

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #12-10-\_\_\_**

**A RESOLUTION ADOPTING FINDINGS OF FACT #\_\_\_ RELATING TO A CONDITIONAL USE PERMIT FOR MOTOR VEHICLE SALES AT THE PROPERTIES LOCATED AT 8101, 8151, and 8175 RIVERDALE DR NW.**

**WHEREAS**, Quality RV, hereinafter referred to as the “Permittee,” properly applied for a Conditional Use Permit (the “Permit”) to permit motor vehicle sales in the B-2 Highway Business District on the properties generally known as 8101, 8151, and 8175 Riverdale DR NW and legally described as follows:

LOT 4 BLOCK 1 ALPACA ESTATES 4TH ADD, Anoka County, Minnesota, subject to easement of record.

LOT 5 BLOCK 1 ALPACA ESTATES 4TH ADD, Anoka County, Minnesota, subject to easement of record.

LOT 6 BLOCK 1 ALPACA ESTATES 4TH ADD, Anoka County, Minnesota, subject to easement of record.

(“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 conditional use permit are determined to be as follows:**

1. That the Subject Property is zoned B-2 Highway Business District. Properties to the east, west and south of the Subject Property are also zoned B-2 Highway Business District and the properties north of the Subject Property (across Highway 10 NW) are zoned COR-2 District.
2. That the Subject Property is approximately 3.62 acres in size (total).
3. That motor vehicle, implement, and recreation equipment sales and service is identified in City Code as a conditional use in the B-2 Business District.
4. That prior to being identified as a conditional use, motor vehicle, implement, and recreation equipment sales and service were a permitted uses in the B-2 Business District.
5. That motor vehicle sales were occurring legally on the Subject Property prior to the zoning amendment that reclassified motor vehicle sales from a permitted use to a conditional use and therefore, the use is considered lawful, nonconforming under Minnesota Statute Section 462.357 Subd. 1e and City Code Section 117-57.
6. That an expansion of a lawful, nonconforming use (motor vehicle sales) requires a conditional use permit as outlined in City Code Section 117-115.

7. That on November 2, 2011 the Permittee submitted an application to the City requesting a conditional use permit for motor vehicle sales due to a proposed expansion of the lawful, non-conforming use on the Subject Property.
8. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-51 of the Ramsey City Code on December 1, 2011, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
9. That the Permittee requested the temporary use of unimproved surface for the display of motor vehicles in the central and eastern portion of the Subject Property so that inventory could be moved onto the Subject Property over the winter months.
10. That the Permittee stated they would discontinue the use of the unimproved surface for display of vehicles no later than June 30, 2012.
11. That due to the potential Highway 10/Armstrong Blvd interchange project, the Permittee requested to deviate from the surfacing requirements of bituminous or concrete with continuous concrete curb and gutter as required by City Code Section 117-115 and instead use class V gravel for the parking/display area.
12. That the Permittee stated that they agreed to upgrade the surface to comply with the standards of City Code Section 117-115 no later than June 30, 2016 if the transportation project has not been initiated or upon notification from the City that the interchange project will not be initiated, whichever occurs first.
13. That the Permittee acknowledged they must comply with the minimum commercial off-street parking requirements as outlined in City Code Section 117-356 (Commercial off-street parking). The required spaces are calculated by a combination of: one (1) stall for each fulltime employee, three (3) stalls for each enclosed bay, and one (1) stall for each ten (10) motor vehicles displayed on the Subject Property.
14. That on December 13, 2011, the City Council approved a Permit for the Permittee to:
  - Expand motor vehicle sales on the Subject Property; and
  - Temporarily display inventory on an unimproved surface until June 30, 2012; and
  - Submit drainage, grading and surfacing plans (the "Plans") to the City for review before June 30, 2012; and
  - Install class V gravel rather than the required bituminous or concrete surface and curb and gutter by June 30, 2012.
15. That on June 30, 2012, City Staff inspected the Subject Property and verified that inventory was still displayed on an unimproved surface and that the required Plans had not been submitted by the Permittee.
16. That on July 10, 2012, the City Council authorized a sixty (60) day extension for the Permittee to complete the required surfacing improvements.

17. That on August 28, 2012, when it was evident that the required surfacing improvements would not be completed by the end of the sixty (60) day extension period, the City Council directed City Staff to send a notice of violation to the Permittee and owner of the Subject Property (the "Property Owner") and to schedule a public hearing for October 9, 2012 to consider revocation of the Permit.
18. That on September 4, 2012, a notice of violation was sent to the Permittee and Property Owner outlining the terms of the Permit that had been violated and informing both parties that a public hearing would be held on October 9, 2012 to consider revoking the Permit.
19. That on October 2, 2012, the Permittee submitted drainage, grading and surfacing plans, prepared by Bogart, Pederson & Associates and dated October 2, 2012.
20. That on October 2, 2012, the Permittee stated that they will be submitting plans and application to the Lower Rum River Water Management Organization (LRRWMO) for a permit to disturb one (1) acre or more of land.
21. That on October 18, 2012, the LRRWMO reviewed the Permittee's application for a LRRWMO permit.
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- 25.
- 26.

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:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 23<sup>rd</sup> day of October, 2012.

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Mayor

**ATTEST:**

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City Clerk