

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

RESOLUTION #15-01-003

A RESOLUTION ADOPTING FINDINGS OF FACT #0938 RELATING TO A REQUEST FROM ABDELFETTAH BENZOUBAIR FOR A HOME OCCUPATION PERMIT TO OPERATE PIPESTONE DELIVERIES ON THE PROPERTY LOCATED AT 14920 CHAMELEON ST NW.

WHEREAS, the City of Ramsey received an application from Abdelfettah Benzoubair requesting a home occupation permit to operate Pipestone Deliveries in an attached accessory building located on the property generally known as 14920 Chameleon St NW and legally described as follows:

Lot 1, Block 2, Greenland Hills, Anoka County, Minnesota, Subject to easement as shown on the plat.

(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 November 3, 2014, Abdelfettah Benzoubair, herein referred to as the "Applicant", properly applied for a home occupation permit to operate Pipestone Deliveries (the "Home Occupation") in an attached 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 December 4, 2014, and that said public hearing was properly advertised.
3. That the Subject Property is zoned R-1 Residential (Rural Developing), and the surrounding parcels to the north, east and south are also zoned R-1 Residential (Rural Developing) while the property west of CSAH 83 is zoned R-3 Residential (High Density).
4. That the Subject Property is approximately one (1) acre and is surrounded by lots of similar sizes to the north, east while the parcel west of CSAH, which is currently vacant, is over thirty (30) acres in size.
5. That the Subject Property is guided as Rural Developing on the City's Future Land Use Map.
6. That the Applicant resides at the Subject Property but his brother, Abdelhakim Benzoubair, owns the Subject Property where the Home Occupation operates.
7. That the Home Occupation involves the sale and delivery of frozen foods.
8. That there is a small office (approximately fifty [50] square feet) within the attached garage on the Subject Property where the administrative elements of the Home Occupation are conducted as well as a chest freezer that is used to store unsold product overnight. The City's Building Official has reviewed photos of the office and has determined that a Building Permit is not necessary for the type of improvements that have been made to the garage.
9. 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.
10. That there is exterior evidence of the existence of the Home Occupation on the Subject Property including the parking/storing of a commercial vehicle and two (2) standard passenger vans with

company lettering, which do not meet the definition of a commercial vehicle per City Code but do represent exterior evidence of the Home Occupation.

11. That the commercial vehicle is a z71 Chevy pick-up truck with a refrigerated unit mounted in the bed.
12. That there are two (2) standard passenger vans used in the Home Occupation, one GMC and one Chevrolet.
13. That the three (3) vehicles used in conjunction with the Home Occupation are parked on a concrete driveway in the front yard.
14. That the commercial vehicle (z71 Chevy pick-up truck with mounted refrigeration unit) must be parked in the side or rear yard of the Subject Property on an improved surface of class V gravel (minimum depth of two [2] inches, concrete or asphalt) and shall be screened to a degree of fifty percent (50%) from public roads and adjacent properties in accordance with City Code Section 177-355 (Residential Development Off-Street Parking).
15. That the two (2) vans used in conjunction with the Home Occupation are equipped with internal chest freezers that, when needed, are plugged in overnight to maintain a certain temperature.
16. That based on the size of the Subject Property, there shall be no more than six (6) items stored or parked outside and it appears that the Applicant does comply with this standard.
17. That there are no interior or exterior business signs or displays related to the Home Occupation on the Subject Property.
18. That the Home Occupation will not generate more than sixteen (16) vehicular trips within a twenty-four (24) hour period, as established in City Code Sec. 117-351 (Home Occupations).
19. That the Home Occupation does not constitute a fire hazard to neighboring residences.
20. That the Home Occupation does not include operations related to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale.
21. That there are two (2) employees of the Home Occupation that do not reside in the dwelling unit on the Subject Property; however, most of their work is off-site. The two (2) non-resident employees come to the Subject Property to pick up product in the morning and return to the Subject Property in the evening to complete paper in the office within the attached garage.
22. That the two (2) non-resident employees park their personal vehicles on the driveway of the Subject Property while they are out on deliveries.
23. That the Home Occupation does not involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the Subject Property.
24. That the Home Occupation does not conduct retail sales on the Subject Property.
25. That the Home Occupation business hours are proposed to be 9:00 a.m. to 9:00 p.m. Monday through Friday, excluding holidays. The Home Occupation will not operate on Saturdays or Sundays.
26. That the Home Occupation does not conduct sales within the City and therefore, a Peddler, Solicitor, or Transient Merchant license is not required.

27. That the Applicant does have a current Retail Mobile Food Handler license, issued by the Minnesota Department of Agriculture.
28. That all structures shall comply with all applicable codes, including, but not limited to, building, fire and zoning.
29. That the City finds the Home Occupation operates beyond the parameters of general and administrative home occupation permit requirements (117-351) and therefore requires Planning Commission and City Council review and approval.
30. That the City finds that the Home Occupation does not operate beyond the intent and parameters of 117-351 (Home Occupations) and finds that the Home Occupation is low-level even though it is not a use typically found in a residential area.
31. That the Applicant has stated the Home Occupation is only temporary until an affordable commercial site is found.
32. That on December 5, 2014, in accordance with Minnesota Statute 15.99, the City issued a letter to Applicant stating that the City was invoking a sixty (60) day extension to the sixty (60) day time limit for reviewing and commenting on the application.
33. That the proposed use will not adversely impact traffic in the area.
34. That the proposed use will be compatible with the residential neighborhood.
35. 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.
36. That the proposed use will not substantially adversely impair the use, enjoyment, or market value of neighboring properties.
37. That the proposed use will not be hazardous or disturbing to existing or future neighboring uses.
38. That the proposed use will be served adequately by public facilities and services such as highways and streets.
39. 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.
40. 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 13th day of January, 2015.

Mayor

ATTEST:

City Clerk