of all commercial enterprises, including billboards, in residential districts and which required removal of all pre-existing billboards within a three-year period was not so arbitrary, unreasonable, or unrelated to the general welfare of the community as to be unconstitutional by its terms.

10. Zoning ⟹72

Exclusion of commercial enterprises, no matter how seemingly inoffensive, from residential districts is valid exercise of police power.

11. Zoning ⟹115

Three-year amortization period of zoning ordinance requiring billboard removal within three years of enactment was reasonable and not unconstitutional on its face for failure to compensate for removal when value of billboards would either be extinguished before or at end of grace period, or would equal in value their increased worth, by virtue of monopoly, enjoyed during statutory period.

12. Municipal Corporations ⟹122(2)

Where ordinance is constitutional by its terms, party challenging constitutionality has burden to establish that ordinance as applied is unconstitutional.

13. Eminent Domain ⟹2(1)

Where restrictive ordinance that required removal of billboards at end of three-year grace period was constitutional on its face, there must have been taking from plaintiff of some valuable property interest without payment of just compensation to render ordinance unconstitutional as applied to plaintiff.

14. Eminent Domain ⟹95

When leasehold is condemned, lessee is not entitled to compensation for cost of removing personal property which it has a right to remove upon expiration of lease.

15. Eminent Domain ⟹95

Where billboards are situated on property under lease and do not become part of realty so that title to them would pass to lessor at end of lease, lessee is not entitled to compensation for cost of their removal.

16. Eminent Domain ⟹205

Evidence did not support alleged claim of billboard owner that vested right to continue conduct of lawful business at billboard locations was compensable property right.

17. Eminent Domain ⟹147

If property right is taken for public use, compensation by payment of its fair market value is required, and in case of taking leasehold interest, this amounts to

fair rental value of premises less amount of rent for remainder of term.

18. Eminent Domain ⟹147

Value of oral leases that are month-to-month tenancies is limited to rental value of premises for 30 days less rent payable for that period.

19. Eminent Domain ⟹205

Absent evidence of value of oral and written leases at end of statutory amortization period, evidence did not indicate that there had been taking of valuable property interest from billboard owner so as to render application of exclusionary zoning ordinance unconstitutional.

20. Eminent Domain ⟹155

If a lease by its terms automatically terminates upon condemnation of land, lessee is entitled to no compensation for loss of his leasehold interest, since he agreed in advance to such a termination.

21. Eminent Domain ⟹155

Where billboard owner, as lessee, had sole power to terminate leases if value of locations became diminished or if use of billboards was prohibited by any law or ordinance such leases would not preclude receiving compensation if taking occurred.

22. Zoning ⟹11

While no statute expressly or specifically authorizes a municipality to enact an amortization zoning ordinance requiring removal of pre-existing nonconforming billboards from exclusively residential districts before stated date, such power must necessarily be implied to effectuate grant of powers that authorize municipalities to enact ordinances which promote general welfare of community, and which authorize municipalities to create residential districts pursuant to comprehensive municipal plan. M.S.A. §§ 412.221, subd. 32, 462.351, 462.357, subd. 1.

Syllabus by the Court.

1. If a zoning ordinance is otherwise constitutional as reasonably related to promoting the general welfare or to any other traditional objective of a municipality's police power, the mere fact that aesthetic considerations were a significant factor in motivating its adoption will not invalidate the ordinance.

2. A zoning ordinance, enacted by a village pursuant to its police power, which as a part of a comprehensive municipal plan prohibits the construction of all commercial enterprises, including billboards, in residential districts and requires the removal of all preexisting billboards within a 3-year period is not so arbitrary, unreasonable, or unrelated to the general welfare of the community as to be unconstitutional by its terms.

3. While no statute expressly or specifically authorizes a municipality to enact an amortization zoning ordinance requiring the removal of preexisting nonconforming billboards from exclusively residential districts before a stated date, such a power must necessarily be implied to effectuate the powers granted in Minn.St. 412.221, subd. 32, which authorizes municipalities to enact ordinances which promote the general welfare of the community, and in the Municipal Planning Act of 1965, Minn. St. 462.351 et seq., which authorizes municipalities to create residential districts pursuant to a comprehensive municipal plan.

Montreville J. Brown, David C. Donnelly, and Edward N. Denn, St. Paul, for appellant.

Carl F. Dever, Village Atty., Charles J. Hauenstein, Minneapolis, for respondent.

Louis Claeson, Jr., Minneapolis, amicus curiae.

OPINION

ROGOSHESKE, Justice.

On May 8, 1961, the village of Minnetonka, as a part of a comprehensive municipal plan, enacted a zoning ordinance which prohibited billboards and signs erected for advertising purposes within areas zoned exclusively for residential use. A provision of the ordinance required that all nonconforming billboards be removed within 3 years after its effective date.

On February 6, 1964, plaintiff, Naegele Outdoor Advertising Company of Minnesota, Inc., received a letter from the chief building inspector of the village notifying it that 14 of its billboards were nonconforming and would have to be removed by May 8, 1964. On the same day, General Outdoor Advertising Company, whose assets plaintiff had previously purchased, received a similar letter with regard to eight of its billboards.

On April 30, 1965, plaintiff commenced this declaratory judgment action against the village of Minnetonka and its chief building inspector, seeking to have this ordinance declared unconstitutional and requesting a permanent injunction against its enforcement. The village counterclaimed, seeking an order directing plaintiff to remove 18 specified billboards which had become nonconforming under the ordinance. The court temporarily restrained the village from enforcing the ordinance and from prosecuting plaintiff for its alleged failure to comply pending the outcome of the action, the trial of which began on January 12, 1966.

The trial court found that the ordinance is not by its terms unconstitutional but that it had been discriminatorily enforced against plaintiff, denying it due process and equal protection of the law. Enforcement of the ordinance against plaintiff was enjoined until such time as the village uniformly enforced it against all violators.

Plaintiff appeals from the judgment entered, assigning as error the trial court's conclusion that the ordinance is not unconstitutional by its terms.

Two issues are raised: (1) Whether a municipality has the power to prohibit by zoning ordinance the use of land in residential districts for billboard advertising; and (2) if so, whether the removal of previously constructed billboards can be required within a period of 3 years from the date they became nonconforming uses.

Plaintiff primarily contends that the ordinance is unreasonable and arbitrary in that it is based solely on aesthetic considerations which are not reasonably related to the public health, safety, morals, or general welfare, and that it is therefore unconstitutional on its face.

[1-3] In Kiges v. City of St. Paul, 240 Minn. 522, 530, 62 N.W.2d 363, 369, we declared that ordinances enacted pursuant to the police power in this state "cannot be successfully attacked on constitutional grounds unless there is affirmative proof that the restriction is clearly arbitrary, discriminatory, and unreasonable and without any substantial relation to public health, safety, morals, or general welfare." While a decision of a legislative body on what promotes the public health, safety, morals, and general welfare is not conclusive, it is entitled to great weight. As we said in State ex rel. Howard v. Village of Roseville, 244 Minn. 343, 347, 70 N.W.2d 404, 407:

> "Even where the reasonableness of a zoning ordinance is debatable, or where there are conflicting opinions as to the desirability of the restrictions it imposes * * *, it is not the function of the courts to interfere with the legislative discretion on such issues." [1]

[4] The trial court found, and the village concedes, that the billboards in question have no detrimental effect on public health or morals. The trial court also found, apparently on the basis of the uncontradicted and unchallenged testimony of an expert witness testifying on behalf of

1. Connor v. Township of Chanhassen, 249 Minn. 205, 81 N.W.2d 789; State v. Modern Box Makers, Inc., 217 Minn. 41, 13 N.W.2d 731.

plaintiff, that these billboards "do not constitute a safety or traffic hazard along any of the streets or highways" of the village.[2] Thus, in this case, the issue of constitutionality must turn on whether plaintiff has established that the village council was arbitrary and unreasonable in its legislative determination that the exclusion of billboards from residential districts promotes the general welfare.

The ordinance in question is part of a comprehensive zoning plan designed, among other things, to exclude all commercial enterprises from residential areas. In the early years of the development of zoning law, courts were extremely reluctant to accept the judgment of legislative bodies that a nonconforming but essentially inoffensive commercial structure, such as a neighborhood store, endangered the health, safety, morals, or general welfare of a residential area. State ex rel. Lachtman v. Houghton, 134 Minn. 226, 158 N.W. 1017, L.R.A.1917F, 1050. Essentially, the only zoning ordinances upheld were those designed to eliminate nuisances. In several cases ordinances excluding billboards from residential neighborhoods were sustained on the ground that billboards are a nuisance. Cusack Co. v. City of Chicago, 242 U.S. 526, 37 S.Ct. 190, 61 L.Ed. 472; St. Louis Poster Advertising Co. v. City of St. Louis, 249 U.S. 269, 39 S.Ct. 274, 63 L.Ed. 599. In this case, however, the trial court found, and the village concedes, that plaintiff's billboards are not a nuisance in the common-law sense.

Thwarted in their attempts to use the police power, municipalities attempted to develop restricted residential areas by use of the power of eminent domain. After first holding that the power of eminent domain was not applicable to residential zoning since no "public use" was involved, this court reversed itself and upheld such a condemnation ordinance. State ex rel. Twin City Bldg. & Investment Co. v. Houghton, 144 Minn. 1, 13, 174 N.W 885, 176 N.W. 159, 8 A.L.R. 585.

Residential zoning by use of the police power alone was finally upheld in the landmark case, State ex rel. Beery v. Houghton, 164 Minn. 146, 204 N.W. 569, 54 A.L.R. 1012, affirmed, 273 U.S. 671, 47 S.Ct. 474, 71 L.Ed. 833, in which this court specifically reversed its prior contrary opinions. In that case the city of Minneapolis had by ordinance excluded multiple-family dwellings from residential districts. The court stated (164 Minn. 150, 204 N.W. 570):

> "* * * The police power, in its nature indefinable, and quickly responsive, in the interest of common welfare, to changing conditions, authorizes various restrictions upon the use of private property as social and economic changes come. A restriction, which years ago would have been intolerable, and would have been thought an unconstitutional restriction of the owner's use of his property, is accepted now without a thought that it invades a private right. As social relations become more complex, restrictions on individual rights become more common. With the crowding of population in the cities, there is an active insistence upon the establishment of residential districts from which annoying occupations, and buildings undesirable to the community are excluded."

2. The court, however, found that the "Village is a suburb of the City of Minneapolis, Minnesota. It is presently primarily a residental area. Because of its proximity to the City of Minneapolis and to lakes and other residential areas and for the further reason that its topography consists generally of rolling, wooded hills, its further development and growth, including the areas adjacent to the highways, points toward residential development almost exclusively. The maintenance of billboards and signs in an otherwise potential residential development area, causes it to be far less desirable for home sites. It retards construction of and prevents an increase in the population and the assessed valuation of the Village."

Exclusively residential zoning has been held consistently since that time to be a valid exercise of the police power.[3]

In Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365, 388, 47 S.Ct. 114, 118, 71 L. Ed. 303, 311, the United States Supreme Court, in upholding a zoning ordinance enacted under the police power which excluded commercial and industrial uses, including billboards, from residential zones whether they were inherently inoffensive or not, said:

> "Here * * * the exclusion is in general terms of all industrial establishments, and it may thereby happen that not only offensive or dangerous industries will be excluded, but those which are neither offensive nor dangerous will share the same fate. But this is no more than happens in respect of many practice-forbidding laws which this Court has upheld, although drawn in general terms so as to include individual cases that may turn out to be innocuous in themselves. [Citations omitted.] The inclusion of a reasonable margin, to insure effective enforcement, will not put upon a law, otherwise valid, the stamp of invalidity. Such laws may also find their justification in the fact that, in some fields, the bad fades into the good by such insensible degrees that the two are not capable of being readily distinguished and separated in terms of legislation. In the light of these considerations, we are not prepared to say that the end in view was not sufficient to justify the general rule of the ordinance, although some industries of an innocent character might fall within the proscribed class. It cannot be said that the ordinance in this respect 'passes the bounds of reason and assumes the character of a merely arbitrary fiat.'"

A number of jurisdictions have specifically held that the exclusion of billboards from residential districts is a legitimate exercise of the police power. See, e. g., United Advertising Corp. v. Borough of Metuchen, 42 N.J. 1, 198 A.2d 447; Grant v. Mayor and City Council of Baltimore, 212 Md. 301, 129 A.2d 363. In the latter case the Maryland court said (212 Md. 316, 129 A.2d 370):

> "* * * It does not follow that because billboards are not prima facie objectionable in commercial and industrial districts—although there they may be found as a fact to be objectionable—that the people acting through their legislative representatives, may not find them to so seriously incommode the health, comfort and general welfare of the dwellers in residential zones that the benefit to the public, brought about by their removal, substantially outweighs the resulting harm to individuals. If it does not clearly appear that this legislative finding was unreasonable and arbitrary —almost demonstrably wrong from the record—the courts may not disturb it."

Thus, today it is generally held that municipalities by use of their police power may constitutionally exclude all commercial uses, including billboards, from residential districts.

Plaintiff, however, relying upon dicta in several recent Minnesota cases which reiterate an old rule,[4] argues that a zoning ordinance based primarily on aesthetic considerations cannot reasonably be said to promote the general welfare. Since the council's conclusion that the ordinance promotes the general welfare is admittedly the only constitutional basis for enacting it, plaintiff argues that it is unconstitutional.

[5] The rule that zoning for solely aesthetic reasons is invalid has been explained on the ground that aesthetic considerations are luxuries and the police pow-

3. See, e. g., State ex rel. Howard v. Village of Roseville, 244 Minn. 343, 70 N.W.2d 404; State v. Modern Box Makers, Inc., supra.

4. See, Pearce v. Village of Edina, 263 Minn. 553, 118 N.W.2d 659; Olsen v. City of Minneapolis, 263 Minn. 1, 115 N.W.2d 734.

er is exercisable only in cases of public necessity. Stoner McCray System v. City of Des Moines, 247 Iowa 1313, 78 N.W.2d 843, 58 A.L.R.2d 1304. We have held, however, that the police power may be exercised to promote the "public convenience and general prosperity or welfare of the people." Western States Utilities Co. v. City of Waseca, 242 Minn. 302, 310, 65 N.W.2d 255, 262. Hence, a zoning regulation need not be a necessity but need only be substantially related to promoting the general welfare of the community to meet the constitutional requirement of reasonableness.

The other primary objection to aesthetic zoning is founded upon its subjective nature, for what may be attractive to one man may be an abomination to another. See, Forbes v. Hubbard, 348 Ill. 166, 180 N.E. 767. Therefore, many courts have long been unwilling to act as super art critics by ruling on the reasonableness of ordinances which are essentially based on subjective aesthetic considerations, and they have held all such ordinances invalid. See, e. g., Trust Co. of Chicago v. City of Chicago, 408 Ill. 91, 96 N.E.2d 499; Stoner McCray System v. City of Des Moines, supra; Hitchman v. Township of Oakland, 329 Mich. 331, 45 N.W.2d 306. In recent years, however, a growing number of courts, recognizing the role which planning and zoning play in municipal efforts to guide future development of land so as to insure a pleasanter and more economical environment in which its residents may live and work, have begun to uphold zoning based exclusively on aesthetics on the ground that the pleasant appearance of a district or community has a direct and beneficial effect on property values and on the well-being of its residents, and thus inevitably promotes the general welfare. State v. Diamond Motors, Inc. (Hawaii) 429 P.2d 825; Matter of Cromwell v. Ferrier, 19 N.Y.2d 263, 279 N.Y.S.2d 22, 225 N.E.2d 749; Oregon City v. Hartke, 240 Or. 35, 400 P.2d 255.

[6-8] Whichever of these views is accepted, however, the test governing our decision on the constitutional issue presented is whether the village council in exercising its legislative prerogative acted reasonably, with the question of reasonableness to be resolved by deciding whether its determination upon a consideration of the facts was based on reason and logic and not on whim or caprice, and that it promotes a legitimate police-power objective. The mere fact that the adoption of a zoning ordinance reflects a desire to achieve aesthetic ends should not invalidate an otherwise valid ordinance. Thus, if the challenged restriction is reasonably related to promoting the general welfare of the community or any other legitimate police-power objective, the fact that aesthetic considerations were a significant factor in motivating its adoption cannot justify holding it unconstitutional. Oscar P. Gustafson Co. v. City of Minneapolis, 231 Minn. 271, 42 N.W.2d 809; State ex rel. Beery v. Houghton, supra.

[9, 10] In this case, as part of a comprehensive land-use plan, the village decided to exclude all commercial uses from residential districts. Surely no one could dispute that billboards are a commercial use of land incompatible with achieving the objective of having, as nearly as possible, an exclusively residential area. There is clear evidence in the record that exclusively residential zoning enhances property values, ultimately increasing the tax base of the village. Numerous courts, including this one, have repeatedly sustained the exclusion of commercial enterprises, no matter how seemingly inoffensive, from residential districts as a valid exercise of the police power. Obviously, aesthetics play a significant part in residential zoning. But such considerations of taste and beauty more likely reflect a community-wide opinion of what is necessary to advance and stabilize neighborhood values rather than the purely subjective opinions of members of the council. Thus, while

aesthetics admittedly were a significant factor in the council's decision, they were not the sole basis. As the trial court found upon ample evidence, its purpose was to advance the general welfare.[5]

We therefore hold that, even though plaintiff's billboards do not threaten the public health, safety, or morals, it cannot be said that the village council's decision that all commercial uses including billboards should be excluded from residential districts is arbitrary, unreasonable, and not substantially related to the general welfare of the community.

The ordinance, however, goes one step beyond merely forbidding the establishment of nonconforming uses in the future. It provides that all nonconforming billboards, such as plaintiff's, must be removed within 3 years after the effective date of the ordinance. In essence, plaintiff challenges this aspect of the ordinance on the ground that it deprives it of its property without just compensation.

Traditionally it has been held that, while an exclusively residential zoning ordinance enacted under the police power may constitutionally prohibit the creation of new nonconforming uses, existing nonconforming uses either must be permitted to remain or must be eliminated by use of the power of eminent domain. See, Hawkins v. Talbot, 248 Minn. 549, 80 N.W.2d 863. This rule, however, does not require that preexisting nonconforming uses be permitted to expand or be rebuilt upon destruction, and accordingly many ordinances expressly prohibit expansion or reconstruction of nonconforming uses. It was thus hoped that nonconforming uses would soon vanish due to destruction, exhaustion, or obsolescence. This, however, has not happened. These nonconforming uses have often enjoyed an unchallenged monopoly in the residential areas because of the zoning ordinances, and with reasonable maintenance, they have prospered instead of withering away.

In recent years a number of municipalities have sought to eliminate preexisting nonconforming uses by means of so-called amortization provisions, of which the Minnetonka provision is a prime example. The theory behind this legislative device is that the useful life of the nonconforming use corresponds roughly to the amortization period, so that the owner is not deprived of his property until the end of its useful life. In addition, the monopoly position granted during the amortization period theoretically provides the owner with compensation for the loss of some property interest, since the period specified rarely corresponds precisely to the useful life of any particular structure constituting the nonconforming use.

[11, 12] Plaintiff cannot successfully challenge this ordinance as unconstitutional on its face unless it would be unconstitutional as applied to the property interests of every billboard owner. The underlying issue in making this determination must therefore be whether the amortization period provided by the statute is reasonable. If the value of plaintiff's property interest was extinguished before the running of the 3-year period, there would be no taking, or if the value of freedom from new competition for the statutory period equalled the value of the property interest remaining at the end of the period, there would be just compensation for the taking. In either case, the length of the amortization period is reasonable and the ordinance therefore is constitutional. Moreover, since several conceivable applications of the ordinance are reasonable, it is not unconstitutional by its terms. The question then becomes one of the unconstitutional application of the ordinance in a given case, and the burden is on plaintiff to establish that the ordinance, as applied, is unconstitutional. Plaintiff, however, has based its challenge on the argument that the ordinance is unconstitutional on its face and has introduced little or no evidence that

5. See footnote 2, supra.

the 3-year amortization period is unreasonable as applied.

[13–15] In order for its application against plaintiff to be held unconstitutional, there must have been a taking from plaintiff of some valuable property interest without the payment of just compensation. The billboards themselves have not been taken. Plaintiff, as a lessee, under its leases has every right to remove them. It is shown, however, that it will cost over $44,000 to remove and relocate these billboards, which plaintiff is willing to undertake if the village will compensate it. When a leasehold is condemned, a lessee is not entitled to compensation for the cost of removing personal property which it has a right to remove upon expiration of the lease. State, by Lord v. Pahl, 257 Minn. 177, 100 N.W.2d 724; Korengold v. City of Minneapolis, 254 Minn. 358, 95 N.W.2d 112. Unless the billboards have become a part of the realty so that title to them would pass to the lessor at the end of the lease—which the evidence here expressly negates—, the lessee is entitled to no compensation for the cost of their removal.

[16] But plaintiff claims that it has a vested right to continue the conduct of a lawful business at these locations which amounts to a property right. While there is some support for the contention that such a compensable property right may exist (see, Connor v. Towship of Chanhassen, 249 Minn. 205, 81 N.W.2d 789), plaintiff has introduced absolutely no evidence as to the value, if any, of such a right. There is therefore no support for this claim.

[17] Finally, plaintiff claims that it was deprived of its property interest in the leases themselves. If a property right is taken for a public use, compensation by payment of its fair market value is required. In the case of a taking of a leasehold interest, this amount "is the fair rental value of the premises less the amount of the rent for the remainder of the term." In re Assessment for Widening Third Street in St. Paul, 176 Minn. 389, 390, 223 N.W. 458.[6]

[18, 19] Ten of the leases in question are oral and amount to no more than month-to-month tenancies. The value of such a leasehold is limited to the rental value of the premises for 30 days less the rent payable for that period. Riebs v. Milwaukee County Park Comm., 252 Wis. 144, 31 N.W. 2d 190. The other 8 leases are written and vary in length from 1 to 10 years. However, plaintiff has offered no evidence on the fair market value of any of these leases at the end of the statutory amortization period. Thus, it is impossible for us to say that there has been such a taking of a valuable property interest from plaintiff as to render this application of the ordinance unconstitutional.

[20, 21] The Naegele leases contain provisions permitting the lessee to cancel the leases on written notice if the value of said location for advertising purposes shall be or become diminished, and the General Outdoor leases may be canceled if the continued use of the billboard is prohibited by any law or ordinance. If a lease by its terms automatically terminates upon condemnation of the land, the lessee is entitled to no compensation for the loss of his leasehold interest, since he agreed in advance to such a termination. Korengold v. City of Minneapolis, supra. The same is true if the lease is terminable upon condemnation at the option of the lessor. In re Improvement of Third Street, St. Paul, 178 Minn. 552, 228 N.W. 162. In this case, however, the sole power of termination is in the hands of the lessee. These clauses, if anything, make these leases more valuable and would not preclude plaintiff from receiving compensation if it had been established that a taking occurred. State, by Lord v. LaBarre, 255 Minn. 309, 96 N.W.2d 642.

