

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

**RESOLUTION #13-09-148**

**A RESOLUTION ADOPTING FINDINGS OF FACT #0917 RELATING TO A REQUEST FROM MATT ARIOLA FOR A HOME OCCUPATION PERMIT TO OPERATE MATT'S PLUMBING SOLUTIONS ON THE PROPERTY LOCATED AT 5565 164<sup>TH</sup> AVE NW.**

**WHEREAS**, the City of Ramsey received an application from Matt Ariola requesting a home occupation permit to operate Matt's Plumbing Solutions in a detached accessory building located on the property generally known as 5565 164<sup>th</sup> Ave NW and legally described as follows:

Lot 2, Block 2, Barthels Rum River Acres 2<sup>nd</sup> Addition, 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 July 29, 2013, Matt Ariola, herein referred to as the "Applicant", properly applied for a home occupation permit to operate Matt's Plumbing Solutions (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 September 5, 2013, 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 2.92 acres and is surrounded by lots of similar sizes to the east, west, and south and slightly smaller lots to the north.
5. That the **Subject Property** is guided as Rural Developing on the City's Future Land Use Map.
6. That the **Applicant** owns and occupies the dwelling unit on the site of the **Home Occupation**.
7. That the **Home Occupation** is located in a detached accessory building located on the **Subject Property** that is 1,596 square feet in size.
8. That there will be at least 400 square feet of garage space reserved for indoor residential parking and storage related to the residential use on the **Subject Property**.
9. That there is exterior evidence of the existence of the **Home Occupation** on the **Subject Property** including the parking/storing of commercial vehicles and equipment.
10. That the commercial vehicles and equipment outside on the **Subject Property** include: 12' box truck, f450 service truck, a 2500 pick up truck, a sixteen (16) foot flatbed trailer, and a twenty (20) foot flatbed trailer.
11. That there is also a bobcat and small loader stored in the detached accessory building and an s-10 pick-up truck kept in the attached accessory building on the **Subject Property**.
12. That presently, the combined number of commercial and private use items stored outside on the **Subject Property** exceeds eight (8), which is the maximum number allowed.

13. That the Applicant has purchased a property outside of the City that will be available to store many of the items currently on the **Subject Property**.
14. That there is no interior or exterior business signs or display related to the **Home Occupation** on the **Subject Property**.
15. That there shall be no more than two (2) vehicle trips per hour per standard eight (8) hour business day or sixteen (16) vehicular trips within a twenty-four (24) hour period, as established in City Code Sec. 117-351 (Home Occupations).
16. That the **City** finds the **Home Occupation** does not constitute a fire hazard to neighboring residences.
17. That the **Home Occupation** does not include operations related to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale.
18. That the **Home Occupation** does employ one (1) person that does not live in the dwelling unit on the **Subject Property**. Two (2) additional non-resident employees will travel to the **Subject Property** for activities related to paperwork up to three (3) times per week, but will not work at the **Subject Property**.
19. That the **Home Occupation** does not involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the **Subject Property**.
20. That the **Home Occupation** does not conduct retail sales on the **Subject Property**.
21. That the **Home Occupation** business hours are proposed to be 8:00 a.m. to 4:00 p.m. Monday through Friday. The **Home Occupation** will not operate on Saturdays or Sundays.
22. That all structures shall comply with all applicable codes, including, but not limited to, building, fire and zoning.
23. That the **City** finds the **Home Occupation** operates beyond the parameters of a general and administrative home occupation permit requirements (117-351) and therefore requires Planning Commission and City Council review and approval.
24. That the **City** finds that the **Home Occupation** operates/does not operate beyond the intent and parameters of 117-351 (Home Occupations) and finds that the **Home Occupation** is/is not low-level and is not a use typically found in a residential area.
25. That the proposed use will/will not adversely impact traffic in the area.
26. That the proposed use will/will not be compatible with the residential neighborhood due to density and lot size of the surrounding lots.
27. That the proposed use will/will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
28. That the proposed use will/will not substantially adversely impair the use, enjoyment, or market value of neighboring properties.
29. That the proposed use will/will not be hazardous or disturbing to existing or future neighboring uses.

30. That the proposed use will/will not be served adequately by public facilities and services such as highways and streets.
31. That the proposed use will/will not create excessive additional requirements at public cost for public facilities and services, and it will/will not be detrimental to the economic welfare of the community.
32. That the proposed use will/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 Elvig, 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 24<sup>th</sup> day of September, 2013.

---

Mayor

**ATTEST:**

---

City Clerk