

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-05-___

A RESOLUTION ADOPTING FINDINGS OF FACT #___ RELATING TO A REQUEST FROM LAWRENCE AND PAULA FERBER FOR A HOME OCCUPATION PERMIT TO OPERATE AN AUTO BODY REPAIR AND REFINISHING BUSINESS ON THE PROPERTY LOCATED AT 17441 BAUGH ST NW.

WHEREAS, the City of Ramsey received an application from Lawrence and Paula Ferber requesting a home occupation permit to operate an auto body repair and refinishing business in a detached accessory building located on the property generally known as 17441 Baugh St NW and legally described as follows:

Lot 1, Block 1, Whitetail Meadows, City of Ramsey, Anoka County, Minnesota.

(the "Subject Property")

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA that the findings of fact relating to the request are determined to be as follows:

1. That on April 11, 2011, Lawrence and Paula Ferber, herein referred to as the "Applicant", properly applied for a home occupation permit to operate an auto body repair and refinishing business (the "Home Occupation") in a detached accessory building on the **Subject Property**.
2. That the **Applicant** appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 of the City Code on May 5, 2011, and that said public hearing was properly advertised.
3. That the **Subject Property** is zoned R-1 Residential (Rural Developing) and the surrounding parcels are also zoned R-1 Residential (Rural Developing).
4. That the **Subject Property** is approximately ten (10) acres in size; the lot to the south is approximately nine (9) acres and the lots to the north and east are at least 1.3 acres or larger in size.
5. That the **Applicant** shall occupy and own the dwelling unit on the site of the **Home Occupation**.
6. That the **Home Occupation** is located in a detached accessory building located on the **Subject Property** and shall not exceed total accessory building space or height allowed on the site of the home occupation (allowed 6,000 square feet of accessory building space and a maximum allowable height of twenty-two [22] feet; **Home Occupation** is located in a fifty-two by thirty-six [52 x 36] square foot building [1,872 sq. ft.] and the **Subject Property** also includes a second, smaller detached accessory building and an attached garage, which combined square footage is less than 6,000 sq. ft.).
7. That at least 400 square feet of garage space will be reserved for indoor residential parking and storage related to the residential use on the **Subject Property**.
8. That the only exterior evidence of the **Home Occupation** on the **Subject Property** is a small, fenced enclosure, just west of the detached accessory building and well screened from the road by a stand of evergreen trees, which is used to store miscellaneous parts until they can be disposed of properly.

9. That there is no interior or exterior business signs or display related to the **Home Occupation** on the **Subject Property**.
10. That there shall be no more than twenty (20) vehicle trips per 24 hour period related to the **Home Occupation**, as established in City Code Sec. 117-351 (Home Occupations). Vehicle trips shall include deliveries, non-residential waste collection, customers and employees.
11. That the **City** finds the **Home Occupation** does not constitute a fire hazard to neighboring residences.
12. That the **City** finds the **Home Occupation** does not constitute a nuisance to neighbors due to excessive traffic, light glare, noise, odors, vibration or other circumstances.
13. That the **Home Occupation** does involve operations related to auto body repair and refinishing.
14. That the **Home Occupation** does not employ any persons that do not live in the dwelling unit on the **Subject Property** (Non-resident Employees).
15. That based on the size of the **Subject Property**, the Applicant could utilize up to three (3) Non-resident Employees for the **Home Occupation**.
16. That the **Home Occupation** does include operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the **Subject Property**.
17. That the **Home Occupation** does not conduct retail sales on the **Subject Property**.
18. That the **Home Occupation** business hours are proposed to be 8:00 a.m. to 4:30 p.m. Monday through Friday. The **Home Occupation** will not operate on Saturdays or Sundays.
19. That all structures shall comply with all applicable codes, including, but not limited to, building, fire and zoning.
20. That the **City** finds the **Home Occupation** operates beyond the parameters of the general and administrative home occupation permit requirements (117-351) and therefore requires Planning Commission and City Council review and approval.
21. That the **City** finds that the **Home Occupation** operates beyond the intent and parameters of Subsections 1 and 2 of Section 117-351 (Home Occupations) and that Subsection 3 of Section 117-351 (Home Occupations) states that home occupations that propose to operate beyond the scope of the parameters in Subsection 1 and/or 2 shall be processed in accordance with the procedures established for conditional use permits in Section 117-51.
22. That the **City** finds that the **Home Occupation** is low-level and is not a use typically found in a residential area.
23. That the proposed use will not adversely impact traffic in the area.
24. That the proposed use will be compatible with the residential neighborhood due to density and lot size of the surrounding lots.

25. That the proposed use will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
26. That the proposed use will not substantially adversely impair the use, enjoyment, or market value of neighboring properties.
27. That the proposed use will not be hazardous or disturbing to existing or future neighboring uses.
28. That the proposed use will be served adequately by public facilities and services such as highways and streets.
29. That the proposed use will not create excessive additional requirements at public cost for public facilities and services, and it will not be detrimental to the economic welfare of the community.
30. That the proposed use will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

where upon said resolution was declared duly passed and adopted by the Ramsey City Council on this the 31st day of May, 2011.

Mayor

ATTEST:

City Clerk