Since plaintiff's challenge is limited to the sole claim that the ordinance is unconstitutional on its face, and there is a lack of proof to support any claim of unconstitutional application, the trial court's decision must be affirmed.

6. See. Kafka v. Davidson, 135 Minn. 389, 160 N.W. 1021.

[22] Plaintiff, in passing, also argues that the village has no statutory power to enact this type of zoning requirement. While it is true that a village has no express statutory power to enact such a requirement, there are several statutes from which such power can reasonably be implied. Minn.St. 412.221, subd. 32, provides:

> "The village council shall have power to provide for * * * the promotion of * * * convenience, and the general welfare by such ordinances not inconsistent with the constitution and laws of the United States or of this state as it shall deem expedient."

Since, as previously indicated, the cases interpreting this general grant of the police power have long and consistently held that an ordinance which excludes commercial uses from residential districts is reasonably related to the general welfare and is therefore constitutional, a village has the statutory power.

Moreover, the Municipal Planning Act of 1965 is specifically designed to give municipalities "the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning." Minn.St. 462.351. Section 462.357, subd. 1, provides in part:

> "For the purpose of promoting the * * * general welfare, a municipality may by ordinance regulate the location * * * [and] the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, flood control or other purposes, and may establish standards and procedures regulating such uses. The regulations may divide the municipality into districts or zones of suitable numbers, shape and area."

The act, therefore, expressly gives municipalities the power to create residential districts as part of a comprehensive zoning plan. Thus, today no one can seriously contend that the creation of exclusively residential districts is beyond either the constitutional or statutory power of a municipality.

In order to make this power to create exclusively residential districts effective, municipalities must have the power to prohibit the construction of future nonconforming uses and to require the removal of old ones. The continued presence of preexisting nonconforming commercial uses within these residential districts may reasonably be found to vitiate the effectiveness of the entire comprehensive municipal plan. A district can never be *exclusively* residential until all nonconforming uses are eliminated. The legislature, in giving municipalities broad land-use-planning powers, could not have intended to render them ineffective by denying to municipalities the power to eliminate preexisting nonconforming uses. Thus, even though the enabling statutes do not expressly give municipalities the power to eliminate nonconforming uses, such a power is necessarily implied from the broad grant of power to establish and implement a comprehensive municipal plan.

The village of Minnetonka has determined that exclusively residential districts promote the general welfare of that community and has undertaken to create them. It has not only prohibited the construction of new commercial uses within these districts but has also required the removal of existing billboards after a 3-year amortization period. Such an ordinance is clearly within the powers given the village by the enabling statutes. Whether this ordinance has been constitutionally applied in any given case depends upon the facts of that case.

Affirmed.

Sec. 36-22. Off-street parking.

(a) The following types of uses shall provide additional off-street parking space, as indicated, unless otherwise authorized by the city council. All parking spaces shall have proper access from a street or alley and shall be located on or near the lot on which such use is situated;

(1) *Single-family dwelling:* Two (2) spaces.

(2) *Multiple dwelling:* Two (2) spaces for each housekeeping unit. One of these spaces must be enclosed.

(3) *Hotel or tourist cabin court:* One space for each rental room or suite.

(4) *Restaurant, cafe or tea room:* One space for each fifty (50) square feet of floor space devoted to patron use.

(5) *Theater, auditorium, church or other place of public assemblage:* A minimum of one space for every four (4) seats. Schools must have a minimum of one space for every twenty (20) auditorium seats.

(6) *Commercial, office or recreational building use, other than those specified above:* One space for each two hundred (200) square feet, or portion thereof, of floor area.

(7) *Shopping centers having enclosed, nonleasable common areas:* One space for each two hundred (200) square feet, or portion thereof, of leasable floor area.

(8) *Manufacturing and warehouse establishments:* One space for each two (2) employees, or one space for each four hundred (400) square feet of manufacturing space and one space for each one thousand (1,000) square feet of warehouse space, whichever is greater.

(9) *Motor fuel stations:* Four (4) spaces, plus three (3) additional spaces for each service stall If there is a convenience store or restaurant associated with the fuel station, additional parking shall be provided in accordance with this section.

(10) *Off-street parking facilities:* Shall not be reduced below the requirements of subparagraph (a).

(11) *Motor vehicle repair:* Two (2) spaces for each service stall, one space for each employee and one space for each business vehicle stored on the site.

PARKING IN COMMERCIAL DISTRICTS – CITY OF BLAINE

USE CATEGORY	BY SQ. FOOT	BY NO. OF SEATS	BY NO. EMPLOY'D	OTHER
AUTO SVCE. STATION			1 / 1	2 / STALL
BANK	1 / 400			
BRDING/ROOMING HOUSE				1 PER 3 ACCOMM'D
				(2 MINIMUM)
BOWLING ALLEY				7 / ALLEY (MIN.)
BUSINESS/PROF/ADMIN	1 / 200			
CHURCH/SYNAGOGUE		1 / 4		
FOOD/DRINK ESTABS.	1 / 100			
FURNITURE/APPLIANCE				
& VEHIC. SALES	1 / 600			
HOSPITAL			1/4(STAFF)	1 PER 2 BEDS
			1/2(M.D.s)	
HOTEL				1/3 SEPARATE ROOM
				1/3 SUITES
LIBRARY & MUSEUM	1 / 500			
MFG.(W/O RETAIL)	1 / 500			PLUS 6
MED./DENTAL CLINIC			1 / 1	2 PER TRTMT.ROOM
MOTEL			1 / 1	1 PER ROOM
PRIVATE CLUB/LODGE	1 / 16	1 / 2.5		* WHICHEVER MORE
	(ASSBLY.)			
PUBLIC UTILITY/SVCE.			1 / 3	MORE FOR VISITORS
REC./COMMUNITY CTR.				TO BE DETERMINED
SCHOOL			1 / 1	MORE FOR STUDENTS
SUPERMARKET & HIGH				
VOLUME RETAIL	1 / 200			
THEATER			1 / 4	
UNDERTAKING/FUNERAL				10 PER PARLOR
				1 PER VEHIC.
WAREHOUSE/STORAGE	1 / 2000		1 / 2	* WHICHEVER MORE

(1) REQUIREMENTS ARE CUMULATIVE UNLESS OTHERWISE NOTED ABOVE.
(2) OTHER USES FIGURED ON BASIS AS FOR MOST SIMILAR USE ABOVE.

= CATEGORIES NOT IN MAPLEWOOD CODE (MAY BE A SUBDIVISION OF A MAPLEWOOD CATEGORY)

PARKING IN COMMERCIAL DISTRICTS - BLOOMINGTON

USE CATEGORY	BY SQ. FOOT	BY NO. OF SEATS	BY NO. EMPL'D	OTHER / (COMMENT)
THEATER/AUDITORIUM,				
ARENA/ASSEMBLY		1 / 3		
CHURCH		1 / 3		ADD IF ASSOC'D USE
HOSPITAL			1 / 1	1 PER BED
MED/DENTAL CLINIC			1 / 1	5 PER M.D./D.D.S.
BUS. & PROF. OFFICE	1 / 200			(LEASABLE SPACE)
RETAIL SHOPPING	1 / 85			(RETAIL SPACE)
MOTEL			1 / 1	1 PER UNIT
RESTAURANT/CLUB	1 / 25*	1 / 2.5		*(MEETING/BANQUET)
SERVICE STATION			1 / 1	3 PER BAY
BOWLING ALLEY				5 PER LANE
DRIVE-IN				15 IF SERVES FOOD &
				10 IF NOT (MIN.)
OTHER BUS./INDUSTRY				
& WHOLESALE	1 / 800		1 / 2	1 PER CO. VEHIC.
DRIVE-IN BANK				6 STACKING SPACES
				PER LANE
WAREHOUSE			1 / 1	1 PER CO. VEHIC.
REST/NURSING HOME			1 / 1	1 PER 4 BEDS

(1) FOR OTHER BUS./INDUST., BASE IS EMPL'D STANDARD, THEN ADD THE GREATER OF FLOOR SPACE OR COMPANY VEHICS. STANDARD
(2) REQUIREMENTS ARE CUMULATIVE UNLESS OTHERWISE INDICATED
(3) BLOOMINGTON HAS SPECIAL PROVISIONS FOR JOINT FACILITIES

= CATEGORIES NOT IN MAPLEWOOD CODE (MAY BE A SUBDIVISION OF A MAPLEWOOD CATEGORY)

PARKING IN COMMERCIAL DISTRICTS - BROOKLYN CTR.

USE CATEGORY	BY SQ. FOOT	BY NO. OF SEATS	BY NO. EMPL'D	OTHER / (COMMENT)
EATING & DRINKING		1 / 2	1 / 2	
SERVICE STATION			1 / 1	3 PER BAY &
				1 PER CO. VEHIC.
RETAIL & FINANCIAL	11/1st 2000			
	5.5/ADDED 1000			
MOTEL & HOTEL			1 / 1	1 PER UNIT
BOWLING ALLEY				5 PER LANE
MEDICAL & DENTAL*	1 / 150		1 / 2	3 PER M.D./D.D.S.
OFFICE BLDGS.:				
0 - 20,000 GFA	1 / 200			
20,000 - 220,000	(FORMULA)**			
OVER 220,000	1 / 300			
OTHER COMMERCIAL				
(NO WHOLESALE)	1 / 200			
RACQUET/SWIM/SPA	20/1st 1000			2 PER OUDOOR
	1/ADDED 300			TENNIS CT.
INDUSTRY/WHOLESALE	1 / 800		1 / 2	WHICHEVER GREATER

** 3 PER M.D. IS BASE, THEN ADD GREATER OF SQ.FT. OR EMPLOYEE STANDARD*

*** FORMULA IS: G.F.A. DIVIDED BY (.0005 TIMES G.F.A.) PLUS 190*

NOTE: REQUIREMENTS ARE CUMULATIVE UNLESS OTHERWISE INDICATED

= CATEGORIES NOT IN MAPLEWOOD CODE (MAY BE A SUBDIVISION OF A MAPLEWOOD CATEGORY)

PARKING IN COMMERCIAL DISTRICTS - GOLDEN VALLEY

USE CATEGORY	BY SQ. FOOT	BY NO. OF SEATS	BY NO. EMPL'D	OTHER / (COMMENT)
RETAIL & SERVICE	1 / 150			(PER RETAIL SPACE)
STORAGE	1 / 500			(STRG.USE ONLY)
OFFICE	1 / 250			(GROSS OFFICE SPACE)
CLASS I RESTAURANT	1 / 40			(PUBLIC AREA)
	1 / 80			(NON-PUBLIC AREA)
CLASS II RESTAURANT	1/35 (GFA)	1 / 3		* WHICHEVER MORE
CLASS III RESTAURANT	1/25 (BAR)			
	1/40 (PUBLIC)			(CUMULATIVE)
	1/80(NON-PUB)			
BOWLING & SKATING	1/300 (RINK)	1 / 6		* WHICHEVER MORE
THEATER/GYM/REC.	1 / 400	1 / 4		* WHICHEVER MORE
HOTEL & MOTEL			1 / 3	1 PER SLEEPING UNIT
SERVICE STATION			1 / 3	4 PER STALL &
				1 PER CO. VEHIC.
CAR WASH			1 / 3	4 PER STALL &
				1 PER CO. VEHIC.
TRADE/TRNG. SCHL.		1 / 1	1 / 1	
SALES SHOWROOM	1 / 1000		1 / 3	(SQ.FT. BASED ON IN &
				OUTSIDE SHOW AREA)
MORTUARIES	1 / 400		1 / 3	

(1) REQUIREMENTS ARE CUMULATIVE EXCEPT AS NOTED
(2) RESTAURANTS I & III ARE CUMULATIVE, WHILE REST. II IS "EITHER/OR"

= CATEGORIES NOT IN MAPLEWOOD CODE (MAY BE A SUBDIVISION OF A MAPLEWOOD CATEGORY)

PARKING IN COMMERCIAL DISTRICTS - RICHFIELD

USE CATEGORY	BY SQ. FOOT	BY NO. OF SEATS	BY NO. EMPL'D	OTHER / (COMMENT)
THEATER		1 / 3		(IF IN SHOPG. CTR.)
		1 / 2.5		(IF FREE-STANDING)
CHURCH/ASSEMBLY		1 / 2.5		
GEN'L OFFICE/BANK	1 / 250			(10 SPACE MINIMUM)
RETAIL	1 / 250			
SHOPPING CENTER:				
< 50,000 S.F.	1 / 222			
> 50,000 S.F.	1 / 182			
HOTEL			1 / 1	1 PER UNIT & 1/4.5
				SEATS OF ASSOC. USE
RESTAURANT:				
NO LIQUOR	1 / 60	1 / 2.5		(WHICHEVER MORE)
LIQUOR	1 / 50	1 / 2		(WHICHEVER MORE)
FAST FOOD	1 / 60			
SERVICE STATION	1 / 50			2 / STALL &
				BASE OF 4 SPACES
BOWLING ALLEY				5 PER LANE & 1/4.5
				SEATS OF ASSOC. USE
WAREHOUSE/WHOLESALE	1 / 1000			
HEALTH/FITNESS	1 / 225			
MINI-GOLF				1.5 PER HOLE

(1) PARKING FOR USES NOT SPECIFIED DETERMINED BY CITY PLANNER

= CATEGORIES NOT IN MAPLEWOOD CODE (MAY BE A SUBDIVISION OF A MAPLEWOOD CATEGORY)

Bannigan & Kelly, P.A.
ATTORNEYS AT LAW
1750 NORTH CENTRAL LIFE TOWER
445 MINNESOTA STREET
SAINT PAUL, MINNESOTA 55101

JOHN F. BANNIGAN, JR.
PATRICK J. KELLY
JAMES J. HANTON
JANET M. WILEBSKI
JOHN W. QUARNSTROM

(612) 224-3781
FAX (612) 223-8019

July 22, 1994

JUL 28

Mr. Geoff Olson
Director of Community Development and Planning
Maplewood City Hall
1830 East County Road B
Maplewood, MN 55109

Re: *Nonconforming Uses/Additional Use Permit*

Dear Mr. Olson:

In a letter dated July 7, 1994, you asked whether the City could be successfully defended if the City imposes, upon new nonconforming uses, a requirement that the new use comply with as may of the City's current zoning standards as practical. I have verbally advised you that the success or failure of any such defense would depend largely upon the facts of each particular situation.

I believe you already have a copy of the recent decision of the United States Supreme Court entitled *Dolan v. City of Tigard*. As you know, that decision was only issued on June 24, 1994. There has been virtually no opportunity for the Minnesota Courts to issue any local application in light of that Supreme Court decision. I believe that decision will have a bearing upon any future litigation which might arise from the issuance of a conditional use permit.

The *Dolan* analysis may be applicable whenever the City makes an adjudicative decision to impose conditions upon an individual property as opposed to a legislative classification of an entire area of the City. According to previous court decisions, the court must first determine whether a legitimate state interest is being served. Under your proposed scenario, I believe it is highly probable that a court would conclude that adopted zoning standards do serve legitimate state interests.

The second question requires the determination whether an "essential nexus" exists between those legitimate state interests and the actual conditions being imposed. Again, I think it is highly likely that the City could defend the existence of this "essential nexus."

The *Dolan* case has clarified the next portion of the analysis. According to *Dolan,* the court must then determine whether the *scope* of that "nexus" is sufficiently substantial so as to

pass judicial examination. Perhaps most troubling is the requirement that the "the City must make some sort of *individualized* determination that the required condition is related both in nature and extent to the impact to the proposed development." There is certainly a strong possibility that a court will begin to impose a much greater burden upon municipalities to make an affirmative showing as to this relationship.

In the past, the burden was on the applicant to show that a relationship *did not* exist. The Supreme Court has now held that the burden is upon the municipality to show that the relationship *did* exist.

For this reason, I am hesitant to provide a clear assurance that the imposition of any such condition can be successfully defended. I believe that the City must be prepared to make a greater showing or substantiation as to the conditions that it imposes on the individual properties or applications. I believe that the blanket endorsement of conditional use permits and their conditions will be subject to a great deal of challenge. Please let me know if you wish to discuss this further.

Sincerely,

BANNIGAN & KELLY, P.A.

Patrick J. Kelly

Patrick J. Kelly

PJK:dmk
c Michael McGuire

c. Accessory building to accessory building - ten (10) feet (Ord. No. 245, § 19(§ 906.400), 10-3-68; Ord. No. 448, § 1, 7-20-78; Ord. No. 465, § 1, 4-19-79; Ord. No. 529, § 3, 11-22-82; Ord. No. 551, § 4, 9-12-83; Ord. No. 676, § 7, 11-26-90; Ord. No. 695, §§ 1, 2, 12-23-91)

Sec. 36-125. Same—As part of planned unit development.

Townhouses, together with other types of multiple dwelling structures, or any combination of different types of dwelling structures, defined and classified under this division, shall be eligible to be considered and treated as a planned unit development pursuant to the provisions of article V of this chapter.
(Ord. No. 245, § 20(906.410), 10-3-68; Ord. No. 559, § 2, 12-12-83)

DIVISION 5.5. NC NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 36-126. Intent.

The intent of this district is to preserve land for the use of businesses that are compatible with adjacent residential land uses. Uses are limited to offices and smaller retail uses that cater to convenience shopping. Pedestrian and bicycle access are to be emphasized.
(Ord. No. 539, § 1, 4-11-83)

Sec. 36-127. Permitted uses.

Any of the following uses, provided that the floor area of all buildings in any one NC zone shall not exceed three thousand (3,000) square feet:

(1) Bakery or candy shop for the production of goods sold on the premises.

(2) Beauty parlor or barbershop.

(3) Dry cleaner or laundromat. All odors must be controlled so as not to be noticeable to adjacent residents.

(4) Office or medical and dental clinics.

(5) Repair shop, except for motorized vehicles. No work shall be performed outside of the building.

(6) Drug, hardware or grocery store.

(7) Studio.

(8) Tailor or dressmaker shop.

(9) Veterinary or grooming clinic where there are no outside kennels or storage.

(10) Video tape rentals.

(11) Printing shop. (Ord. No. 539, § 1, 4-11-83; Ord. No. 582, § 1, 3-11-85)

Sec. 36-128. Accessory uses.

[Accessory uses within an NC Neighborhood Commercial District are as follows:]

(1) Off-street parking.

(2) Signs, in accordance with the sign ordinance. (Ord. No. 539, § 1, 4-11-83)

Sec. 36-129. Conditional uses (requires council approval).

Any of the following uses, provided that the floor area of all buildings in any one NC zone shall not exceed eight thousand (8,000) square feet:

(1) Any permitted use listed in section 36-127.

(2) Club, lodge or hall.

(3) Private school, daycare center or community service use.

(4) Taxi stand or bus stop.

(5) Restaurant, where there are no drive-up order windows or serving of food to patrons in their automobiles. All cooking odors must be controlled so as not to be noticeable to adjacent residents.

(6) Other uses, where the city council finds that the use would be compatible with the neighborhood and the intent of this division. (Ord. No. 539, § 1, 4-11-83; Ord. No. 582, § 2, 3-11-82)

Sec. 36-130. District standards.

(a) *Building design.* Buildings in this district shall be designed to be compatible with their surrounding land uses. If more than one use on a site, they shall be planned and organized as a unit. Pedestrians should be able to walk between stores without crossing vehicular traffic lanes. There shall be no exterior storage, other than a trash receptacle which shall be screened as required by section 36-26 of the zoning code.

(b) *Lot coverage.* At least fifteen (15) percent of the site shall be landscaped. (Ord. No. 539, § 1, 4-11-83; Ord. No. 624, § 5, 5-23-88; Ord. No. 633, § 3, 10-10-88; Ord. No. 676, § 8, 11-26-90)

Secs. 36-131—36-135. Reserved.

DIVISION 6. CO COMMERCIAL OFFICE DISTRICT

Sec. 36-136. Purpose and intent.

(a) The CO Commercial Office District is established primarily to provide areas for the development of professional and administrative offices, related uses together with supportive, low intensity commercial uses in locations in close proximity to residential areas where such uses can conveniently serve the public, and to create a suitable environment for such uses and buildings specially designed for their purposes, located on sites large enough to provide room for appropriate separation of uses, landscaped open spaces and off-street parking facilities.

(b) This district is intended to be located primarily on heavily traveled streets or adjacent to commercial or industrial districts, and is designed to lessen the impact of these uses on residential areas. (Ord. No. 380, § 100, 1-16-75)

Sec. 36-137. Permitted uses.

In a commercial office district, unless otherwise provided in this chapter, no building or use of land shall be erected, structurally altered or expanded, except for one or more of the following uses:

(a) Professional offices;

(b) Administrative offices;

(c) Medical and dental offices and clinics;

(d) Financial offices, stock brokerages, banks and savings and loans, real estate offices and other general business offices;

(e) *Related commercial uses:*
Incidental services, such as restaurants, pharmacies and retail sales which serve primarily the occupants and patrons of the permitted office use, when conducted within the same building. Related commercial uses shall not exceed twenty-five (25) percent of the total net floor area of the building.

(f) *Supportive commercial uses:*
The following free standing uses may be permitted upon approval by the city council of a special exception: Specialty or gift stores, office supply, ticket agency, travel service, opticians and similar uses. The uses provided for in this paragraph may be the sole use of a particular property or building, or may be combined with any permitted or conditional uses allowed in the district, upon compliance with the necessary special exception or special use procedures. (Ord. No. 380, § 101, 1-16-75)

Sec. 36-138. Conditional uses.

The following uses are permitted in a CO District subsequent to review and approval of a special use permit:

(a) Medical and dental laboratories, not including the manufacture of pharmaceutical or other products for general sales and distribution;

(b) Public and quasi-public uses appropriate to the district, such as hospitals, convalescent hospitals, and professional, business and technical schools;

(c) Public utility and service buildings, structures and uses appropriate to the district:
It is the intent of this paragraph to provide for uses which supply public or quasi-public services which are of a substantially automated nature or require only periodic maintenance, such as water pumping stations, telephone relay

or switching facilities and similar uses. It is not intended that office facilities, maintenance dispatching depots or any use which generates regular daily use or traffic would fall within this definition.

(d) *Restaurants:*
In keeping with the intent and purpose of the CO District, a restaurant use does not include a drive-in or any restaurant commonly referred to as "fast food" or "franchise" wherein the emphasis is on automobile oriented clientele or where any sizeable proportion of the total activity is involved in takeout orders intended for consumption other than within the building. Questions of the applicability of this definition to an individual proposal shall be reviewed by the planning commission, which shall forward a recommendation to the city council for final determination.

