

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

RESOLUTION #17-01-008

A RESOLUTION ADOPTING FINDINGS OF FACT #0976 RELATING TO A REQUEST FOR AN INTERIM USE PERMIT TO ERECT AND MAINTAIN A TEMPORARY MEMBRANE TENT STRUCTURE AS A SECONDARY SHOWROOM

WHEREAS, Jim Peterson of Skeeter Boat Center, LLC, hereinafter referred to as "Applicant", has properly applied to the City of Ramsey (the "City") for an interim use permit to erect and maintain a temporary membrane tent structure for a secondary showroom at the property located at 9421 Highway 10 NW and legally described as follows:

That part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 32, Range 25, Anoka County, Minnesota, described as follows:

Commencing on the north line of said Southwest Quarter of the Northwest Quarter at a point that is 418 feet, measured at a right angle, east of the west line of said Southwest Quarter of the Northwest Quarter; thence south, parallel with said west line, to the northerly boundary line of U.S. Highway No. 10; thence southeasterly, along said northerly line, 300 feet; thence North 1 degree 26 minutes 40 seconds East, parallel with said west line, said bearing is assumed, to the north line of said Southwest Quarter of the Northwest Quarter; thence South 88 degrees 55 minutes 50 seconds East, along said north line, a distance of 451.06 feet, to the actual point of beginning; thence continuing easterly along said north line, a distance of 10.78 feet, more or less, to its intersection with the southwesterly right-of-way line of the Burlington Northern Railway; thence South 38 degrees 16 minutes 50 seconds East, along said right-of-way line, a distance of 562.78 feet; thence South 0 degrees 37 minutes 18 seconds East, a distance of 697.99 feet; thence South 3 degrees 02 minutes 12 seconds East, a distance of 109.13 feet to the northerly boundary line of said Highway No. 10; thence northwesterly along said boundary line to its intersection with a line bearing South 1 degree 26 minutes 40 seconds West, also being parallel with the west line of said Southwest Quarter of the Northwest Quarter, through the point of beginning; thence North 1 degree, 26 minutes 40 seconds East, along said parallel line to the point of beginning.

Except that part thereof which lies northwesterly of a line and its northeasterly and southwesterly extensions, said line is described as follows:

Commencing at the most northerly corner of Outlot D, NORTHFORK, Anoka County, Minnesota; thence northwesterly on an assumed bearing of North 39 degrees 01 minutes 26 seconds west, along the southwesterly right-of-way line of the Burlington Northern Railroad a distance of 340.00 feet to point of beginning of line to be described; thence South 50 degrees 58 minutes 34 seconds west 162.00 feet; thence southwesterly along a tangential curve concave to the

southeast having a radius of 1887.83 feet, a central angle of 12 degrees 21 minutes 17 seconds, a distance of 407.07 feet and said line there terminating.

Subject to an 80 foot wide easement for public street and utility purposes conveyed to the City of Ramsey by deed recorded as Anoka County Recorder Document No. 867054.

(the "Subject Property")

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-52 of the Ramsey City Code on January 5, 2017, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. That the Subject Property is zoned B-2 Highway Business District; the adjacent parcels to the east and west are also zoned B-2 Highway Business District and the Subject Property abuts right-of-way for Highway 10 to the south and right-of-way for the BNSF railroad to the north.
3. That the Subject Property is not impacted by the Highway 10 Access Management Plan nor is the Subject Property in the Official Map District.
4. That the Subject Property is approximately 6.92 acres in size.
5. That the Applicant operates a boat dealership on the Subject Property and also provides outdoor storage of marine equipment over the winter months.
6. That the Applicant has stated that they have picked up a second line of boats and needs additional showroom space to allow viewing by customers.
7. That the Applicant has stated that their existing indoor showroom is not large enough to accommodate the second line of boats and that it has low ceilings that make it challenging for customers to get up into the boats.
8. That the Applicant has proposed erecting a thirty foot by sixty foot (30' x 60') temporary membrane tent structure (the "Structure") with sidewalls for showroom space through May of 2017.
9. That the Applicant has stated that they do not intend to provide heating for the Structure.
10. That the Applicant has revised the Site Plan to show that the Structure would be located in the rear of the building on the Subject Property and access would be maintained by plowing throughout the winter. Locating the membrane structure at the rear of the building would better align with the city's rules, regulations, code provisions as well as strategic plan.

11. That the B-2 Highway Business District specifies that exterior wall finishes shall consist of face brick, stucco, glass, natural stone, specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture, factory fabricated panel materials if the panel material is to be of the aforementioned finishes, or other materials as approved by the Planning Commission and City Council.
12. That past practice of the City has been to consider membrane type structures as a violation of City Code based on the exterior finish material.
- ~~13. That Building Code defines a temporary structure as a structure that is erected for less than 180 days.~~
- ~~14.~~13. That temporary structures are still subject to the provisions of the International Fire Code and Minnesota Building Code.
- ~~15.~~14. That a Temporary Tent/Canopy Permit is required to erect this Structure.
- ~~16.~~15. That the proposed duration of the Structure (approximately 120 days) exceeds that of a Transient Merchant as defined in City Code Section 26-549 (maximum of sixty [60] days).
- ~~17.~~16. That the City's Strategic Plan includes a Strategic Initiative to improve the image of key corridors, including Highway 10, and that the proposed use appears to conflict with this initiative, unless relocated to the rear of the building.
- ~~18.~~17. That interim use permits are temporary in nature and must be aligned with a specific ending date or event.
- ~~19.~~18. That the Applicant has stated that the Structure would be needed through May 14, 2017 (the weekend of fishing opener).
- ~~20.~~19. That the proposed use does conform to the zoning regulations within the B-2 Highway Business District.
- ~~21.~~20. That the date or event that will terminate the use can be identified with certainty.
- ~~22.~~21. That permission of the use will not impose additional costs to the public if it is necessary for the public to take the property in the future.
- ~~23.~~22. That the proposed use will not adversely impact traffic in the area.
- ~~24.~~23. That the proposed use will not be dangerous or detrimental to persons residing or working in the vicinity of the use or to the public welfare.
- ~~25.~~24. That the proposed use will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.

~~26-25.~~ That the proposed use will be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the area.

~~27-26.~~ That the proposed use will not create additional requirements at public cost for public facilities and services.

~~28-27.~~ That the proposed use will not be detrimental to the economic welfare of the community.

~~29-28.~~ That the proposed use will not be disturbing or hazardous to existing or future neighboring uses.

~~30-29.~~ That the proposed use will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.

~~31-30.~~ That the proposed use will be in accordance with the objectives of the intent of Section 117-52 (Interim Use Permits) of the City Code.

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 24th day of January, 2017.

Mayor

ATTEST:

City Clerk