(e) Any other office use which is determined to be the same general character as the above uses. (Ord. No. 380, § 102, 1-16-75)

120

Sec. 36-139. Determination of questions concerning appropriateness of use within district.

Where there is a question concerning the appropriateness of a particular use as permitted or conditional within the CO District, the planning commission shall review the question and forward a recommendation to the city council for final determination. (Ord. No. 380, § 103, 1-16-75)

Sec. 36-140. Reserved.

Editor's note—Section 9 of Ord. No. 676, adopted Nov. 26, 1990, deleted former § 36-140, which pertained to site development standards and derived from Ord. No. 380, § 104, adopted Jan. 16, 1975; Ord. No. 529, § 4, adopted Nov. 22, 1982; Ord. No. 585, § 2, adopted Aug. 26, 1985; Ord. No. 624, § 2, adopted May 23, 1988; and Ord. No. 633, § 4, 10-10-88.

Sec. 36-141. Reserved.

Editor's note—Section 4 of Ord. No. 652, adopted September 11, 1989 and Ord. No. 676, § 9, adopted Nov. 26, 1990, provided for the deletion of § 36-141, which

pertained to the referral by the planning commission of any matter concerning a CO district to the community design review board and was derived from Ord. No. 380, § 105, adopted January 16, 1975.

Secs. 36-142—36-150. Reserved.

DIVISION 7. BC BUSINESS COMMERCIAL DISTRICT

Sec. 36-151. Uses.

(a) *Permitted uses.* The city shall only permit the following uses by right:

(1) A dwelling unit for one family in combination with a business use.

(2) Hotel, motel or tourist cabins.

(3) Retail or commercial rental activities, restaurant, on-sale liquor business (subject to license), office, clinic, studio, bank, personal service, day care center, craftsmen's shop or mortuary. All business, storage or display, except signs and parking, shall be in a closed building.

(4) The sale of new motor vehicles or new and used motor vehicles.

(5) Publishing, photocopying or printing establishment.

(6) Indoor theater.

(7) Laundry.

(8) Bakery or candy shop, which produces goods for on-premises retail sale.

(9) Parking lot as a principal use.

(10) Motor vehicle accessory installation center.

(11) CNG (compressed natural gas) or LPG (liquid petroleum gas) dispensing facilities. Tanks shall not exceed a water capacity of one thousand five hundred (1,500) gallons for those dispensing facilities whose primary purpose is to produce power and light for nonvehicle uses, such as at 3M, NSP's facility on Century Avenue, or for temporary use on

construction sites. (Refer to the licensing requirements in Chapter 17.3.)

(12) Repair shop, except motor fuel stations or maintenance garages. All business, storage or display, except signs and parking, shall be in a closed building.

(13) Organized athletic activities, such as dance, physical fitness or karate, that are conducted indoors.

(14) Itinerant carnivals, subject to the licensing requirements in chapter 6, article VI.

(15) Any use that would be similar to any of the above uses, if it is not noxious or hazardous.

(b) *Conditional uses.* The following uses must have a conditional use permit:

(1) All permitted uses in the R-3 district.

(2) Processing and distributing station for beverages.

(3) Place of amusement, recreation or assembly, other than an indoor theater, indoor athletic activity or itinerant carnival.

(4) The exterior storage, display, sale or distribution of goods or materials, but not including a junkyard, salvage automobile, or other wrecking yard. The city may require screening of such uses pursuant to the screening requirements of clause 6(a).

(5) The sale of used motor vehicles.

(6) Metal storage buildings, if the building meets the findings for a conditional use permit and the findings below:

a. No more than twenty (20) percent of the building would be visible from streets or the highest topographical point of the nearest residential lot lines.

b. The building would not be of lesser quality than surrounding development.

If the screening is removed or dies and the owner does not replace it, the city council may require that the owner remove the building. If the value of the building

exceeds twenty-five thousand dollars ($25,000), the city council shall allow at least a five-year amortization period.

(7) Heliport.

(8) Reserved.

(9) Motor fuel stations, motor vehicle wash or maintenance garages, if they meet the findings for a conditional use permit and the findings below:

a. The setback of any overhead canopy shall be at least fifteen (15) feet from the street right-of-way line and five (5) feet from a nonresidential property line.

b. The setbacks to a residential lot line in section 36-28(c)(6) shall include motor vehicle washes, fuel dispensers or canopies.

c. All parts of major motor fuel stations or maintenance garages shall be at least three hundred fifty (350) feet from a residential lot line.

d. No unlicensed or inoperable vehicles shall be stored on the premises for more than forty-eight (48) hours, except in storage areas that are fully screened from public view.

e. All trash, waste materials and obsolete parts shall be stored within an enclosed trash container.

f. All repair, assembly, disassembly and maintenance shall occur within a closed building, except minor maintenance. Minor maintenance shall include work such as tire replacement or inflation, adding oil or wiper fluid replacement.

g. The city must approve the location and type of outdoor storage in the conditional use permit.

h. No parking space(s) shall be within the line of vision between self-service fuel dispensers and the attendant's window.

i. Noise from operations, including external speakers, shall not exceed the noise standards of the Minnesota Pollution Control Agency.

j. No motor fuel station or maintenance garage within three hundred fifty (350) feet of a residential lot line

shall be operated between the hours of 11:00 p.m. and 6:00 a.m.

k. Fuel station dispenser islands, parking areas, and drives shall be screened from residential lot lines in conformance with section 36-27(c) and section 36-27(d).

l. Parking shall be limited to paved areas.

m. All new or replacement underground fuel storage tanks shall meet the standards of Minnesota Statutes and the standards of the Minnesota Pollution Control Agency. Such tanks shall also have a UL listing appropriate for their use. In addition, installation plans shall be submitted to the State Fire Marshal's office for approval.

n. There shall be leak detection equipment on all new and existing tanks according to U.S. Environmental Protection Agency (EPA) schedule deadlines. Leak detection facilities shall include electronic (in tank) monitoring equipment as well as manual daily measurement and recording of tank levels. Records of daily tank levels, fuel purchases and fuel sales shall always be available on site for inspection by the fire marshal.

o. Vents from an underground fuel storage tank(s) shall be two hundred (200) feet from a residential lot line. The city council may approve a lesser setback if the developer can prove that the typography or existing or proposed buildings will prevent fumes from reaching a residential lot line.

p. Motor vehicle washes shall be subject to the same conditions as stated for motor fuel stations, with the following additional conditions:

1. Water from a motor vehicle wash shall not drain onto a public street or access. A drainage system shall be installed, subject to the approval of the city engineer.
2. There shall be stacking space for at least four (4) vehicles.

(10) *Privately-owned recycling facility.* The processing of recyclable materials shall be in an enclosed building.

(11) Any use that would be similar to any of the above uses, if it is not noxious or hazardous.

(12) Any building or outside use, except parking, that is within seventy-five (75) feet of a residential building.

(Ord. No. 652, § 4, 9-11-89; Ord. No. 667, § 1, 6-25-90; Ord. No. 694, § 2, 12-9-91; Ord. No. 705, § 2, 7-13-92)

Secs. 36-152, 36-153. Reserved.

Editor's note—Ord. No. 652, § 4, adopted September 11, 1989, provided for the deletion of §§ 36-152 and 36-153, which pertained to area and design requirements and use regulations, and were derived from Code 1965, §§ 907.010 and 907.020 and the following ordinances:

Ord. No.	Section	Date	Ord. No.	Section	Date
232	3	10-19-67	587-A	1	12-23-85
256		11-20-69	616	2	12-14-87
402	1	8-12-76	624	1	5-23-88
529	5	11-22-82	633	5	10-10-88
557	1, 2	12-12-83	648	2	7-20-89

Sec. 36-154. LBC Limited Business Commercial District.

(a) *Permitted uses.* Offices, medical or health related clinics, and day care centers.

(b) *Reserved.*

(Code 1965, § 907.010; Ord. No. 232, § 3, 10-19-67; Ord. No. 256, 11-20-69; Ord. No. 402, § 1, 8-12-76; Ord. No. 529, § 6, 11-22-82; Ord. No. 567, § 1, 5-14-84; Ord. No. 624, § 8, 5-23-88; Ord. No. 633, § 6, 10-10-88; Ord. No. 676, § 12, 11-26-90)

Sec. 36-155. BC(M) Commercial District (Modified).

(a) *Intent.* The BC(M) Business Commercial District (Modified) is intended to provide for the orderly transition between more intensive commercial uses and low or medium density residential areas. Restrictions on, but not limited to, building height, setbacks, orientation, parking lot location, or location of building entrances may be required to ensure compatibility with abutting residential uses.

(b) *Permitted uses.* The city shall only permit the following uses by right:

(1) Retail or commercial rental activities, office, clinic, studio, bank, personal service, day care center, craftsmen's shop or mortuary. All business, storage or display, except signs and parking, shall be in a closed building.

(2) Hotel or motel.

(3) Indoor theater.

(4) Publishing, photocopying or printing establishment.

(5) Bakery or candy shop producing goods for on-premises retail sales.

(6) Motor vehicle accessory installation center.

(7) Repair shop, except motor fuel stations or maintenance garages. All business, storage or display, except signs and parking, shall be in a closed building.

(8) Organized athletic activities, such as dance, physical fitness or karate, that are conducted indoors.

(9) Itinerant carnivals, subject to the licensing requirements in chapter 6, article VI.

(10) Any use that would be similar to any of the above uses, if it is not noxious or hazardous.

(c) *Conditional uses.* The following uses must have a conditional use permit:

(1) All permitted uses in R-3, multiple-dwelling district.

(2) Laundry.

(3) Restaurant, where there are no drive-up order windows or serving of food to patrons in their automobiles. All cooking odors must be controlled so as not to be noticeable to adjacent residences.

(4) Place of amusement, recreation or assembly, other than an indoor theater, indoor athletic activity or itinerant carnival.

(5) Minor motor fuel station, subject to the requirements in section 36-151(b)(9).

(6) On-sale liquor business (subject to license).

(7) Any use that would be similar to any of the above uses, if it is not noxious or hazardous.

(d) *Prohibited uses:*

(1) Drive-in theaters or drive-in restaurants.

(2) Commercial or fee parking lots where such use is the only use of a given parcel or where such use provides for general rather than specific use parking.

(3) The exterior storage, display, sale, or distribution of equipment, goods, or materials.

(4) Car wash.

(5) Public garage or major motor fuel station.

(6) Compressed natural gas or liquid petroleum gas dispensing facilities.

(e) *Definitions:* "Drive-in restaurant" means a restaurant with a drive-up order window or serving of food to patrons in their automobiles.

(f) *Reserved.*

(Ord. No. 525, § 1, 10-25-82; Ord. No. 529, § 7, 11-22-82; Ord. No. 588, § 1, 1-27-86; Ord. No. 624, § 3, 5-23-88; Ord. No. 633, § 7, 10-10-88; Ord. No. 652, § 6, 9-11-89; Ord. No. 676, § 11, 11-26-90; Ord. No. 705, § 3, 7-13-92)

Editor's note—Ord. No. 525, § 1, adopted Oct. 25, 1982, added a new § 36-155(1)–(5) to the Code. At the editor's discretion, subsections (1)–(5) have been redesignated as (a)–(e) in order to maintain Code format. In addition, Ord. No. 529, § 7, adopted Nov. 22, 1982, added a subsection (5) to said section; however, inasmuch as § 36-155 already contained five subsections, said provisions have been codified as (f), the sixth subsection.

Sec. 36-156. Reserved.

Editor's note—Ord. No. 652, § 5, adopted September 11, 1989, provided for the deletion of § 36-156 which contained general provisions relative to motor fuel stations and was derived from Ord. No. 232, § 4, adopted October 19, 1967, and Ord. No. 585, § 4, adopted August 26, 1985.

Sec. 36-157. Reserved.

Editor's note—Ordinance number 585, § 4, adopted Aug. 26, 1985, repealed former § 36-157, which pertained to off-street parking at motor fuel stations, and derived from Ord. No. 232, § 6(907.032), adopted Oct. 19, 1967.

Secs. 36-158—36-161. Reserved.

Editor's note—Ord. No. 652, § 5, adopted September 11, 1989, provided for the deletion of §§ 36-158—36-161, which pertained to motor fuel stations and their construction, operation, signs, yards, setbacks, and driveways, and were derived from Ord. No. 232, §§ 7—9, adopted October 19, 1967.

Secs. 36-162—36-170. Reserved.

DIVISION 8. SC SHOPPING CENTER DISTRICT

Secs. 36-171, 36-172. Reserved.

Editor's note—Section 13 of Ord. No. 676, adopted Nov. 26, 1990, deleted former §§ 36-171 and 36-172, which pertained to general regulations and area and design requirements for the SC Shopping Center District, and derived from Code 1965, § 908.010, 908.020; Ord. No. 529, § 8, adopted Nov. 22, 1982; Ord. No. 585, § 3, adopted Aug. 26, 1985; Ord. No. 624, § 4, adopted May 23, 1988; and Ord. No. 633, § 8, adopted Oct. 10, 1988.

Sec. 36-173. Use regulations.

(a) *Permitted uses.* The city shall only permit the following uses by right:

(1) Retail or commercial rental activities, restaurant, on-sale liquor business (subject to license), office, clinic, studio, bank, personal service, day care center, craftsmen's shop or mortuary. All business, storage or display, except signs and parking, shall be in a closed building.

(2) Publishing, photocopying or printing establishment.

(3) Indoor theater.

(4) Laundry.

(5) Bakery or candy shop, which produces goods for on-premises retail sale.

(6) Motor vehicle accessory installation center.

(7) Repair shop, except motor fuel stations or maintenance garages. All business, storage or display, except signs and parking, shall be in a closed building.

(8) Organized athletic activities, such as dance, physical fitness or karate, that are conducted indoors.

(9) Itinerant carnivals, subject to the licensing requirements in chapter 6, article VI.

(10) Accessory use customarily incidental to any of the above uses.

(11) Any use that would be similar to any of the above uses, if it is not noxious or hazardous.

(b) *Conditional uses.* The following uses must have a conditional use permit:

(1) Place of amusement, recreation or assembly, other than an indoor theater, indoor athletic activity or itinerant carnival.

(2) The exterior storage, display, sale or distribution of goods or materials, but not including a junkyard, salvage automobile, or other wrecking yard. The city may require screening of such uses.

(Code 1965, § 908.030; Ord. No. 705, § 4, 7-13-92)

Sec. 36-174. Reserved.

Editor's note—Section 14 of Ord. No. 676, adopted Nov. 26, 1990, deleted former § 36-174, which pertained to height regulations and derived from Code 1965, § 908.040.

Secs. 36-175—36-185. Reserved.

DIVISION 9. M-1 LIGHT MANUFACTURING DISTRICT*

Sec. 36-186. Permitted uses.

The city shall only permit the following uses by right:

(1) Any use listed as a permitted use in a BC Business and Commercial District.

(2) Wholesale business establishments.

(3) Custom shop for making articles or products sold on the premises.

(4) Plumbing, heating, air conditioning, glazing, painting, paper handling, roofing, ventilating and electrical contractors, blacksmith shop, carpentry, soldering or welding shop.

(5) Bottling establishment.

(6) Manufacturing, assembly or processing of:

a. Canvas and canvas products.
b. Clothing and other textile products.
c. Electrical equipment, appliances and supplies, except heavy electrical machinery.
d. Food products, except meat, poultry or fish.
e. Jewelry, clocks or watches.
f. Leather products.
g. Medical, dental or drafting equipment, optical goods.
h. Musical instruments.
i. Perfumes, pharmaceutical products, rubber products and synthetic treated fabrics.
j. Small products from the following previously prepared materials: cork, feathers, felt, fur, glass, hair, horn, paper, plastics or shells.

*Editor's note—Ord. No. 575, § 1, adopted Nov. 8, 1984, amended in its entirety Div. 9, M-1 Light Manufacturing District, to read as herein set out in §§ 36-186—36-189. Former Div. 9, §§ 36-186—36-190, contained similar material and derived from the following ordinances:

Ord. No.	Section	Date	Ord. No.	Section	Date
Code 1965	909.010—909.030		529	9	11-22-82
351	1	6-21-73	556	1	12-12-83
395	1	5-13-76	557	3	12-12-83

k. Sporting goods.
l. Tool, dye and pattern making or similar small machine shops.
m. Wood products.

(7) Carpet and rug cleaning.

(8) Dyeing plant.

(9) Laboratory, research, experimental or testing.

(10) School.

(11) Warehouse.

(12) Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

(Ord. No. 575, § 1, 11-8-84; Ord. No. 705, § 5, 7-13-92)

Sec. 36-187. Conditional uses.

(a) The following uses must have a conditional use permit:

(1) Any conditional use in the BC Business Commercial district, subject to the same conditions.

(2) Any use of the same character as a permitted use in section 36-186.

(3) Trucking yard or terminal.

(4) Privately-owned recycling facility.

(b) No building or exterior use, except parking, may be erected, altered or conducted within three hundred fifty (350) feet of a residential district without a conditional use permit.

(Ord. No. 575, § 1, 11-8-84; Ord. No. 584, § 1, 7-22-85; Ord. No. 648, § 3, 7-20-89; Ord. No. 652, § 7, 9-11-89; Ord. No. 694, § 3, 12-9-91; Ord. No. 705, § 5, 7-13-92)

Secs. 36-188, 36-189. Reserved.

Editor's note—Section 15 of Ord. No. 676, adopted Nov. 26, 1990, deleted §§ 36-188 and 36-189, which pertained to area and design requirements and to setbacks adjacent to residentially zoned property, and derived from Ord. No. 575, § 1, adopted Nov. 8, 1984; Ord. No. 624, § 6, adopted May 25, 1988; and Ord. No. 633, § 9, adopted Oct. 10, 1988.

V. UNFINISHED BUSINESS

A. Commercial Property Study

Secretary Olson presented the staff report. Commissioner Rossbach disagreed with the staff recommendation that trees or shrubs be required on the residential side of a fence. Mr. Rossbach said that he wants a combination of fence and plantings, but does not want to require the plantings on either one or both sides of the fence.

Commissioner Kittridge moved to amend the last sentence in #2 on page 11 to read: If the owner or developer uses fencing, the Commission recommends that the City require trees or shrubs to be used in conjunction with the fence.

Commissioner Rossbach seconded Ayes--all

The motion passed.

The Commission discussed using the Chanhassen ordinance as a guide for possible future Maplewood ordinance changes. They discussed either possibly rezoning BC zones near residential neighborhoods or requiring a conditional use permit for some uses in that zone.

Commissioner Pearson moved to strike from page 91 "Gun shops (or sales)—prohibit anywhere in the City" for consideration in this recommendation.

Commissioner Rossbach seconded Ayes--Rossbach, Pearson, Sandell

Nays--Axdahl, Fischer, Frost, Gerke, Kittridge, Kopesky

The motion failed.

Commissioner Kittridge said that at a previous meeting he understood that this item was to be omitted from this report and submitted to the Council separately in order to allow the Council to consider this item, along with the City Attorney's opinion, separately. Commissioner Fischer expressed concern that, if approved as presented, the report was contradictory and misleading because the Commission's view on prohibiting gun shops was on page 14, the staff's recommendation allowing them was on pages 25 and 26. A person reading it might not realize these contradictions were there. It was decided that the Commissioner representing the Planning Commission before the Council would be responsible for informing the Council of the differences and concerns in this area. Some other Commissioners did not feel this was a concern since all of the information, discussion and voting record on the gun shop issue would be included to the Council.

Commissioner Frost moved the Planning Commission over the next six months address the intensity of commercial uses by studying traffic, floor area ratios and lot coverage to control the amount of intensity of development in Maplewood.

Commissioner Rossbach seconded Ayes--all

The motion passed.

Commissioner Rossbach moved that the Planning Commission submit the Commercial Property Study to the City Council for their review.

Commissioner Pearson seconded Ayes--all

The motion passed.

VI. NEW BUSINESS

A. Shoreland Ordinance

Secretary Olson presented the staff report and answered questions from the Commission. The Commissioners discussed nonconforming lot requirements and possibly adding height restrictions back into the shoreland ordinance.

Commissioner Frost moved the Planning Commission recommend approval of the ordinance revising Article IX, Shoreland Overlay District and Other Related Sections of the Code.

Commissioner Rossbach seconded Ayes--all

The motion passed.

It was decided that this item be submitted to the HRA for their consideration.

VII. VISITOR PRESENTATIONS

There were no visitor presentations.

VIII. COMMISSION PRESENTATIONS

A. August 22 Council Meeting: Commissioner Frost reported

B. Representative for the September 12 Council Meeting: Commissioner Kittridge

6. UNFINISHED BUSINESS

Commissioner Whitcomb moved to meet with the City Council on February 6, 1995.

Commissioner Fischer seconded Ayes--all

7. NEW BUSINESS

a. QSA Maplewood Housing Study

Steve Quam of QSA presented a proposal that could help Maplewood rehabilitate and manage its housing stock and conserve open space. He also gave a slide presentation on housing and answered questions from the HRA.

Commissioner Whitcomb moved the HRA recommend the City Council spend $500 for a housing study as outlined in the staff report.

Commissioner Pearson seconded Ayes--all

b. Commercial Property Study

Ken Roberts, Associate Planner, presented the staff report and discussed it with the HRA. Commissioner Fischer further explained some of the Planning Commission's work on this study. Ken Roberts spoke of the Phalen Chain of Lakes Watershed District and how they are trying to find ways to protect the water quality.

Commissioner Whitcomb moved the HRA have no objection to the staff recommendations on the Commercial Property Study except for Item 9:

1. Initiate an ordinance that changes Subsection 36-27(a) of the City Code to require trees and shrubs in addition to grass, but allow the CDRB to waive the requirement where the adjacent owners object.

2. Initiate an ordinance that states that the City <u>may</u> require landscaping with any required screening fencing.

3. Initiate an ordinance that changes Subsection 36-28(c)(6). This change would increase the maximum setback for large and tall buildings from 75 feet to 100 feet.

4. Initiate an ordinance to change the commercial districts to conform to the Planning Commission's list on page 91. Exclude the prohibition on gun shops.

5. Make no change to clinics in the zoning ordinance, and lift the moratorium on new or expanding clinics.

6. Use the monetary standards, vehicular, foundation and aesthetic plantings, landscaping materials and definitions of the Chanhassen ordinance for a one-year trial. The staff shall apply the ordinance to each project and report the results to the Community Design Review Board. Since it is not a Maplewood ordinance, the Board can use or ignore the Chanhassen standards on a case by case basis. At the end of the year, the Board shall recommend whether the City should add all or some of the Chanhassen ordinance to the Maplewood Code.

7. Initiate an ordinance that allows the City to replace some of the required parking with reserve land.

8. Initiate an ordinance that would drop the first sentence of the intent section of the BC(M) zoning district. This sentence states that "The BC(M) Business Commercial District (Modified) is intended to provide for the orderly transition between more intensive commercial uses and low or medium density residential areas."

9. Initiate an ordinance to amortize nonconforming commercial uses in residential zones.

10. Direct the Planning Commission to study the intensity of commercial development. The study should include the following:

    a. Define what intensity of commercial development means.

    b. Decide whether the City needs to control the intensity of commercial development.

    c. If the Commission decides that the City needs to control intensity, recommend ways to do it. The Commission should consider regulating maximum lot coverages and floor area to lot area ratios.

Commissioner Fischer seconded Ayes--all

4. All work shall follow the approved plans. The Director of Community Development may approve minor changes.

Boardmember Anitzberger seconded Ayes--all

B. Commercial Property Study

The Board primarily discussed the portion of the study that dealt with the Chanhassen Landscaping Ordinance (pp. 15-16). There was a concern that this ordinance was quite specific and restrictive. It was also noted that the item concerning requirements for development next to a property that is zoned differently has been adopted into ordinance.

Boardmember Anitzberger moved the Community Design Review Board recommends that the Commercial Property Study be forwarded to the City Council.

Boardmember Vidyashankar seconded Ayes--all

C. Resolution of Appreciation for Mike Holder

Boardmember Anitzberger moved the Community Design Review Board recommend approval of the resolution of appreciation to Mike Holder for his five and one-half years of service.

Boardmember Thompson seconded Ayes--all

VII. VISITOR PRESENTATIONS

There were no visitor presentations.

VIII. BOARD PRESENTATIONS

There were no Board presentations.

IX. STAFF PRESENTATIONS

Board Member representative for October 10 City Council Meeting: Boardmember Roger Anitzberger

X. ADJOURNMENT

Meeting adjourned at 7:55 p.m.

AGENDA NO. J.4

AGENDA REPORT

TO: City Manager

FROM: Assistant City Manager Gretchen Maglich

RE: **ADDITIONAL INFORMATION FOR AGENDA ITEM J.4 - CHARITABLE GAMBLING REQUEST**

DATE: October 20, 1994

INTRODUCTION

Lutheran Social Service's Share-A-Home program is requesting a charitable gambling grant of $3,300 for 1994. Their application is appearing very late in the year due to some personnel changes in the organization.

The adopted 1994 Budget included a $3,300 allocation of charitable gambling funds for the Lutheran Social Service Share-A-Home program.

Mr. Michael Samuelson will appear before the Council on October 24 as a representative of Lutheran Social Service.

RECOMMENDATION

It is recommended that the City Council review the Lutheran Social Service application for charitable gambling funds and consider an award.

Lutheran Social Service OF MINNESOTA

MINNEAPOLIS
AREA OFFICE
2414 PARK AVENUE
MINNEAPOLIS • MN 55404
(612) 871-0221
1-800-261-6482
FAX (612) 871-0354

October 20, 1994

Ms. Gretchen Maglich
City Of Maplewood
1830 County Road B
Maplewood, MN 55109

RE: Request for Release of 1994 Financial Support for the Lutheran Social Service Share-A-Home program from the City of Maplewood

Dear Ms. Maglich:

In response to your request, the Share-A-Home program of Lutheran Social Service of Minnesota is respectful asking that the City Council for the City of Maplewood approve the dispersal of the $3,300 in continued support for 1994 that was reserved for our organization from your Charitable Gambling Fund in 1993.

These funds, along with those received from several other municipalities throughout the Twin Cities Metropolitan area, will supplement a larger grant from the Minnesota Housing Finance Agency. LSS uses these funds for homeseeking and matching services provided to low and moderate-income elderly, disabled and households headed by single parents.

The Board and the staff of Lutheran Social Services are very appreciative of the City of Maplewood's continued support for this program. Your assistance makes it possible for our organization to continue to deliver a high level of service and a very cost effective opportunity to help provide affordable housing to the residents of your community.

As in past years, we will continue to provide your staff ongoing progress reports on the services we directly provide to the City of Maplewood. Enclosed with this request, is a report for the first three quarters of 1994 for your review. Should you have any questions or need additional information, please call me at 879-5226.

Again, thank you for your continued support!

Sincerely,

Michael Samuelson
LSS Share-A-Home

...serving all Minnesotans

Lutheran Social Service OF MINNESOTA

MINNEAPOLIS
AREA OFFICE
2414 PARK AVENUE
MINNEAPOLIS • MN 55404
(612) 871-0221
1-800-261-6482
FAX (612) 871-0354

October 20, 1994

Ms. Gretchen Maglich
City Of Maplewood
1830 County Road B
Maplewood, MN 55109

RE: LSS Share-A-Home Quarterly Statistics for the City of Maplewood

Dear Ms. Maglich:

In accordance with the requirements set forth as a provision of receiving program support funds from the City of Maplewood, the Share-A-Home program of Lutheran Social Service submits the following report for the first, second and third quarters of 1994, ending March 31, June 30 and September 30 respectively.

Reporting Period: January 1 to March 31, 1994

Units of Service Provided:

Inquiries from individuals residing in Maplewood = 9
New matches made in Maplewood during quarter = 1
Maplewood matches maintained (in additions to new matches) = 6
Average length of all active matches in Maplewood = 33 months

Reporting Period: April 1 to June 30, 1994

Units of Service Provided:

Inquiries from individuals residing in Maplewood = 6
New matches made in Maplewood during quarter = 2
Maplewood matches maintained (in additions to new matches) = 5
Average length of all active matches in Maplewood = 26 months

Reporting Period: July 1 to September 30, 1994

Units of Service Provided:

Inquiries from households residing in Maplewood = 5
New matches made in Maplewood during quarter = 2
Maplewood matches maintained (in addition to new matches) = 7
Average length of all active matches in Maplewood = 24 months

...serving all Minnesotans

Outreach Activities/Reporting Period: January to September 30, 1994

* Distribution of LSS Share-A-Home newsletter and recently updated brochure to area community service organizations, local block clubs, area schools and colleges, news media outlets, churches and area businesses;
* Continued promotion of the newly formed Family Home Together program, which extends our homesharing and matching services to single parent headed households within Ramsey County; and
* Continued our participation with the East Metro/Maplewood Seniors and Persons with Disabilities Committee.

As we discussed yesterday, I have recently took over the duties of Mr. Tim Hammond who has left our organization for a new position with Ramsey County. Enclosed with this report you will find a request for continued financial support of our Share-A-Home program for 1994. If you have any need for additional information, please free to call me at 879-5226.

Sincerely,

Michael Samuelson
LSS Share-A-Home

What expectations are involved?

Each living arrangement is unique and the expectations depend on the parties involved. Often, live-ins share household expenses. However, there may be reduced rent in exchange for help with chores around the house.

"Having a live-in provided just the extra income I needed to stay in my own home." - Meg

Live-ins cannot be asked to provide medical or personal care services. If these services are needed, our staff can link you with other resources that can meet your special needs.

Share-A-Home asks for a 9 - 12 month commitment once a match is made. Some matches have even lasted up to 8 years!

Lutheran Social Service of Minnesota
Share-A-Home
Contact our office closest to you:

2414 Park Avenue South
Minneapolis, MN 55409
879-5354

9801 Penn Avenue South
Bloomington, MN 55431
888-1684

1299 Arcade Street
St. Paul, MN 55106
774-9507

EQUAL HOUSING OPPORTUNITY

Printed on 50% recycled paper, 15% post consumer material.

Open the door...

...to affordable independent living.

Share-A-Home

Lutheran Social Service of Minnesota

What is Share-A-Home?

Share-A-Home helps bring together people who want to stay in their own homes comfortably and safely with those who are looking for a low-cost housing alternative.

For more than a decade, Share-A-Home has helped pair individuals in living arrangements that benefit both parties.

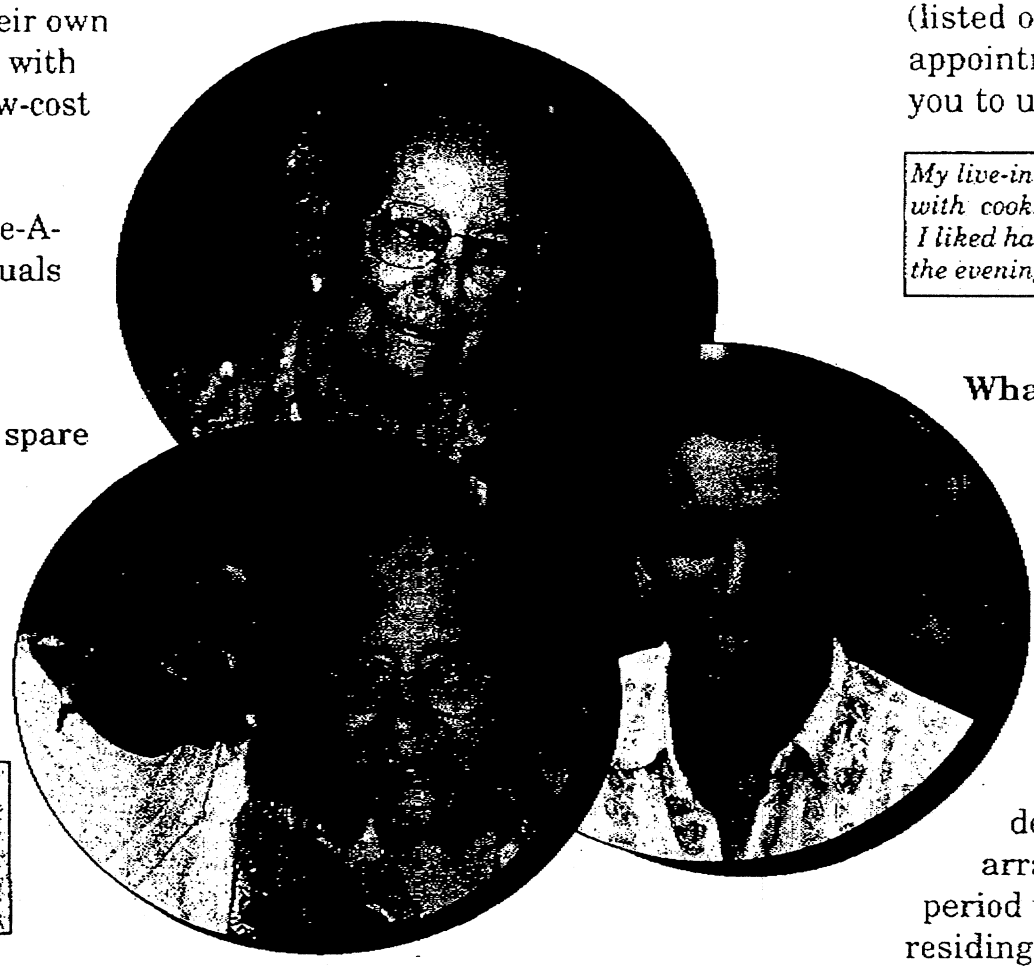
Home owners can exchange a spare room for someone who shares responsibilities around the home, shares with costs or provides companionship. Here is what some people have said about our service:

"The homeowner I lived with was like family to me. Not only did I find a reasonable place I could afford, I made a friend in the process!" - Marti L.

How does Share-A-Home work?

Trained staff at Share-A-Home begin by first understanding your needs and what you are looking for. The staff recruit and screen individuals who seem best suited for your needs.

Staff assist you in interviewing these individuals and working out living arrangements and terms of agreements with each other.



What does this service cost?

Once you have completed a 30-day trial period residing together, each party pays a one-time placement fee of $125.

How do I get started?

Call the location closest to you (listed on the back) to get an appointment. Staff will interview you to understand your needs.

My live-in was just great; she helped me with cooking and cleaning around the house. I liked having someone to talk to during the evenings and weekends." - Stephanie K.

What happens after that?

After screening potential candidates, a meeting will be arranged for you to get acquainted and discuss the details of living together.

If both parties are comfortable with the details of the living arrangement, a 30-day trial period will be arranged for residing together.

Once the successful trial period is complete, staff will assist you in spelling out the details in a written agreement.

Staff follow up periodically and can assist with any adjustments.

Lutheran Social Service Share-A-Home

VOL.VII • 1994

...serving all Minnesotans

Benefiting Both...

Bill Newman and Kim Costello are meeting each other's needs through a Share-A-Home match. Bill, a Robbinsdale homeowner, wanted the security and companionship that comes with having another person in the home. Kim needed affordable housing and a good roommate.

Kim has shared Bill's home since last Spring. In exchange for housing, Kim provides help with house and yard work and also takes Bill's dog, Cricket, out for walks every day.

Bill was concerned about being home alone all night and worried he might have a medical emergency. Bill said, "Having Kim in the home gives me peace of mind. There is someone else here, especially at night, in case I need them." Bill and Kim also share meals from time to time. Bill said that without someone else living in the home with him he would probably have to leave his home.

In exchange for services, Kim has her own room, some storage space and shares the common areas of the home. Bill and Kim have become friends through their match. They often sit down just to talk and exchange notes about their days. For Bill's birthday, they went out for lunch to celebrate. Kim said, "It's nice to have someone to come home to and talk to."

Both Kim and Bill feel their match has benefitted them both. Bill had another live-in before Kim, for over a year.

Share-A-Home is designed as a program to help adults remain in their own homes by matching them with live-in companions who exchange help with household chores and other tasks for a more affordable housing option. Bill and Kim's match shows how the program can help both parties.

"It gives me peace of mind knowing there is someone here..."

Want to Share-A-Home?

Ask "Sharry Holm..."

Dear Sharry Holm,
I am a 32-year-old woman who has been living in an apartment for 7 years, some of the time with roommates, but mostly by myself I am interested in shared housing, but I am very used to making my space my own. I guess I'm what you'd call a "nester". If I want to share an older adult's home, will I have to give away all of my belongings? Can I bring and use my furniture? Will I ever feel that I have some space that's mine?

Sincerely, "Nester"

Dear "Nester",
As in any good shared housing arrangement, there must be communication and mutual respect. This often will result in compromise. Realizing that often an older adult may have lived in their home for 30+ years, you must be aware that it may already be furnished to the rafters. Often, arrangements can be made so that a live-in can have many of their special possessions in their own room. And remember, you might just find your homesharer's decor very much in tune with your own "nesting" instincts!

Yours, S.H.

Dear Sharry Holm,
I am a 76-year-old woman who needs help with housework, grocery shopping and transportation. I like the idea of finding a live-in homesharer but I don't know if I could trust anyone under 65. Won't "young people" be too wild: out "partying" late at night, noisy when they do come home and always wanting to do things their way? Wouldn't it take someone of my generation to really understand me and have something in common with me?

Sincerely, "Older is Better"

Dear O.I.B.,
I understand your concerns, but remember that just as not all "older people" are alike, neither are all "young people". You can't judge a book by its cover and you can't judge a person simply by their age. Live-ins are screened, so you would have an idea of their likes, dislikes, habits and what they might have in common with you even before you meet them! You may not be aware that many live-ins are interested in homesharing because of that "intergenerational" experience; seeking a relationship with an older adult for the enrichment and wisdom that can bring. Ultimately, it is the person that will matter, not necessarily their age.

Yours, S.H.

When a Caretaker Feels Guilty

by Jane Royse-Consultant with the Wilder Foundation

Everyone who is or ever has been a caregiver has asked the same questions: "Am I doing enough? Am I doing a good enough job?"

Time and time again these worries lead to feelings of guilt. Almost every support group meeting includes someone who mentions the "G" word- "GUILT". When entrenched in the day to day caregiving, caregivers have difficulty seeing the value of the care they provide. It is even more difficult to allow ourselves to be less than perfect. Though it is experienced by all (even if we aren't caregivers we can always find something to feel guilty about), guilt often gets in a caregiver's way, preventing them from getting the help they need.

Caring for another person can include bathing, dressing, feeding, shopping, household finances and chores. Yet, it seems easy to believe that more could be done.

This belief can lead to feelings of frustration and anger. Guilt may arise when a caregiver feels there is a lack of thanks for their constant devotion. They feel alone with no place to turn, or they are just plain worn out due to lack of uninterupted sleep. Guilt is hard to cope with.

Caregivers need to remind themselves that feelings of frustration and anger are normal and acceptable, as is the guilt that follows. They can use these feelings as reminders to take a break in order to become renewed and able to continue their caregiving. It is important to recognize that they are doing the very best they can. When caregivers go without a break or try to do everything alone, they are attempting an impossible mission.

Thinking that emotions aren't real, hoping they will go away. or trying to ignore the feelings that go along with caregiving will only increase stress.

To cope with guilt and other emotions I suggest the following:

1) Talk about your feelings with other caregivers; they are struggling too, and can understand.
2) Be as patient and understanding with yourself through this process as you would be with others
3) Look for nurturing relationships with others who care about you.
4) Accept yourself and appreciate the strengths and talents you possess.
5) Take advantage of community services that can help you in your caregiving. You don't need to go it alone. Take advantage of people and services that can share the load.

"Thinking that emotions aren't real, hoping they will go away, or trying to ignore the feelings that go along with caregiving, will only increase stress."

Lutheran Social Service has services such as support groups, available for caregivers across the state. For more information on resources available in your area, call an office listed on page 4.

LSS Matches Single Parents Needs...

In September of 1993, LSS added the "Families Home Together" program to serve housing needs of single parent families who need low-cost housing and younger homeowners who need financial and other types of help.

For further information contact Kathy Carlson at (612) 774-9507

If you're an older person in the seven-county metro area and want help, how do you avoid the runaround in finding what you need?

On April 1, 1993, Senior Answer Line in the west metro area *(Hennepin, Anoka, Carver and Scott Counties)* and United Way's First Call for Help in the east metro region *(Ramsey, Dakota, and Washington Counties)* joined the statewide Senior Linkage Line Network. They will serve as the metropolitan connection to the programs and services near you.

With the newly expanded Senior Linkage Line, users can call a single phone number and talk to specially-trained staff or volunteers at a center in their area.

In Ramsey, Dakota or Washington Counties call Senior Linkage Line at 224-0044. In Hennepin, Anoka, Carver or Scott Couties call Senior Linkage Line *(formerly Senior Answer Line)* at 824-9999. In Northwest Hennepin County, call 522-0850.

Lutheran Social Service of Minnesota
2485 Como Avenue
St. Paul • MN 55108

NON PROFIT
U.S. Postage
PAID
Mpls MN
Permit No 2647

Share-A-Home Offices

LSS/Share-A-Home
2414 Park Avenue South
Minneapolis, MN 55404
612-879-5354

LSS/Share-A-Home
1299 Arcade Street
St. Paul, MN 55106
612-774-9507

LSS/Share-A-Home
9801 Penn Avenue South
Bloomington, MN 55431
612-888-1684

Share-A-Home is a program of LSS and serves all Minnesotans regardless of age, handicap, sex, race, or creed.

EQUAL HOUSING OPPORTUNITY

50% Recycled Paper.
10% Post-Consumer Waste.

LUTHERAN SOCIAL SERVICE FAMILY CONNECTIONS

Did you know...

- In 1990 in Ramsey County 17,000 households (14%) were headed by single parents with one or more children under 18 years old
- Single parent families tend to have incomes far below those of two parent families
- 60% of low income Twin Cities renters pay 50% or more of their income for rent

New opportunity for single parents...

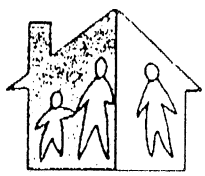
Lutheran Social Service has kicked off Families Home Together. FHT helps people, including single parent families, who have a home keep it, and single parents looking for affordable housing find it. This project, formerly Single Parent Family Home Sharing, has received initial funding from F.R. Bigelow Foundation and Ramsey County.

LSS FAMILIES HOME TOGETHER PROGRAM
- recruits
- screens
- matches

HOME OCCUPANT

HOME SEEKER

A MATCH!



Families Home Together recruits, screens, and places single parent families in matched living arrangements. Home Occupants are either single parents, older adults, or younger people who want to remain in their home or apartment, but need household or financial help to do so. Home Seekers are single parents who are willing to help the home occupant in exchange for safe, sound, affordable housing.

Families Home Together is looking for single parents who are interested in homesharing.

For further information call:

St. Paul 774-9507 *or* **Minneapolis 879-5354.**

AGENDA NO. J-4

AGENDA REPORT

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager

FROM: Assistant City Manager Gretchen Maglich

RE: **REQUEST FOR CHARITABLE GAMBLING FUNDS**

DATE: October 13, 1994

INTRODUCTION

This is the third quarter, 1994 request for charitable gambling funds. The City received only one request. It is from the Senior Chemical Dependency Program for $400.

BACKGROUND

Attached you will find the letter requesting the funds. The proposed 1995 budget has charitable gambling funds set aside for Lutheran Social Service ($3,300); flowers in the City parks ($1,000); Maplewood Puppet Wagon ($6,320); and the July 4th Celebration ($22,900).

A financial update on the fund is also attached.

RECOMMENDATION

It is recommended that the City Council review the request from the Senior Chemical Dependency Program for charitable gambling proceeds.

Senior Chemical Dependency Program
1380 Frost Avenue St. Paul, MN. 55109
(612) 773-0473

RECEIVED
OCT 1 1994

September 29, 1994

Gretchen Maglich
Assistant City Manager
City Hall
1830 E. County Road B
Maplewood, Minnesota 55109

Dear Gretchen,

Attached is a copy of the letter we sent to Mr.Bastian in July. I hope this is helpful to you.

We appreciate any consideration the City of Maplewood can give us. I'm looking forward to meeting you in October.

Sincerely,

Muriel O'Neill

Muriel O'Neill, M.A.,CCDCR
Licensed Psychologist
Director

Senior Chemical Dependency Program
1380 Frost Avenue St. Paul, MN. 55109
(612) 773-0473

July 1, 1994

Mayor Gary Bastian
City Hall
1830 E. County Road B
Maplewood, Minnesota 55109

Dear Mr. Bastian:

The Senior Chemical Dependency Program has been serving Ramsey County for the past 22 years. Alcoholism is a devastating problem for senior citizens often robbing them of their dignity, health, families, and sometimes their housing and necessities. Because of the special needs of chemically dependent seniors, our services have proven to be necessary. Typically the average senior does not relate to the younger people in AA. They are more comfortable in meetings with their peers who have similar values and life experiences. Because of this, we have formed 11 groups for the seniors. These meetings are held during daytime hours which is another priority for seniors. We provide transportation to and from meetings because many seniors no longer have cars or driving abilities. Our agency has also been involved doing crisis intervention work in conjunction with public housing social workers and the vulnerable adult team. We have trained teams who do home visitations for the seniors who are unable or unwilling to attend meetings and keep in touch via the phone to insure the senior's sobriety and well being. Socializing is also a need of seniors, so we provide monthly pot luck luncheons, two annual picnics and a large dinner dance for the December holidays. Currently we are serving 894 clients on an annual basis.

Our program has been recognized by Ramsey County, as well as by the State of Minnesota as being a very valuable program. In the past we have been funded by Ramsey County. Each autumn we enter into a contract with Ramsey County to provide services for the next calendar year. Our current contract for 1994 is for $138,000. The County has informed us that although the County will continue to provide funds for the programs we offer, they have also advised us that they will not be able to grant us any increases to cover cost of living adjustments and that we should attempt to seek funding from sources other than Ramsey County. Historically, we have needed an annual increase of approximately four percent to keep our program in operation.

Approximately 50 of our clients are from the city of Maplewood and as you begin your budget process for 1995, we are asking that you consider allocating some monies to the Senior Chemical Dependency Program so that we can continue providing services to your citizens as well as other citizens of Ramsey County. We are asking that you consider allocating $400 in your budget for 1995 to this program. Through our extensive volunteer system, we are able to leverage the dollars that we spend on our program, and we hope that you would consider this a modest allocation that your city would be willing to provide to maintain a program that benefits your citizens.

If you have any questions about our program or need additional information, please feel free to contact me. Thank you for any consideration you may be able to give us.

Sincerely,

Muriel O'Neill
Director

CHARITABLE GAMBLING POLICY AND PAST AWARDS

COUNCIL AWARD POLICY

The Council's established policy is as follows:

All licensed charitable gambling organizations within the City are required to contribute 10% of net profits derived from lawful gambling activity in the City to a separate fund controlled by the City. These funds are distributed by the City Council for lawful expenditures.

These funds shall be distributed for projects, equipment or activities that are based in the community and those activities which primarily benefit City residents.

Organizations which are awarded funds shall be a non-profit 501c(3) organization. A representative from the requesting organization shall be present at the Council meeting to answer questions about the request.

Upon receipt of the funds, the receiving organization shall understand that the allocation of funds may be a one-time only distribution, and receipt of funds does not in any way guarantee or commit the City to funding in any subsequent year.

Projects which involve the purchase of equipment, supplies or specific items will be looked upon more favorably than requests for salaries or general operating costs.

It will be required that the funds be expanded for the requested project within one year of the date of receipt of the funds from the City.

In general, requests from organized athletic groups will not be funded. It is felt that funding for these programs should be from participating families or community auxiliary groups. There are so many athletic organizations within the community that the City is not capable of funding their financial requests nor fairly determining appropriate recipients.

PAST AWARDS

The following information is a list of the awards that the City Council has made from the Charitable Gambling Fund since the ordinance was passed in September, 1990 which created lawful gambling.

Maplewood Police Reserve and Cadet 1992 Toy & Food Drive
$4,000

Gladstone Fire Department's Fire Safety House
$7,000

Maplewood's Police Cadet 1992 National Law Enforcement Explorer Annual Conference
$4,870

Ramsey County Library System: High Tech Catalog Equipment
$27,500

Lutheran Social Service Share-A-Home Program
$3,000

Minnesota Department of Transportation's Work Safety Zone Educational Pilot Project
$2,000

Maplewood's Parks & Recreation Department: 1993 Puppet Wagon and 1993 Park Garden Program
$3,000

1993 Fourth of July Celebration
$17,000

Maplewood Human Relations Commission, 1993
$300

Senior Information Software for Gladstone Center
$250

Parents of North High Seniors - Graduation Night Party
$1,000

North St. Paul/Maplewood Girls Basketball Association - Start-up costs
$5,000

Partnership's 1993 Red Ribbon Campaign
$1,000

I.S.D. 622 Early Childhood Screening Program - Tympanometer/audiometer
$800

North High School - Mixed Blood Theater's production of **The Asian American Journey**
$800

Stipend for Lithuanian Intern
$1,500

Maplewood Police Reserve and Cadet 1993 Holiday Food And Toy Drive
$4,000

Human Relations Commission, 1994
$300

Maplewood Police Cadets, 1994 National and State Conferences
$7,000

1994 Tartan Senior Graduation Party
$1,000

1994 North High Senior Graduation Party
$1,000

Maplewood Parks & Recreation Department, 1994
Brochure, Garden Program, Youth Safety Camp, Summer Youth Events
$13,800

Heritage Theater Company
$7,500

Community Center's Grand Opening Events
$19,550

The Partnership - Youth Asset Community Survey
$2,500

CITY OF MAPLEWOOD, MINNESOTA

Charitable Gambling Tax Fund
Statement of Revenues, Expenditures, and Changes in Fund Balance
January 1, 1990 thru October 7, 1994

YEAR	BEGINNING FUND BALANCE	REVENUE	EXPENDITURES	TRANSFERS OUT	ENDING FUND BALANCE
1990	$0	$1,787	$0	$0	$1,787
1991	1,787	89,758	0	0	91,545
1992	91,545	63,653	44,262	0	110,936
1993	110,936	53,882	18,336	5,312	141,170
1994	141,170	29,384	41,805	52,245	76,504

NOTE: The 1994 expenditures and transfers out are budgeted amounts in order to show the impact of authorized disbursements that will be made at a later date.

P:\FINANCE\LOTUS\MISC\CHGAM

AGENDA NO. J.5

AGENDA REPORT

TO: City Manager

FROM: Assistant City Manager Gretchen Maglia

RE: **ADDITIONAL INFORMATION FOR AGENDA ITEM J.5 - AMBER HILLS**

DATE: October 20, 1994

The attached information was submitted today by the residents living near the Amber Hills development.

October 17, 1994

Dear Mayor Bastian and Council Members,

Early this summer, excavation began on the Amber Hills development in south Maplewood. As citizens of the neighborhoods adjacent to this development, we were concerned about problems resulting from the future drainage and traffic increases of the Amber Hills area. As the project progressed, our concerns proved to be justified.

DRAINAGE-Amber Hills has been graded so that water runoff from its streets, courts and lots, plus all water from the streets already in place above Amber Hills, will drain down Schaller. Each rain brings excessive amounts of water and mud through Amber Hills, down Schaller and into the streets, yards and sewers of the Jefferson addition below. (see enclosed photographs) The excessive amount of water flowing down Schaller is a severe problem now, and will be an even greater problem in the future when the development is completed.

In 1992, a drainage basin system was designed and implemented to control the water runoff from the future Amber Hills development This basin sits on the southern border of Amber Hills, drains through one holding pond, through a pipe under Highwood and into a pond near McKnight. Homeowners within a one mile square radius of Amber Hills were each assessed $500.00 for this project. Now as Amber Hills is being developed, we find it unacceptable that Schaller is being used as a drainage path and the drainage basin system we paid for was not incorporated into the design of Amber Hills.

TRAFFIC-We are also very concerned about increased traffic on Schaller. From Lakewood to Valley View to McKnight, Schaller runs downhill through a neighborhood with many young children. There are no sidewalks or parks, so children often play near the street.

A dangerous situation already exists on the corner of Schaller and Valley View. Drivers, often at high speeds, regularly take a shortcut through Valley View to Schaller in order to avoid the stop sign at McKnight and Highwood. There have already been several close calls between children and the drivers who unnecessarily use this route.

With the development of Amber Hills, Outlots E, F, and G and possibly F, hundreds of homes will be built in this area. These homes have only two outlets: Sterling south to Highwood, west to McKnight or a straight downhill on Schaller to McKnight. The most convenient route will be straight down the Schaller Hill to McKnight. The current situation at Valley View and Schaller will only be worsened by increased traffic on Schaller from Amber Hills. We must insure the safety of the neighborhoods on Schaller.

WE, THE FOLLOWING MAPLEWOOD RESIDENTS, HEREBY RESOLVE:

ON THE ISSUE OF DRAINAGE:

We want the Amber Hills drainage problems corrected so that water runoff flows down the drainage basin system created in 1992 to handle this problem, not down onto Schaller. Furthermore, we refuse to pay for any future assessments for this problem.

ON THE ISSUE OF INCREASED TRAFFIC ON SCHALLER:

1)We request the installation of a four way stop on the intersection of Valley View and Schaller. This will prevent its use as a "shortcut", and will also slow future Amber Hills traffic as it travels down Schaller.

2)We want to examine the possibility of a two way stop at Schaller and Lakewood, This would also slow Amber Hills traffic as it travels down Schaller.

3)We request early completion of Sterling to Linwood, which would give the Amber Hills residents three access roads to McKnight, and divert traffic away from Schaller.

4)There is one short street in the southwest corner of Amber Hills that currently ends in outLot A. We want this street completed through to Highwood, which would give Amber Hills its most convenient outlet to Highwood and then to McKnight or Century.

PETITION SIGNATURES ARE ON FOLLOWING PAGES

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
Jim Pierre	950 Schaller Dr	735-4497
Michelle Pierre	950 Schaller Dr	735-4497
Randall T. Wehle	2315 Highwood	735-9324
Linda D. Wehle	2315 Highwood	735-9324
Susan Hurtgen	2321 Highwood	731-3077
Phillip A Ohman	2329 Highwood	731-8240
Roger Roell	956 Currie Ct	739-7699
Mary Rappeau	946 Currie Ct.	730-1094
Paula Aherns	936 Currie Ct.	738-9045
Bill Fanning	945 Currie Ct	730-8735
Donna M. Fanning	945 Currie Ct.	730-8735
Joseph D Howard	955 Currie Ct.	738 8136
Patricia Howard	955 Currie Ct	738-8136
Margaret Gomez	959 Schaller Dr.	731 0089
Louis J Bruno	949 Schaller Maplewood	735-8286

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
Grace A Bruno	949 Schaller	735-8286
NAME	ADDRESS	PHONE
[illegible]	939 Schaller	739-8210
NAME	ADDRESS	PHONE
LeAnn Propp	929 Schaller Dr.	738-7252
NAME	ADDRESS	PHONE
[illegible] Gardner	2311 Valley View Ave	731-8603
NAME	ADDRESS	PHONE
Patrick S Mickelson	2525 Valley View Av.	739-1782
NAME	ADDRESS	PHONE
Patty Mickelson	2525 Valley View Av	739-1782
NAME	ADDRESS	PHONE
Donald W. Richardson	2531 Valley View	738-0635
NAME	ADDRESS	PHONE
Dorothy Richardson	2531 Valley View Ave.	738-0635
NAME	ADDRESS	PHONE
John Rofer	2541 Valley View Ave	739-5118
NAME	ADDRESS	PHONE
Jodell Michael	2547 Valley View Ave.	738-1087
NAME	ADDRESS	PHONE
Gregory J Michael	2547 VALLEY VIEW AVE.	738-1087
NAME	ADDRESS	PHONE
Karen Arcand Johnson	2555 Valley View Ave	731-8675
NAME	ADDRESS	PHONE
Ruth Lundquist	2565 Valley View Ave	735-6390
NAME	ADDRESS	PHONE
Robert S. Lundquist	2565 Valley View	735-6390
NAME	ADDRESS	PHONE

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
KATHY REINEA	2575 VALLEY VIEW AVE.	735-4582
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE
NAME	ADDRESS	PHONE

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
David Seidenkranz	2602 Schaller Drive	735-7760
Vicky Seidenkranz	930 Lakewood Ct	730-9056
MR T.R. Seidenkranz	930 LAKEWOOD CT	730-9056
[illegible] Liberko	2370 Maiden Ct	738-2060
[illegible]	2611 SCHALLER DR.	738-8343
Ana Swanson	2595 SCHALLER DR	730-5162
Paul Swanson	2595 Schaller DR	730-5162
David Nolan	2594 Schaller Dr	739-2813
[illegible]	2587 Schaller Dr.	731-5489
[illegible]	2582 Schaller Dr	731-5489
[illegible]	2586 Schaller Dr	738-6286
Donna [illegible]	2586 Schaller Dr	7386286
Gayle [illegible]	2580 Schaller Dr	731-2054
Charles [illegible]	2579 SCHALLER DR	738-8836
Susan Quayle	2563 Schaller DR	730-9297

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
Frank J. Holler Sr	2320 Valley View Ct	731 8962
Shirley Holler	2320 Valley View Ct	731 8962
Thomas L. Eller	2328 Valley View Ct.	731 9085
Terrance E. Trubler	2329 VALLEY VIEW CT.	738-7724
Bob Chevalier	2321 VALLEYVIEW CT	735-4693
David R Wold	910 Schaller Dr	730-0806
Tracy Wold	910 Schaller Dr	730-0806
Penny Boylan	889 Schaller	731-2472
Margo Hess	890 Schaller Dr	731-1584
Debbie Daly	907 Lakewood Ct	730-9727
William P. Daly III	907 LAKEWOOD CT	730-9727
Karen L. Proud	920 Lakewood Ct	731-2204
Daniel A. Proud	920 LAKEWOOD CT	731-2204
John Stewart	910 Lakewood Ct	731 3561
Geri Stewart	910 LAKEWOOD CT	731-3561

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
Pamela Riley	888 Lakewood Ct.	739-3634
Patrick Riley	888 Lakewood Ct.	739-3634
Richard Sherwood	885 Lakewood Dr	731-4048
Dyan Sherwood	885 Lakewood Dr.	731-4048
Brian Fitzgerald	870 Lakewood Dr	739-9668
Monica Fitzgerald	870 Lakewood Dr.	739-9668
Steve Felton	890 Schaller Dr.	731-1584
Gail A. Eibel	2328 Valley View Ct.	731-9085
Mark Bode	2316 Valley View Ct.	731-8431
Ellen Eldridge	2316 Valley View Ct	731-8431
Vicki Bonlier	2321 Valley View Ct.	735-4693
Laurie Jukes	2329 Valley View Ct.	738-7724
Phillip Hakari	2317 Valley View CT	739-8112
Mark W. Blood	920 SCHALLER DR, 55119	738-4928
Elizabeth J. Blood	920 SCHALLER DR	738-4928

don't want stop at Schaller Lakewood

2 WAY STOP at Valley View

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
Wayman D Johnson	875 Lakewood	739-1983
Vicky Thibedeau	855 Lakewood Dr So.	430-4951
Lisa Schroeder	2316 D Timber	738-3536
Thomas W Boylon	889 Schaller Dr	731-2472
[illegible] Thibedeau	855 Lakewood	730-4951
[illegible] Sandberg	2501 Highwood	735-4640
Suzanne Devlin	2519 Highwood	738-7865
Debra Drew	940 Ferndale St. South	739-7922
Tom Johnson	932 Ferndale St. So.	738-3728
E. Regan	900 S. Ferndale	739-4631
Kathy Ross	882 Ferndale	738-8388
Kerri J. Ross	2575 Ivy	770-7448
Josh Strain	2575 Ivy	770-7448
Marvin Mizgorko	874 Ferndale St St	735-3071
Lea Pommier Swanson	866 Ferndale St. So.	739-7164

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
Elizabeth Krueger	2539 Schaller Dr. Maplewood	731-2633
Thomas Bernstein	2531 Schaller Dr.	735-8941
Stephen J Quayle	2563 Schaller Dr	730-9297
Ken Apel	2571 Schaller Dr.	738-9636
Douglas Dunn	2603 Schaller Dr.	731-9684
Linda L Dunn	2603 Schaller Dr.	731-9684

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
Lisa Rowan	873 O'Day St. S.	739-2096
William R. Constens	865 ODAY	735-2999
Jerry King	841 S Ferndale	735-5537
CHRISTINE WILSON	873 S. FERNDALE	738-3184
Richard P Swanner	866 Ferndale St S	739-7164
[illegible]	881 S. FERNDALE S.	731-4061
Michael Hager	849 Ferndale So	735-1013
[illegible]	857 ODay St. So.	738-3767
Allan Funk	880 South Lakewood Dr	739-4510
Gregory H Neal	880 South Lakewood	738-2848
Paul Allie	2360 Timber	738-3536
Julie Allcroft	915 Ferndale St So.	739-5216
Barb Colosimo	893 Ferndale St	730-0246
[illegible] Engstrom	2525 Highwood	739-8391
Margaret Engstrom	2525 Highwood ave	7398391

AMBER HILLS DRAINAGE/TRAFFIC PETITION

NAME	ADDRESS	PHONE
Tom Mayborski	2294 Valley View Ave	738-2608
Tony Rehm	2293 Valley View Ave	730-5238
Tony Hady Hyd	2261 Valley View Ave	735-8496
[illegible]	2271 Valley View Ave	730-4151
Scott & Cindy Ehrman	2277 Valley View Ave	739-0980
Donna Prestone	2278 Valley View Ave	731 7694
Walt Walsh	2286 Valley View Ave	731-8710
Charles Bilyan	2285 Valley View Ave.	730-1207
Lois Breiner	2301 Valley View Ave	739-8256
Arthur Fry	2270 Valley View Ave	739 3421
Suzanne Fry	2270 Valley View Ave	739-3421
Mr. Mrs Benner	2262 Valley View Ave.	[redacted]

J-5

JoAnn Funk

Action by Council:

Endorsed
Modified
Rejected
Date

October 17, 1994

Gretchen Maglich, Assistant City Manager
Maplewood City Hall
1830 County Road B
Maplewood, Minnesota 55109

Dear Gretchen Maglich,

A group of concerned citizens from the neighborhoods surrounding the Amber Hills development in South Maplewood will be attending the City Council Meeting on Monday, October 24, 1994. We would like to be placed on the agenda and scheduled as new business.

We have two topics which we would like to discuss with the City Council:

1)Present and future drainage problems caused by the Amber Hills development

2)Present and future traffic problems on Schaller, which will be one of only two currently completed outlets for the Amber Hills development.

Please call me at 739-4510 if you have any questions. Residents in the neighborhood are drafting a letter which specifically outlines our concerns and ideas for solutions. You will have this letter by noon on Thursday. October 20. Thank you.

Sincerely,

JoAnn Funk

880 South Lakewood Drive Maplewood, Minnesota 55119 PHONE 612 739 4510 FAX 612-738-2848

AGENDA NO. J-6

AGENDA REPORT

Action by Council:

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager

FROM: Assistant City Manager Gretchen Maglich

RE: **PURCHASE OF OPEN SPACE - SITE #153A**

DATE: October 17, 1994

INTRODUCTION

Last November, the citizens of Maplewood approved the $5 million bond referendum for the acquisition of open space. The City has been working with the Trust For Public Land on the acquisition of properties. This is the second property to come before the City Council for consideration. The property is Site #153A - the Priory property.

BACKGROUND

Site #153A is located on Larperntuer Avenue between Century and Sterling. This site was tied for first place with Ken Gervais' property on the Open Space Committee's list. The original recommendation was for 28 acres. However, the Priory was interested in selling two more lots for a total of 39 acres.

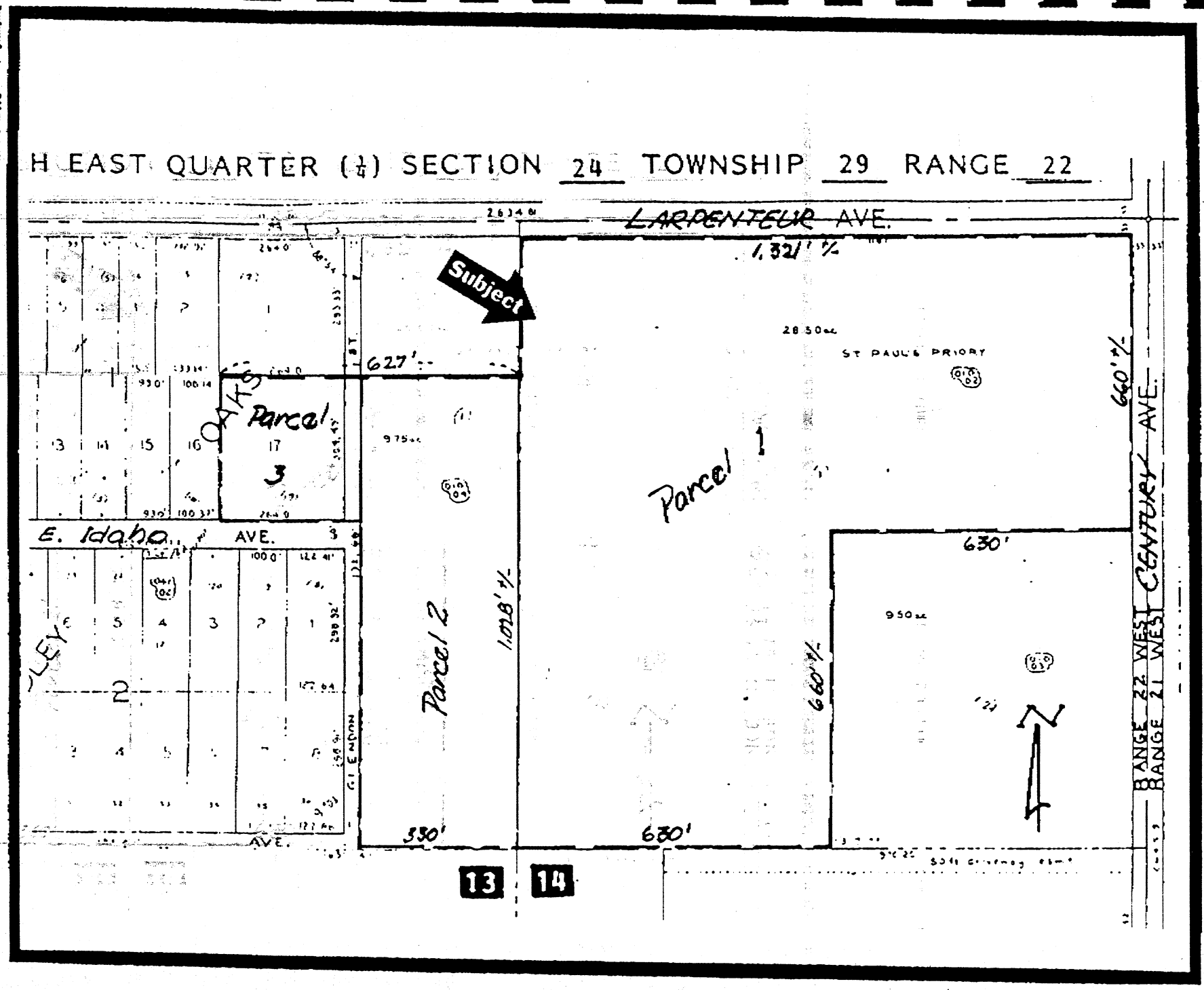
A map of the site is attached. The properties that are being offered for sale are Parcel 1 (28.5 acres), Parcel 2 (the newly created lot, 7.75 acres), and Parcel 3 (2 acres). The Priory owns two single family homes which have frontage on Larpenteur north of Parcel 2 and 3.

The Trust For Public Land has negotiated the sale for us. The purchase price is $1.2 million.

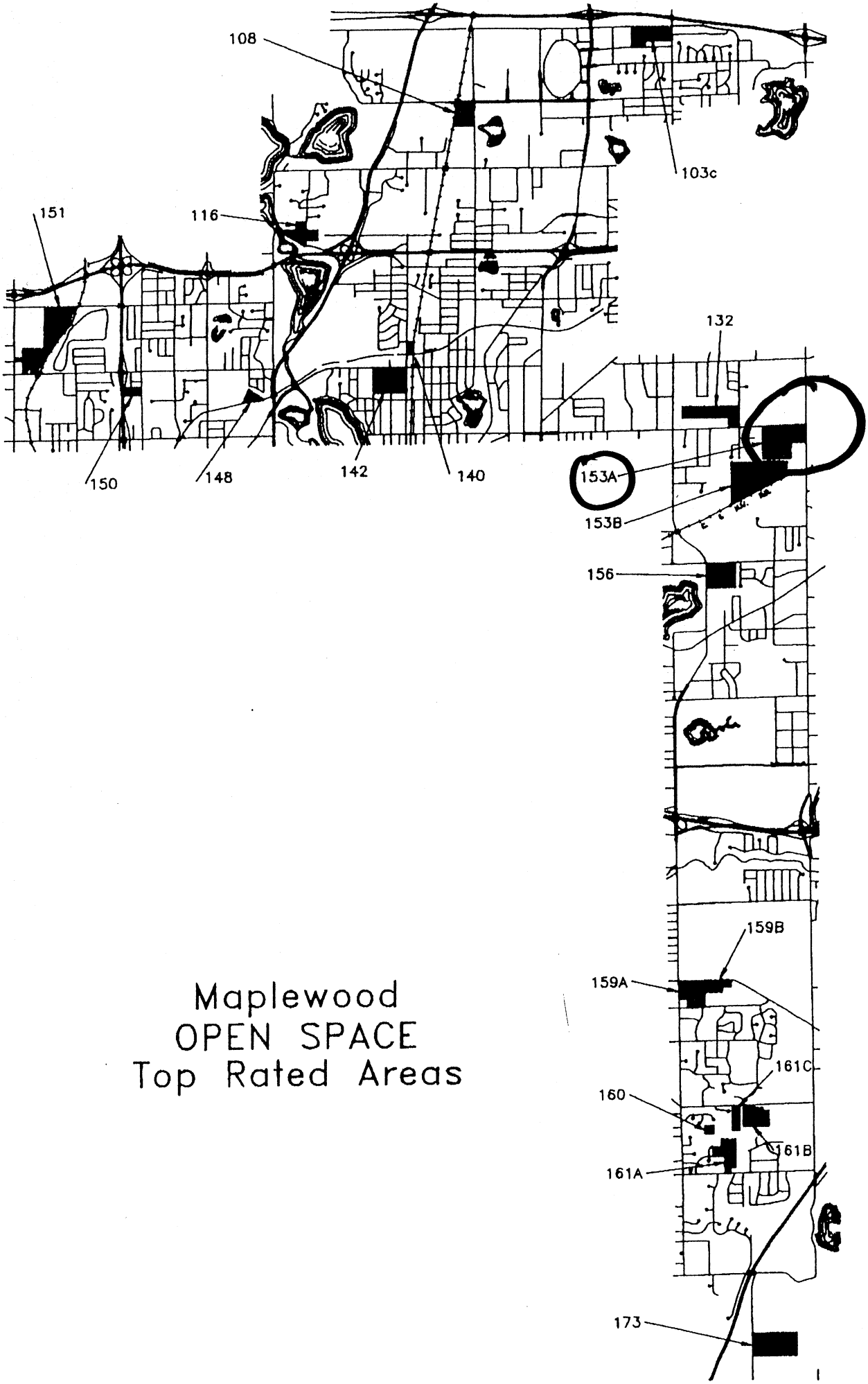
All of the purchases are contingent upon clear title and clean environmental studies. Evidence of these matters must be produced before any acquisition takes place.

RECOMMENDATION

If the City Council is interested in pursuing this acquisition, it is recommended that the City Council direct the Parks & Recreation Commission and the Planning Commission to review the proposed acquisition as soon as possible; direct staff to proceed with a Phase I Environmental Assessment; and have this item placed on another Council agenda with the additional information as soon as possible.


H EAST QUARTER (¼) SECTION 24 TOWNSHIP 29 RANGE 22
LARPENTEUR AVE.
Subject
1,321' ±
28.50ac
ST PAUL'S PRIORY
660' ±
Parcel 1
Parcel 2
Parcel 3
627'
975ac
1,078' ±
630'
950ac
660' ±
330'
630'
E. Idaho AVE.
ALLEY
CENTURY AVE.
RANGE 22 WEST
RANGE 21 WEST
13
14

Plat Map



Maplewood
OPEN SPACE
Top Rated Areas

AGENDA NO. J-7

AGENDA REPORT

Action by Council

Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager

FROM: Assistant City Manager Gregthen Magrich

RE: **PURCHASE OF OPEN SPACE - SITE #103C**

DATE: October 17, 1994

INTRODUCTION

The City has reached a negotiated price on the majority of Open Space Site #103C. The purpose of this report is to obtain Council interest in pursuing the property for acquisition as part of the City's Open Space Program.

BACKGROUND

Site #103C is located in the northeast corner of the City between County Road D and Woodlyn east of Ariel. Site #103C was in the top nineteen list as a neighborhood site. This means that its total point score on the criteria did not place it on the city-wide top list, but due to its location in a neighborhhod not represented by the top fifteen, it became part of the top priority list. It is composed of five different parcels with three different owners. A location map is attached. The parcels that are being considered in this report are parcels 1, 2, and 3. These 19.25 acres are owned by Mr. Donald Conklin, and the total negotiated price of the property is $580,000.

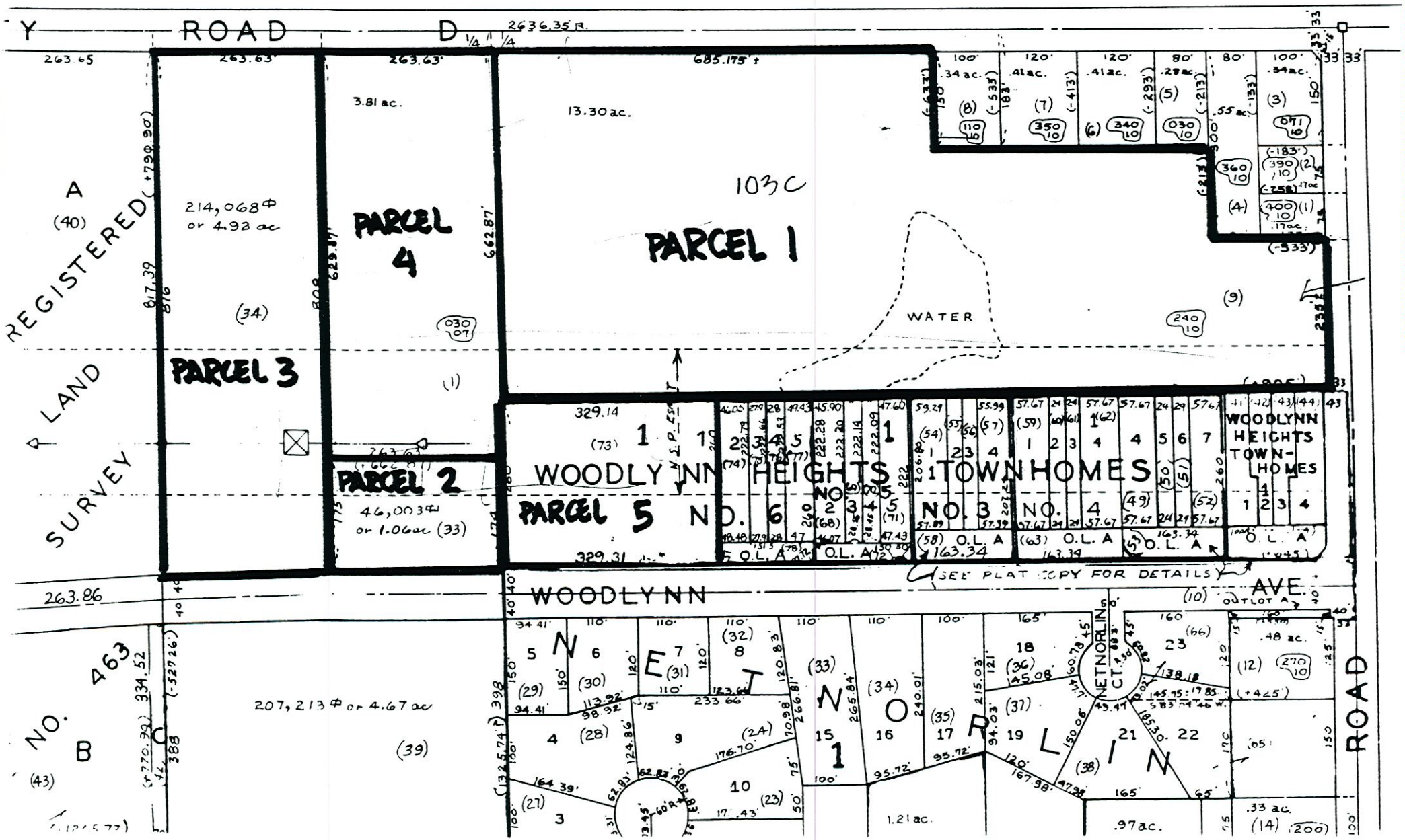
Parcel 4 is owned by the Wesleyan Church in Iowa. Negations with the Church are going well, and we will proceed with that deal if the City Council authorizes staff to move ahead with the Conklin property.

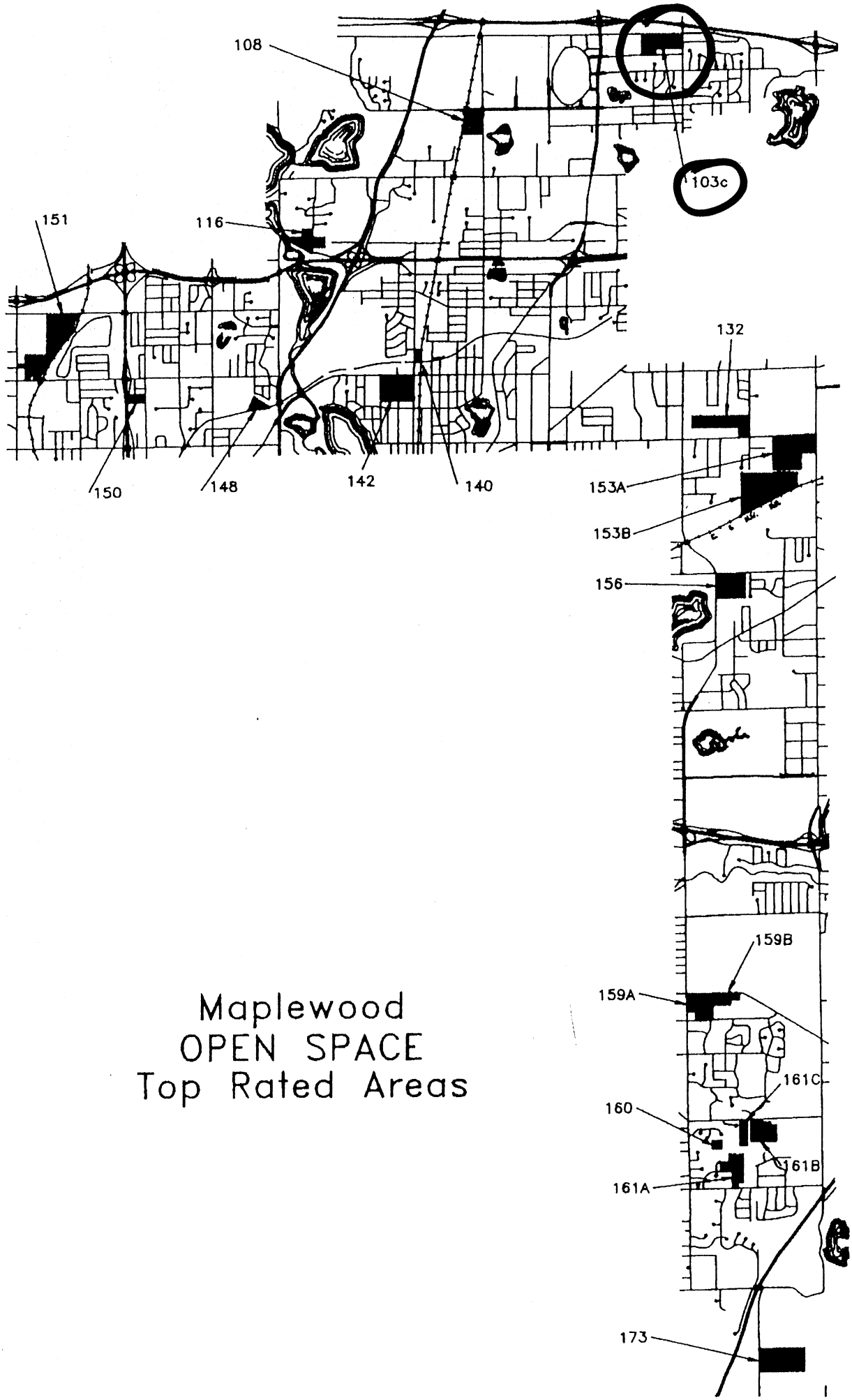
Parcel 5 is owned by Mr. Mack Nettleton. The property has been appraised, but negotiations have not begun. This parcel was not included in the original open space recommendation, but we added it to Site #103C, because it is an undeveloped piece contiguous with the larger site.

All of the purchases are contingent upon clear title and clean environmental studies. Evidence of these matters must be produced before any acquisition takes place.

RECOMMENDATION

If the City Council is interested in pursuing this acquisition, it is recommended that the City Council direct the Parks & Recreation Commission and the Planning Commission to review the proposed acquisition as soon as possible; direct staff to proceed with a Phase I Environmental Assessment; and have this item placed on another Council agenda with the additional information as soon as possible.


ROAD
PARCEL 1
PARCEL 2
PARCEL 3
PARCEL 4
PARCEL 5
214,068 ☐ or 4.92 ac
46,003 ☐ or 1.06 ac
207,213 ☐ or 4.67 ac
3.81 ac.
13.30 ac.
WATER
WOODLYNN HEIGHTS NO. 6
WOODLYNN HEIGHTS NO. 5
WOODLYNN HEIGHTS TOWNHOMES NO. 3
WOODLYNN HEIGHTS TOWNHOMES NO. 4
WOODLYNN HEIGHTS TOWN-HOMES
SEE PLAT COPY FOR DETAILS
WOODLYNN AVE.
NETNORLIN CT.
NETNORLIN
REGISTERED LAND SURVEY
NO. 463
ROAD



Maplewood
OPEN SPACE
Top Rated Areas

AGENDA NO. J-8

AGENDA REPORT

Action by Council:
Endorsed_____
Modified_____
Rejected_____
Date_____

TO: City Manager

FROM: Assistant City Manager Gretchen Maglich

RE: **PURCHASE OF OPEN SPACE - SITE #140**

DATE: October 17, 1994

INTRODUCTION

The City has reached a negotiated price on Open Space Site #140. The purpose of this report is to obtain Council interest in pursuing the property for acquisition as part of the City's Open Space Program.

BACKGROUND

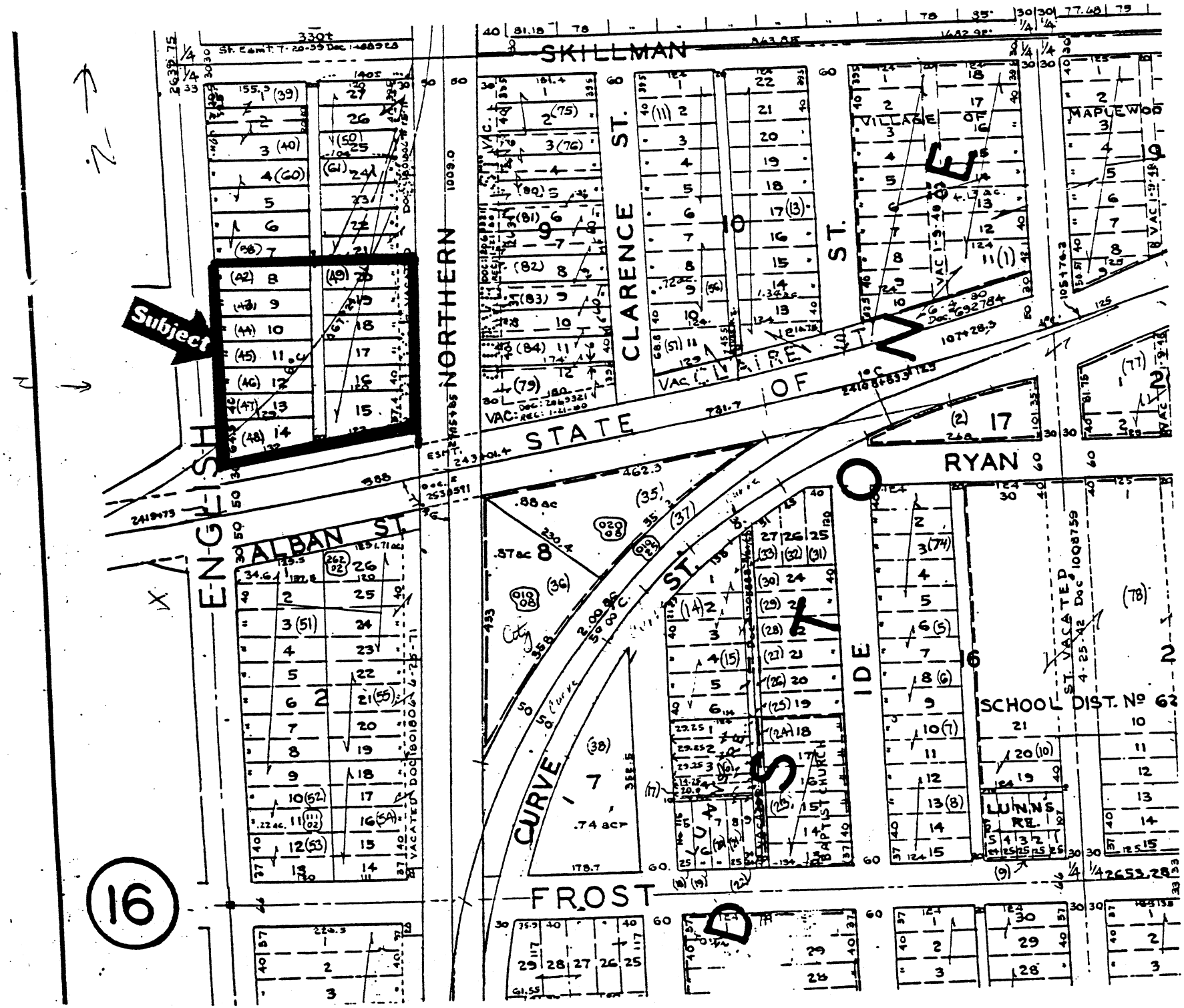
Site #140 is located north of the DNR Gateway Trail and east of English. A location map is attached. It is approximately 2 acres of property situated on the northwest corner of the intersection of two trails - the Willard Munger Trail which runs east and west and the future Ramsey County Trail which runs north and south. This site was included in the top nineteen as a neighborhood site.

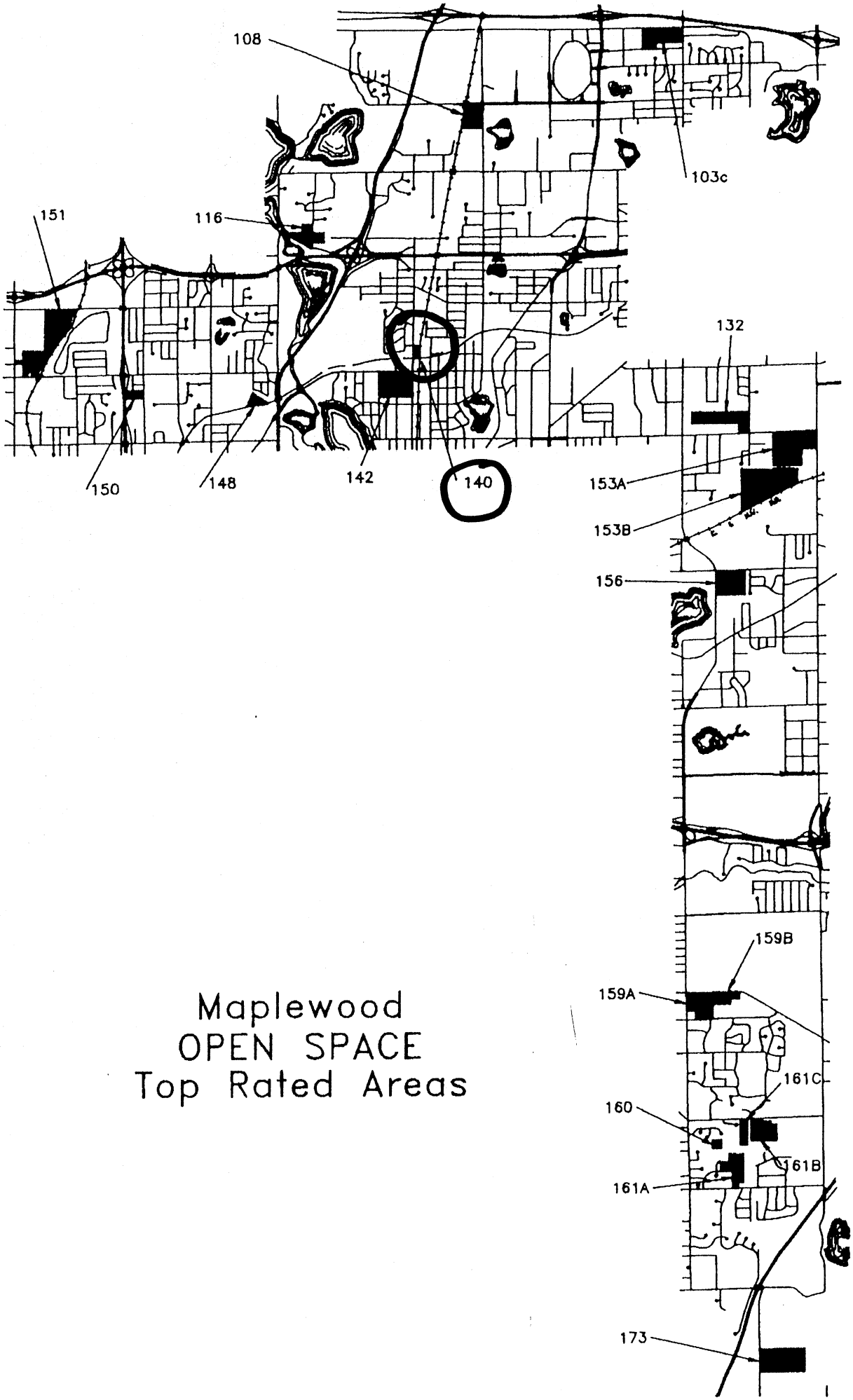
The property is owned by Mr. Richard Long, and the negotiated purchase price is $80,000.

All of the purchases are contingent upon clear title and clean environmental studies. Evidence of these matters must be produced before any acquisition takes place.

RECOMMENDATION

If the City Council is interested in pursuing this acquisition, it is recommended that the City Council direct the Parks & Recreation Commission and the Planning Commission to review the proposed acquisition as soon as possible; direct staff to proceed with a Phase I Environmental Assessment; and have this item placed on another Council agenda with the additional information as soon as possible.


SKILLMAN
STATE
FROST
ALBAN ST
ENGLISH
NORTHERN
CLARENCE ST.
VILLAGE OF
MAPLEWOOD
RYAN
SCHOOL DIST. No 62
LUNNS RE.
BAPTIST CHURCH
CURVE
Subject
16



Maplewood
OPEN SPACE
Top Rated Areas

AGENDA NO. J-9

AGENDA REPORT

Action by Council:
Endorsed
Modified
Rejected
Date

TO: City Manager

FROM: Assistant City Manager Gregthun Maglich

RE: **CABLE TELEVISION FRANCHISE RENEGOTIATION**

DATE: October 17, 1994

INTRODUCTION

The purpose of this report is to present background information about the decisions that must be made before the franchise can be renegotiated with Meredith Cable Company. All twelve members of the Cable Commission are being asked to review this report by the end of October.

BACKGROUND

The attached report was written by staff members from Oakdale, White Bear Lake and Maplewood. In summary, the report's highlights are:

- In May, 1998, the current franchise with Meredith Cable Company will expire. Federal law requires renegotiation with the cable company to commence at least three years before expiration. That means that Meredith Cable could request franchise negotiations as early as next May.

- Created in 1983 for a period of fifteen years, the Ramsey/Washington Counties Suburban Cable Commission represents the television franchising authority in this area for ten cities and two townships. Maplewood is one of the cities that joined the joint powers agreement in 1983. Through the joint powers agreement, the Commission was given the authority to administer the franchise.

- The current joint powers agreement that formed the Cable Commission expires at the same time that Meredith's franchise does.

- The Cable Commission does not have the authority to negotiate the franchise renewal.

- In June, the City Council voted to notify the Cable Commission that the City would not consider an extension of the joint powers agreement in its present form once the current agreement expired. (See the attached letter). The City Council felt that the flow of franchise fee dollars should be changed and that the amount of funding that Maplewood contributes to the Commission is greater than the benefits that are received. This letter dealt with the question of what the Maplewood franchise authority would look like in 1998.

- **The Council must now discuss the issue of who will be negotiating the terms of a new franchise with Meredith Cable beginning in the spring. This is the issue before the City Council in this report.**

Since the negotiations for the franchise renewal will surface next spring, and the new franchise administration won't occur until 1998, the Oakdale/White Bear Lake/Maplewood work group felt that the scenario for franchise renewal needed to be addressed immediately. Staff came up with three different options. These are found on the bottom of page 7 of the report.

1. Grant the existing commission the authority to negotiate and approve renewal on behalf of member cities.

2. Do not enlarge the authority of the existing commission to negotiate. Let each city (or group of cities) negotiate with the cable company independently.

3. Amend the current joint powers agreement to establish a method for the Commission to negotiate franchise renewal terms on behalf of the member cities while each city maintains its authority to approve and administer the next franchise.

The staff recommends Option 3. Details about Option 3 are found on pages 11 and 12. Under this option, the current commission is modified to allow it to negotiate a new franchise with Meredith. Two representatives from each city would be appointed. One of them would be a staff member to represent the city on an operating committee. This committee would research the renewal process. The second representative would be a member of the full commission which would handle all policy issues. This structure is intended to handle the franchise renewal in a non-partisan, administrative manner leaving the broader policy issues for the elected officials to handle.

RECOMMENDATION

It is recommended that the City Council discuss the options presented for handling the negotiation of the franchise renewal for cable television.

CITY OF
MAPLEWOOD
1830 E. COUNTY ROAD B MAPLEWOOD, MINNESOTA 55109
OFFICE OF CITY MANAGER 612-770-4524

June 28, 1994

Mr. Tim Finnerty
Ramsey-Washington Suburban Cable Commission
7245 Stillwater Boulevard North
Oakdale, MN 55128

Dear Tim:

At their meeting last night, the City Council unanimously voted to direct staff to notify the Cable Commission that the City of Maplewood will not consider an extension of the joint and cooperative agreement in its present form. There is an inequity in the amount of funds that Maplewood is contributing and the benefits that our community is receiving. A new model is needed for Maplewood to consider re-entering into an agreement.

In cooperation with White Bear Lake and Oakdale, our staff is investigating alternate models of cable commissions. The report is expected to be completed at the end of August. After some additional Council discussion, we will contact you with structural options that Maplewood would like addressed.

If you have any questions, please call me.

Sincerely,

Michael A. McGuire
City Manager

tmc

MEMORANDUM

To: Interested Parties

From: Ad hoc Committee:

Gretchen Maglich, City of Maplewood
Ellen Richter, City of White Bear Lake
Ron Rogstad, City of Oakdale

Date: September 22, 1994

RE: Cable Franchise Renewal

I. INTRODUCTION

In anticipation of the upcoming franchise renewal period, the Ramsey/Washington Suburban Cable Commission (RWSCC) requested the twelve participating cities to review the issue of and provide a response regarding the extension of the Commission's Joint and Cooperative Agreement for cable franchise administration. An Ad hoc committee was formed to prepare a briefing paper on this issue to assist local officials in addressing the renewal question and related issues. This report identifies some of the issues related to the extension of the joint powers agreement and the upcoming renewal process. It is meant to provide member cities background information and to serve as a resource for discussion.

Definition of the Issue: In May of 1998, the current cable television franchise agreement between the RWSCC and the cable television company, Meredith Cable, will expire. Federal law enables the cable company to initiate the renewal proceedings approximately three years prior to the expiration of the franchise. Therefore, in approximately May of next year (1995), the cable company will likely provide the RWSCC a notice seeking renewal of the franchise. Upon receipt of this notice, the local government franchising authority is obligated under federal law to initiate proceedings within six months regarding the future cable-related community needs and interests of the residents in the franchise area, as well as to review the past performance of the cable company under the franchise. **Although the RWSCC is the local government franchising authority responsible for administering the current cable franchise, it has no authority under the Joint and Cooperative Agreement to negotiate terms for a new franchise. In the absence of any action taken to authorize the current RWSCC to renegotiate and administer the new franchise, or to develop a new Joint and Cooperative Agreement to do the same, each city/township will be responsible for negotiating and administering its own franchise agreement.**

- Regulation of rates and fees
- Local programming provisions
- Financial commitments (service rates and fees)
- Interconnection with other systems
- Service to institutions (municipalities, schools, libraries, etc.)
- Institutional Network
- Access channels and Access Corporation

The Cable Commission also assists citizens in resolving cable-related issues or complaints regarding the cable television company or its services. This is a very important function of the Cable Commission. The Cable Commission helps resolve these matters as they are brought to the attention of the Cable Commission, or as they are uncovered by the Cable Commission itself.

Since the passage of the 1992 Federal Cable Act, more attention has been given to the regulation of cable rates. The Act restored local authority over basic cable rates, (such authority had been taken away in 1987). Since then, much of the Cable Commission's activity has centered around the issue of rate regulation. In September of 1993, the Cable Commission filed for certification to regulate rates, and adopted rules regarding its procedure for such rate regulation. In October, the Cable Commission made a formal request to Meredith Cable for financial data relating to cable rates. When the data was received by the Cable Commission, the Cable Commission conducted an analysis of the rates and determined that the cable company was not in complete compliance with the rate regulations established by the FCC. The Cable Commission then ordered a rollback of rates and a refund to subscribers. However, Meredith has appealed the order to the FCC. The appeal is still under consideration.

It is expected that the implementation of the new federal law and the rules of the FCC will constitute a significant amount of activity for the Cable Commission for the remainder of the current franchise term. To pay for rate regulation and the other administrative/enforcement tasks, the Cable Commission uses a portion of the franchise fees it collects from Meredith Cable.

B. Public Access Television Operations

Cable access television has been an important function of the Cable Commission. In 1993, the Cable Commission made an agreement with the cable company to transfer its local cable access channels and programming functions to the Cable Commission, with Meredith providing equipment and funding so that the Cable Commission could begin operation of the local programming functions.

In this regard, Meredith transferred an inventory of production equipment of over 2,000 pieces, including a TV studio in White Bear Lake, a TV studio in Oakdale, and a mobile production van. Meredith's funding commitment included up-front, one-time grants totaling $525,000, annual grants through the term of the Franchise of $340,000, and a total of $240,000 in equipment replacement grants to be paid periodically during the term of the Franchise. These funds paid by Meredith are in addition to the franchise fees paid by Meredith.

III. BACKGROUND OF CABLE INDUSTRY & FRANCHISING AUTHORITIES

A. Initial Franchising in Minnesota

Most of the cable television franchising occurred in the late 1970's and early 1980's. Generally, franchises to cable operators were granted for a period of not more than 15 years. Many of these franchises will now be the subject of a franchise renewal process within the next year. In the early 1980's, Minnesota had its own Cable Act which established certain requirements for franchising. The State Cable Board had also been established at this time to oversee the franchises and to serve as a resource to implement cable television services throughout the state. Together, the provisions of the Cable Act and the rules of the State Cable Board determined a process for franchising.

These rules for franchising helped to shape the current structure of the Ramsey-Washington Suburban Cable Commission and the terms of the franchise agreement. Although it was not required, the state law intended that municipalities join together to create a cable service territory for the purpose of franchising to achieve economies of scale. There were options for a joint powers entity that would serve as the cable service territory. However, the rules required that each city/township was required to appoint two individuals to serve on a Commission. One was required to be an elected official and another a citizen of the community. *(Subsequently, state law was changed to allow the council of a city to designate a person who might not be a citizen of the community, i.e. a staff person).*

Once a joint powers entity was approved as a cable service territory, a process for development of a franchise was followed that included educating Commission members, establishing guidelines for the particular needs of the representative communities, creating a request for proposals and soliciting proposals from interested cable operators. After review, a selection was made and a franchise ordinance was either adopted by each individual municipality that was representative of the franchise service territory, or the joint powers entity, (depending on whether the member cities granted the joint powers entity franchising authority). Some of the earlier franchise authorities which were joint powers agreements did not have the authority to adopt a franchise. However, the Ramsey/Washington Suburban Cable Commission was created in 1983 as a joint powers commission with the authority to franchise.

In cases where each municipality retained their authority to approve the franchise, whenever the franchise agreement required modification thereafter, each individual municipality had to approve the amendments. Some would argue that the process of dealing with frequent modifications and franchise amendments is expedited more effectively with Commissions who retain the franchising authority, as is the case with the RWSCC.

B. Current Law

Subsequent to initial franchising and up to the current time, substantial legal change has occurred with respect to cable television franchising. The State Cable Board was abolished in the mid-1980's, but the franchising procedures are still part of Minnesota law. In 1984, Congress adopted the federal Cable Act which established a national policy relating to cable television franchising. The 1984 Cable Act was later modified in 1992, which in essence directed the

satellite companies, wireless operators, telephone companies, and other telecommunication providers. Advances in technology are revolutionizing cable and telecommunications. Such advances will determine how Minnesota municipalities will be wired for the "Information Superhighway." The cable television industry is competing with the telephone industry to be that "wire."

A representative of U.S. West recently stated that more change has occurred in the telecommunications industry in the last 1-1/2 years than had occurred in the twenty (20) years prior. This trend will continue; and the franchising authority will be required to monitor and respond to the changing industry, whether the authority be an individual community or a commission acting on behalf of its member communities.

Whether a single community may best represent its own interest in this arena or whether a larger district or territory may better understand, influence and/or control the development of digital communications to its advantage needs to be addressed in our area. With the advancement of this technology and with legislation pending or being considered at the federal level, local regulations of cable communications may change greatly in the next 12-24 months.

VI. QUESTION FOR CONSIDERATION BY MEMBER CITIES

Again, the issue that needs to be addressed by each of the member RWSCC cities is whether or not to grant the existing Cable Commission the authority to explore franchise options, negotiate and approve a franchise on behalf of its member cities. Whatever is decided by the member communities, whether it be to utilize the Commission in its present or amended form, or for each city to independently negotiate and renew a franchise on their own behalf, the ultimate franchise authority(s) must be prepared to accept the request for renewal from the cable company by May, 1995.

The following are three options identified by the study group for consideration:

(1) Grant the existing Cable Commission the authority to negotiate and approve renewal on behalf of member cities;

(2) Do not extend the authority to the existing Commission. Rather, retain franchising authority and, either (a) develop a new joint and cooperative agreement with one or several other cities for the purpose of franchise renewal and administration, or (b) retain all rights as a franchise authority and work independently with the cable company.

(3) Amend the current joint and cooperative agreement to establish a method for the Commission to negotiate franchise renewal terms on behalf of the member cities while retaining the franchising authority of individual cities to approve and administer the franchise agreement.

The question of whether or not to grant the existing Cable Commission the authority to negotiate and adopt a new franchise stems from concerns expressed by some of the member cities regarding

There have been concerns raised about whether the financial policies and procedures require modifications. Some cities have expressed a desire to have franchise fees sent directly to them.

VIII. EXAMPLES OF OTHER JOINT POWER ENTITIES.

The study group briefly examined the structures of other Cable Commissions in the metropolitan area. Attached is a table summarizing their characteristics, some of which directly relate to the issues listed above, (SEE ATTACHMENT C).

IV. OPTIONS FOR FRANCHISE RENEWAL (pros/cons).

As identified above, there are essentially three options for consideration of the member cities/townships.

OPTION I. Grant the existing Cable Commission the authority to negotiate and approve renewal on behalf of member cities.
This option retains the existing joint powers agreement and assigns the franchise renewal responsibility to the Commission. Each member city would need to adopt an ordinance granting franchising authority to the Commission for the purpose of negotiating and approving a new franchise on their behalf. The Commission would provide staff time, expertise, and existing financial resources to complete the renewal process.

PROS
* One entity would be negotiating renewal for all of the entire service area using an existing funding source.

CONS
* Concerns expressed by member cities regarding the existing joint powers agreement, the Commission's structure, and franchise administration would not be addressed.

OPTION II. Do not extend the authority to the existing Commission. Rather, retain franchising authority and, either (a) develop a new joint and cooperative agreement with one or several other cities for the purpose of franchise renewal and administration, or (b) retain all rights as a franchise authority and work independently with the cable company.
This option provides each city/township the flexibility to address specific concerns or priorities regarding the cable system services or franchise administration. Under this option, the individual city would be responsible for undertaking the franchise renewal process. This would require each city and township, (or a combination thereof), to become familiar with both the legal and procedural renewal requirements as well as to determine how the new franchise would be administered upon its effect. Staff time, cable expertise, and city resources would be required of each city, or group of cities, to complete the renewal process.

* Utilize the Commission staff's knowledge of the cable industry, the cable company, the cable company's structure and its past performance.

CONS

* All member cities have to agree upon any modification to the existing joint powers agreement before franchise renewal proceedings can be initiated.

X. RECOMMENDATION OF COMMITTEE: OPTION III

Some cities have indicated that they do not intend to grant the Cable Commission the authority to renegotiate on their behalf as it is currently structured. If the authority is not granted, each city will be faced with negotiating and administering a new franchise on their own. Although this could be done, it may be a costly duplication of resources and could reduce a community's ability to influence the availability of new technology to its residents and businesses.

The committee concluded that the pending May 1995 deadline for the commencement of the franchise renewal process should not limit a city's ability to carefully explore and consider the alternatives for administration of the 1998 franchise agreement. Consequently, *OPTION III* appears to be the most viable option - *GRANTING THE CABLE COMMISSION LIMITED AUTHORITY UNDER AN AMENDED STRUCTURE.*

If the current joint powers agreement is amended, the structure could be modified to provide an effective method for negotiating a new franchise. After reviewing other joint power entities, and taking into consideration concerns expressed by some of the member cities, a modified structure similar to the Southwest Cable Commission might be appropriate, (refer to Attachment C). Below are some provisions to be considered if an amendment is the chosen course of action. A suggested process and timeline for the development of an amendment is offered in the final section of this report.

Suggested provisions of amendment:

1) Retain two representatives from each city, as required by state law, but eliminate the appointment of alternates. This would address concerns regarding the size and manageability of the Commission.

2) Create an operating committee within the Commission which would include one representative from each city/township. The Southwest Cable Commission appoints city staff to the Commission to serve on their operating committee and charges it with the responsibilities of conducting special studies and addressing administrative issues. However, this may not be realistic for some RWSCC communities with a limited staff. In such cases, a city/township may want to appoint a resident or councilmember to serve this function. In addition to handling on-going operational issues, the operating committee would be responsible for working with RWSCC staff on the franchise renewal. All policy issues would remain with the Board.

to that date. Anticipating time needed for review and comment by each of the member city and township councils, the initial draft should be prepared by the end of this year.

Attachment A

1) RWSCC Joint Powers Agreement

2) Cable History

3) Sources and Uses of Funds

4) Memorandum

RWSCC Joint Powers Agreement

JOINT AND COOPERATIVE AGREEMENT

RAMSEY/WASHINGTON COUNTIES SUBURBAN

CABLE COMMUNICATIONS COMMISSION

The parties to this Agreement are governmental units of the State of Minnesota. This Agreement supersedes any prior agreement between the parties covering the establishment of a cable communications commission and is made pursuant to Minnesota Statutes §238.08 and §471.59, as amended.

I. PURPOSE

The general purpose of this Agreement is to establish an organization to study, prepare, adopt, grant, administer and enforce a single non-exclusive cable communications franchise in member municipalities in the Ramsey/Washington Counties Cable Service Territory.

II. NAME

The name of the organization is the Ramsey/Washington Counties Suburban Cable Communications Commission.

III. DEFINITIONS

Section 1. Definitions. For purposes of this Agreement, the terms defined in this Article shall have the meanings given them.

Section 2. "Board of Directors" or "Board" means the governing body of the Commission.

Section 3. "Commission" means the organization created pursuant to this Agreement.

Section 4. "City" or "Cities" or "Municipalities" means any city or township.

the absence of their designated director. Alternate directors shall have all the powers of their designated director in the event of such director's absence.

Section 2. Term. The terms of the first directors shall begin on the effective date of this Agreement and shall continue until November, 1983. Thereafter, each director shall serve for a term of two (2) years. A director shall serve at the pleasure of his or her city council.

Section 3. Voting. There shall be no voting by proxy. All votes must be cast in person at Commission meetings by the director. The number of votes each director shall be entitled to cast shall be based upon the official population as determined by the latest United States Census of his or her member city as it corresponds to the formula set forth in Appendix "A" attached to this Agreement. A director shall not be eligible to vote on behalf of his or her municipality during the time that said municipality is in default on any contribution or payment to the Commission.

Section 4. Compensation. Directors shall serve without compensation from the Commission, but this shall not prevent a member from compensating its directors if compensations by that member is otherwise authorized by law.

VI. OFFICERS

Section 1. Number/Election. The officers of the Commission shall consist of a Chairman, a Vice Chairman, a Treasurer and a Secretary, all of whom shall be elected at the first meeting of the Commission, and thereafter, at the annual meeting of the Commission held in November of each year. New officers shall

Committee which shall consist of the four (4) officers and any other director elected by the Commission. To the extent specifically delegated by the By-Laws or resolution of the Commission, the Executive Committee shall have the authority to manage the business of the Commission during intervals between meetings of the Commission but at all times is subject to the control and direction of the Commission. The Executive Committee shall meet at the call of the Chairman or upon the call of any other two (2) members of the Executive Committee. The date and place of the meeting shall be fixed by the person or persons calling it. At least forty-eight (48) hours advance written notice of that meeting shall be given to all members of the Executive Committee by the person or persons calling the meeting, however, notice may be waived by any or all members who actually attend the meetings or who have given a written waiver of such notice for a specified meeting.

VII. MEETINGS

Section 1. First Meeting. The first meeting of the Commission shall be held on Thursday, November 12, 1981.

Section 2. By-Laws. At the first meeting of the Commission, the Commission shall adopt By-Laws governing its procedures, including the time, place, notice for and frequency of its regular meetings, the procedure for calling special meetings and such other matters as are required by this Agreement.

The Commission may amend the By-Laws from time to time. The By-Laws may be amended in one of two ways:

A. A proposed By-Law amendment may be brought up at a regular meeting, then referred to the By-Laws Committee for its

things reasonably necessary and proper to the implementation of its powers and duties, including those powers set forth in this article. As part of this process, the Commission shall seek input from all member municipalities and communicate the progress of the Commission to each member city on a monthly basis.

Section 3. Needs Assessment. The Commission shall compile, make publicly available and approve a Needs Assessment Report.

Section 4. Request for Proposals. The Commission shall prepare and adopt, after a public hearing, a Request for Proposals. The adoption of the Request for Proposals shall be by at least a two-thirds (2/3) vote of the total eligible votes. Votes shall be taken until the Request for Proposals is properly adopted or until the hearing is adjourned in which case the Commission may schedule and hold additional meetings to adopt a Request for Proposals.

Section 5. Designation of Company. After receipt and review of all proposals submitted to the Commission by the cable communications companies, the Commission shall select by resolution, after a public hearing, one (1) cable communications company to which it may grant a franchise. The adoption of the resolution shall be by at least a two-thirds (2/3) vote of the total votes entitled to be cast. Votes shall be taken until a cable communications company is so selected or until the hearing is adjourned in which case the Commission may schedule and hold additional meetings to select a company.

Section 6. Adoption of Franchise Ordinance. The Commission shall prepare, adopt and grant one (1) cable communications company a single non-exclusive cable communications franchise (hereinafter

by the cable communications company. The Commission shall notify each member of proposed changes in rates charged subscribers at least forty-five (45) days prior to a hearing on the issue.

Section 10. Contracts. The Commission may make such contracts as are reasonably necessary to accomplish the purposes of the Commissic

Section 11. Consultants. The Commission may retain the services of experts and legal counsel to advise it in accomplishing the purposes of the Commission.

Section 12. Advisory Committees. The Commission may appoint an advisory committee to make recommendations to it on cable communications. The duties of such committees shall be set forth by the Commission.

Section 13. Gifts/Grants. The Commission may accept gifts, apply for and use grants and may enter into agreements required in connection therewith, and may hold, use and dispose of money or property received as a gift or grant in accordance with the terms thereof.

Section 14. Legislative Activities. The Commission may submit written comments on rules, regulations or legislation regarding cable communications proposed by or before the Federal Communications Commission, the Minnesota Cable Communications Board, the Minnesota Legislature or any other state or federal body. The Commission may also direct its representatives to appear and testify on cable communications before any governmental body.

Section 15. Investigation. With the approval of a majority of the Commission, directors may be authorized to investigate the operation of cable communications systems in other cities in Minnesota or elsewhere, and the expenses of traveling and subsistence of

given year. A member municipality shall be assessed a share of the budget equivalent to the total number of votes that municipality has, as it corresponds to the formula set forth in Appendix "B" attached to this Agreement. A member shall be deemed in default if said member's contribution is not paid in full on or before January 31.

Section 4. Budget Process - 1982. A proposed budget for the year 1982 shall be formulated by the Commission and submitted to the members within sixty (60) days after the effective date of this Agreement. No budget shall become effective unless approved by resolution of the governing body of member municipalities represented by three-fourths (3/4) or more of the total possible budget shares as set forth in Appendix "B". A proposed budget must be approved within sixty (60) days after its submission to the member municipalities. If the budget is not so approved, the Commission shall promptly formulate a revised budget and submit it to the members for their review and approval.

Section 5. Budget Process - Subsequent Years. This Agreement contemplates that franchise fees collected by this Commission shall be in an amount sufficient to defray the operating expenses and any other necessary expenses of this Commission in subsequent years. The franchise ordinance shall provide that franchise fees collected in excess of the amount needed for the annual budget shall be redistributed to the then existing member cities in good standing according to a formula using a proportionate share of the total gross revenues derived from each of such member cities. In the event the said fees are not sufficient, a proposed budget for that

contain the results of the annual audit, a summary of the past year's activity and a discussion of the Commission's plans for the coming year. The report shall be submitted to the governing body of each member on or before August 1 of each year.

X. WITHDRAWAL

Section 1. Withdrawal. Any municipality may withdraw from this Agreement by giving notice prior to the Commission Hearing on Policy Decisions. After the commencement of the Hearing on Policy Decisions, no municipality may withdraw from this Agreement.

Section 2. Notice. In order to effectuate a withdrawal, a member withdrawing from the Commission shall give notice to the Coordinator of the Commission by service of a certified copy of a resolution of its city council indicating its intent to withdraw from the Commission. Such notice must be given to the Coordinator of the Commission prior to the Commission Hearing on Policy Decisions to be effective. Upon receipt of the resolution, the Coordinator of the Commission shall forward a copy of the resolution to each of the directors.

Section 3. Financial Effect of Withdrawal. No financial benefit may inure to a municipality that withdraws under this provision nor shall there be any reimbursement for any contribution made by the withdrawn municipality.

XI. DISSOLUTION

Section 1. Duration of Commission. The Commission may continue for a term up to and including fifteen (15) years. The Commission may be dissolved only upon the expiration of the franchise, upon the termination of the franchise for any reason stated in the franchise ordinance or by operation of state or federal law.

Section 3. Previous Agreement Superseded. This Agreement, when effective, supersedes all previous Agreements between the members hereto establishing a joint cable communications commission.

IN WITNESS WHEREOF, the undersigned municipality has caused this Agreement to be signed on its behalf this _____ day of _____, 1981.

City of _____

By _____

Its: Mayor

By _____

Its: Manager/Clerk

APPENDIX "B"

Assessment Formula

Population of Member City	Shares of Annual Budget
0 - 5,000	2
5,001 - 10,000	4
10,001 - 15,000	6
15,001 - 20,000	8
20,001 - 25,000	10
25,001 - 30,000	12

Cable History

CABLE HISTORY

- Pre-1970s — Cable used primarily in rural and mountainous areas as antenna service to improve local reception.

- 1970s — HBO and other movie services launched. Urban cable marketing now possible. Emergence of WTBS, WGN, WOR on satellite, becoming the first "Superstations."

- Mid-1970s — State Cable Board established in Minnesota. Worked in cooperation with municipalities cable set service territories, requirements for the franchising process, and certification of franchises.

- Late 1970s and early 1980s — Metro area municipalities go through franchising process and grant franchises.

- In Ramsey/Washington, 12-city consortium establishes Cable Commission in 1981 via Joint & Cooperative Agreement.

- Commission conducts franchising process and grants 15-year franchise to Group W Cable in 1983.

- Franchise addresses the following:
  - Construction standards
  - System design and channel capacity
  - Customer service requirements
  - Regulation of rates and fees
  - Local programming provisions
  - Financial commitments (service rates and fees; franchise fee requirement)
  - Interconnection with other systems
  - Service to institutions (municipalities, schools, libraries, etc.)
  - Institutional Network
  - Access Corporation

- Cable construction started spring/summer 1983.

- Ben Selisker hired as Commission's Executive Director.

- Cable access studios built 1984/85 (one [1] in White Bear Lake and one [1] in Oakdale). Group W hires local programming staff.

- With help from Commission, Ramsey/Washington Public Access Corporation established in 1985 as membership-based nonprofit organization (later named Suburban Community Channels, or "SCC"). SCC governed by a board consisting of eight (8) individuals elected from general public membership; four (4) individuals appointed by the Commission; and one (1) cable company representative.

- SCC's objective: To develop and promote the public's access to cable television through the cable company's dedicated equipment and facilities.

- January of 1994 — Commission installs approximately $100,000 in new equipment at city halls throughout system.

- May of 1994 — Commission completes its review of rates and orders a rollback of rates, as well as refunds to subscribers. Meredith appeals to FCC. Menawhile, Meredith makes "settlement proposal" to the Commission.

- July of 1994 — Commission authorizes purchases of additional equipment for city halls within system.

Sources and Uses of Funds

SOURCES & USES OF FUNDS
RAMSEY/WASHINGTON COMMISSION
PRE-ACCESS TRANSFER (1992)

SOURCE	AMOUNT	USES	PURPOSE
Annual Franchise Fees from Meredith Cable	$449,414	$132,500 - Commission Operating Expense	• Administrative staff • Legal; auditing; consulting • Office supplies & equipment • Memberships/training/education • Insurance
		$60,978 - Institutional Grants	• City equipment, programming grants
		$280,100 - SCC Grant	• Promote use of access; develop programming
Accumulated Reserves of Commission	$265,397	$80,000 - Operating/Cash Flow	• Designated Reserve
		$50,000 - Emergency/Litigation	• Designated Reserve
		$25,000 - Franchise Renewal	• Designated Reserve
		$110,397 - Undesignated	

SOURCES & USES OF FUNDS
RAMSEY/WASHINGTON COMMISSION
POST-ACCESS TRANSFER (1994)

SOURCE	AMOUNT	USES	PURPOSE
Annual Franchise Fees from Meredith Cable	$460,000	$156,236 - Commission Operating Expense	• Administrative staff • Legal; auditing; consulting • Office supplies & equipment • Memberships/training/education • Insurance
		$197,902 - Govt. Access Budget	• Produce Channel 64 programming
		$30,000 - Reimbursement Grant Program	• Paid to municipalities for reimbursement of cablecasting of public meetings.
		$84,538 - Grant/Excess Franchise Fees	• Purpose not determined; under consideration.
Annual Access Transfer Operating Grant	$360,000	$41,514 - Joint Rent	• Oakdale & WBL facilities; utilities
		$318,886 - SCC Grant	• Promote, program & operate Public Access.
Annual Equipment Grant	$80,000	$80,000 - Add to Equipment Reserve	• Purchase 1994 Equipment
Accumulated Reserve	$561,614	$100,000 - Operating/Cash Flow	• Designated Reserve
		$50,000 - Emergency/Litigation	• Designated Reserve
		$25,000 - Franchise Renewal	• Designated Reserve
		$240,546 - Equipment Reserve	• Designated Reserve
		$30,000 - WBL Remodeling Proj.	• Designated Reserve
		$3,000 - Outstanding Grant Res.	• Designated Reserve
		$133,068 - Undesignated	

Memorandum

RAMSEY-WASHINGTON SUBURBAN CABLE COMMISSION

7245 Stillwater Boulevard North
Oakdale, Minnesota 55128

Telephone: 612-779-7144
Telecopier: 612-779-8990

RECEIVED
APR 22 1994

Birchwood Village
Dellwood
Grant Township
Lake Elmo
Mahtomedi
Maplewood
~~North St. Paul~~
Oakdale
Vadnais Heights
White Bear Lake
White Bear Township
Willernie

MEMORANDUM

April 19, 1994

TO: Gretchen Maglich, Assistant City Administrator, City of Maplewood

FROM: Tim Finnerty, Executive Director, Ramsey/Washington Suburban Cable Commission

RE: Follow-up to April 4 Council/Manager Work Session

This is in response to the April 4 Council/Manager Work Session which I attended to discuss cable, as well as to follow up on our subsequent telephone conversations. It is my intent in this letter to answer some of the matters raised.

As you know, the question before the city is whether or not to renew the City's participation in the Joint and Cooperative Agreement to continue the Cable Commission with other municipalities in the Ramsey/Washington cable area; and if so, whether any new requirements should be incorporated into a renewed Joint and Cooperative Agreement. (The existing Agreement formed the Cable Commission in 1981 to study, prepare, adopt, grant, administer, and enforce a single, non-exclusive cable franchise.)

From the discussion at the council/manager work session, and my subsequent conversations with you, there seemed to be an interest in identifying the functions of the current Cable Commission, as well as examining matters which may need to be addressed by the City in the event that the City determines to not to participate in the Cable Commission beyond its existing term. In other words, if the City decides to "go it alone," what new functions may the City be assuming? What are the potential costs of such functions?

I am not certain I can give absolutely definitive answers to these questions. I can, however, provide you with my general thoughts which, hopefully, can provide you and other City officials with a better sense of the relevant issues.

The first item for consideration is the franchise renewal process.

1. Franchise Renewal Process. In approximately May of 1995, the cable company will be requesting renewal of the franchise, which is set to expire in 1998 (federal law requires that the franchise renewal process start three (3) years prior to

At the April 4 council/manager work session, the matter was raised regarding the cost of administering the renewal process. Obviously, it can be expensive. For this reason, the Cable Commission, anticipating renewal of the Joint and Cooperative Agreement, has established a reserve fund of $25,000 for use during the renewal process.

2. On-going Administration and Enforcement. Once the franchise is renewed, the franchising authority is responsible for its ongoing administration and enforcement. Please keep in mind that the franchise is a contract between the cable company and the franchising authority. The franchise can contain many provisions. Here are a few examples of broad areas which may be contained within a franchise:

- Commitments regarding financial resources to be used for new franchise
- Service areas and construction schedules for upgrading/rebuilding of system
- Upgrades to channel capacity and system design
- Proposed new signal carriage and channel allocations
- Local programming
- Institutional services
- Services, rates and rate regulations

Obviously, the franchising process would yield a significant amount of detail under each of these categories. Further, given the rapidly changing technologies of cable and telecommunications, including digital technology and fiber optics, it is very possible the franchises of 1998 will, in detail, look significantly different than the franchises of today.

The provisions made within these new, high-tech franchises will need to be carefully administered and enforced by local franchising authorities for maximum benefit.

3. Handling Citizen Complaints/Resolution. Regardless of high-tech wizardry, this is one function that will probably not change in the future. The franchising authority will need to continue to assist citizens with cable-related complaints--everything from repair of private property during construction of cable or fiber optic lines ... to service outages ... to billing problems.

No matter which entity acts as franchising authority, City or Cable Commission, that entity will need to maintain an active relationship with the cable company and process citizen complaints from start to finish.

4. Regulation of Cable Television Rates. Under the 1992 Cable Act, the right to regulate basic cable rates was restored to franchising authorities. Absent a renewed Joint and Cooperative Agreement, this function would presumably become the City's.

Advances in technology are revolutionizing cable and telecommunications. Such advances will determine how Minnesota municipalities will be wired for the "Information Superhighway." The cable television wants to be that "wire," but so does the telephone industry. What will be the impact of such emerging and converging technologies? What are the relevant public policy concerns as new technology is put into place?

I raise these questions because they are being asked by franchising authorities throughout Minnesota. Municipalities clearly want to protect the public interest in the development of the information superhighway, particularly because significant investments have been and will be made in cable communications technology. A close eye needs to be kept on these developments.

7. Costs. It is difficult to speculate on the exact costs the City would incur if it became directly responsible for the renewal of the franchise and its ongoing administration and enforcement. The only insight I can shed on this is to show the current costs of the cable commission for these functions.

FUNCTION	**COST AS A PERCENTAGE OF ANNUAL FRANCHISE FEE REVENUE ($460,000, 1994 PROJECTED)**
Franchise Administration and Enforcement; Rate Regulation; Handling Citizen Complaints; Commission's LMCIT Insurance	36.6 Percent ($168,238)
Government Access Channel Programming	49.5 Percent ($227,906)
Grant Fund (These are funds which are under consideration by the Commission for proportionate redistribution to member cities)	18.4 Percent ($84,538)

As you can see, all the franchise fees projected for 1994 are expended in these three broad categories (actually, the expenses exceed franchise fees projected for 1994; the Commission uses interest income and some reserve funds to cover the expenses beyond actual projected franchise fees). Please also keep in mind that the Commission receives an annual public access grant, separate from franchise fees, from the cable company which it uses to fund Suburban Community Channels ("SCC"), the nonprofit public access group. This public access grant ($360,000 in 1994) was a part of a franchise commitment by the cable company to support public access channels and programming.

Therefore, in 1994, the Commission grants no funding to SCC from franchise fees.

I cannot say for sure that the percentages above could be applied to the City as a formula to determine its potential costs if it decided to undertake the aforementioned responsibilities. This represents the Commission's 1994 expenses,

Attachment B

1) Franchise Renewal Process Summary

RENEWAL PROCESS

1. Overview

   - Renewal requirements
   - Components of a franchise
   - Desirable elements in a franchise
   - Matters for negotiation which may not be required

2. Formal vs. Informal Renewal Process

   - Notice from the cable operator
   - Notice from franchise authority

3. How to Prepare for the Renewal Process - Getting Started

4. Current Environment in Franchise Renewals

- Operator has the legal, technical, and financial qualifications

- Administrative proceeding

- Channel capacity for public, educational, and governmental access, and capacity on an institutional network for educational and governmental use

- Provisions relating to the transfer of ownership, i.e., anti-trafficking and also protection against impact to subscribers to ensure reliability of new operator

- Consumer protections standards

- Capital costs for access equipment

- Franchise term

- Administration and enforcement

  - Insurance

  - Review - Periodic

  - Records

FORMAL VS. INFORMAL RENEWAL PROCESS

- What is the *formal* process?
- What is the *informal* process?
- Does it make a difference which process is adopted?
- How does a franchising authority protect itself and the rights it has in the Cable Act?
- What process is generally followed and why?

3. Court Decisions and Significant Rules

- Court Decisions
  - Rolla
  - Birmingham
  - Turner
  - Bell Atlantic
  - U.S. West
- Significant new rules from the Federal Communications Commission (FCC)
  - Increasing role of the FCC. Example: New electronic compatibility standards
  - Video dial tone
  - Petitions to FCC for declaratory rulings, i.e., New Hampshire case
- What does all of this mean to the franchising authority?

CONCLUSION:

1. You get out of the franchise renewal process what you are willing to put into it.

2. It is different today than in the past.

3. Franchise authorities must prepare themselves as effective negotiators

Attachment C

1) Comparison of Joint Powers Agreements

A COMPARISON OF JOINT POWERS AGREEMENTS

NORTH SUBURBAN CABLE COMMISSION'S JOINT POWERS AGREEMENT	SOUTH WASHINGTON CABLE COMMISSION JOINT POWERS AGREEMENT	RAMSEY/WASHINGTON CABLE COMMISSION'S JOINT POWERS AGREEMENT	SOUTHWEST CABLE COMMISSION'S JOINT POWERS AGREEMENT
Parties/Agreement Agreement made pursuant to Minnesota Statutes 471.59, as amended. Arden Hills, Falcon Heights, Little Canada, Lauderdale, Moundsview, New Brighton, North Oaks, Roseville, St. Anthony, and Shoreview.	**Parties/Agreement** Agreement made pursuant to Minnesota Statutes 238.08 and 471.59, as amended. Newport, St. Paul Park, Woodbury, Afton, Cottage Grove, Grey Cloud Township, and Denmark Township.	**Parties/Agreement** Agreement made pursuant to Minnesota Statutes 238.08 and 471.59, as amended. Birchwood, Dellwood, Grant Township, Lake Elmo, Mahtomedi, Maplewood, North St. Paul, Oakdale, Vadnais Heights, White Bear Lake, White Bear Township, and Willernie.	**Parties/Agreement** Agreement made pursuant to Minnesota Statutes 471.59, as amended. Eden Prairie, Edina, Hopkins, Minnetonka, and Richfield.
Purpose Monitor operation of cable system; coordinate administration and enforcement of franchises (each city has its own identical franchise) of cities; promote development of local programming; and regulate rates.	**Purpose** Monitor the operation and activities of cable communications; provide coordination of administration and enforcement of the franchise; promote the development of locally produced cable television programming, and conduct such other activities authorized herein that may be necessary to ensure reasonable rates and service levels.	**Purpose** Study, prepare, adopt, grant, administer, and enforce a single non-exclusive franchise.	**Purpose** Analyze the operation and cities' system; coordinate administration and enforcement of franchises of cities; report on and make recommendations regarding operation of system(s).
Number of Directors Each city is entitled to one (1) director.	**Number of Directors** Each city is to appoint two (2) directors.	**Number of Directors** Each city is entitled to two (2) directors.	**Number of Directors** Each city is entitled to two (2) directors. One is a council member or its designee; the other is a member of the administrative staff of city.
Alternates Each city is entitled to appoint one (1) alternate director.	**Alternates** Each member city is entitled to appoint one (1) alternate.	**Alternates** Each city is entitled to two (2) alternates.	**Alternates** Each city is entitled to two (2) alternates. One is a council member or its designee; the other is a member of the administrative staff of city.
Votes Per Director There are 100 total votes on Commission at all times. Each director is entitled to a share of the 100 votes equal to the proportional budget share of his/her city. (In both the North Suburban and North Central systems, the cable company pays the franchise fees directly to each member city. Each city, then, makes a contribution to the Commission in support of its operating budget).	**Votes Per Director** Each director shall have one (1) vote.	**Votes Per Director** Each director is entitled to one (1) vote for each 5,000 citizens residing within that director's city.	**Votes Per Director** Each director is entitled to one (1) vote.
Appointment of Director(s) By resolution of city. Director is to serve, without compensation, until successor is chosen.	**Appointment of Director(s)** By resolution of city. A director shall service until a successor is appointed and qualifies.	**Appointment of Director(s)** By resolution of city. Director is to serve, without compensation, for a term of two (2) years.	**Appointment of Director(s)** Each city provides written notice to Commission. Director is to serve for two (2) year terms.
Quorum The presence of five (5) directors representing a majority of the total authorized votes of all directors.	**Quorum** The presence of a majority of the number of directors appointed at any one time shall constitute a quorum of the Commission.	**Quorum** A majority of the member municipalities shall constitute a quorum.	**Quorum** A majority of the directors shall constitute a quorum of the Commission.

September 26 1994

Officers Chair, vice-chair, treasurer, and secretary elected by Commission annually. No more than two consecutive terms in same office.	**Officers** Chair, vice-Chair, secretary, and treasurer, all of whom shall be elected annually for one year terms.	**Officers** Same as North Central, but no limitation to the number of consecutive terms served.	**Officers** Chairman, vice-Chairman, and a secretary/treasurer, elected annually.
Financial Matters Franchise fees are collected by cities. Financial contributions of cities in support of Commission are in same proportion as weighted voting of members. This proportion, or percentage, is then multiplied by the Commission budget to determine actual amount of contribution.	**Financial Matters** The Commission collects all franchise fees paid by the cable company, provided that a city which has withdrawn from the Commission shall collect its share of franchise fees directly from the cable company.	**Financial Matters** Franchise fees are collected by the Commission. Agreement contemplates that such franchise fees will be sufficient to defray operating expenses of the Commission. Excess franchise fees are to be proportionately redistributed to cities.	**Financial Matters** Franchise fees are collected by cities who then contribute an amount which bears the same ratio to the total Commission budget.
Budget Annual budget proposal submitted by August 1. Budget deemed approved by a council unless, by October 15, city decides to withdraw from Commission. A final budget is to be adopted by the Commission by November 1.	**Budget** Proposed budget for each fiscal year to be formulated by the Commission and submitted to its member cities by August 1 of each fiscal year. The budget is deemed approved by September 15 unless the city provides notice to the Commission. In the event that the Commission receives such notices, the Commission shall consider them and submit a revised budget by October 15. At that point, a member city may either accept the budget or withdraw from the Commission.	**Budget** Franchise fees are collected by the Commission. Agreement contemplates that such franchise fees will be sufficient to defray operating expenses of the Commission. Excess franchise fees are to be proportionately redistributed to cities. If franchise fees are not sufficient to cover Commission expenses, Commission is to submit proposed budget to cities by August 1 seeking additional revenue, requiring approval of cities representing three-fourths (3/4) or more of total budget shares further defined in Agreement Appendix B.	**Budget** A proposed budget for subsequent year is formulated by the Commission and submitted to the cities on or before August 1 of each year, which becomes effective upon approval of a majority of the city councils.
Duration of Commission Term of Commission is indefinite, unless membership falls below five cities. Cities may also terminate Agreement by mutual agreement at any time.	**Duration of Commission** The Joint Powers Agreement shall continue in effect until the regular annual meeting of the Commission, and thereafter from year to year, or until termination in accordance with the terms of the agreement. The Commission shall be dissolved when there are less than four (4) member cities participating, or by a majority vote of the Commission.	**Duration of Commission** The Commission may continue for a term up to and including fifteen (15) years. The Commission may be dissolved only upon the expiration of the franchise, upon the termination of the franchise for any reason stated in the franchise ordinance or by operation of state or federal law.	**Duration of Commission** The Commission may continue for a term up to and including the date of Franchise expiration. Commission shall dissolve if less than four (4) cities remain.
Withdrawal of Cities from Agreement Written notice by October 15 for effective withdrawal at end of that year.	**Withdrawal of Cities from Agreement** Written notice before December 1 of any year.	**Withdrawal of Cities from Agreement** No provision for withdrawal after adoption of franchise.	**Withdrawal of Cities from Agreement** Any city may withdraw from agreement effective January 1 of any year by giving notice prior to October 1 of the preceding year.