

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

RESOLUTION #17-06-126

A RESOLUTION APPROVING A SITE PLAN AND A CONDITIONAL USE PERMIT FOR THE EXPANSION OF A LAWFUL NONCONFORMING USE IN THE B-1 GENERAL BUSINESS DISTRICT FOR DANNER'S CABINET SHOP, INC.

RECITALS

1. Danner's Cabinet Shop, Inc. (the "Permittee") has properly applied for approval of a Site Plan and Conditional Use Permit for the expansion of a lawful, nonconforming use (manufacturing) in the B-1 General Business District on the property legally described as:

The north 200 feet of the west 187 feet of Lot 3, Block 7, Klemish Addition,
Subject to Easement of Record, Anoka County, Minnesota

(the "Subject Property"); and

2. The City of Ramsey received an application for Site Plan and Conditional Use Permit review on April 26, 2017.
3. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) of the Ramsey City Code on June 1, 2017, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
4. That the Subject Property is currently located in the B-1 General Business District.
5. That the surrounding parcels to the south and southeast are also zoned B-1 General Business and the parcels to the west, north, and northwest are zoned R-1 Residential (Rural Developing).
6. That the Subject Property is presently approximately 0.85 acres in size.
7. That a Site Plan is also being processed concurrently with the conditional use permit.
8. That the cabinet manufacturing business exists on the Subject Property currently and is considered lawful, non-conforming as it predates the City's Zoning Code and zoning districts.
9. That per MN Stat. 462-357 Subd. 1 (e), lawful, non-conforming uses cannot be expanded unless otherwise provided under applicable laws and ordinances.
10. That City Code Section 117-114 (B-1 General Business District) (c) (Conditional Uses) includes: Expansion or enlargement of lawful nonconforming uses.

11. That the proposed building addition appears to comply with the bulk standards outlined in City Code Section 117-114 (B-1 General Business District).
12. That the Planning Commission met on June 1, 2017, conducted a public hearing, and recommended City Council approve/deny the request.

FINDINGS OF FACT

1. That the expansion of the lawful, nonconforming use will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfare.
2. That the expansion of the lawful nonconforming use will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That the expansion of the lawful nonconforming use on the Subject Property will be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
4. That the expansion of the lawful nonconforming use will not be hazardous to existing or future neighboring uses.
5. That the expansion of the lawful nonconforming use will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That the expansion of the lawful nonconforming use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the expansion of the lawful nonconforming use will not involve uses, activities and equipment 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.

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

That the Ramsey City Council hereby grants approval the Site Plan and Conditional Use Permit (the "Permit") for the expansion of a lawful nonconforming use with the following conditions:

CONDITIONS

1. That this **Permit** shall be perpetual in its duration so long as the conditions imposed herein are complied with.
2. That the **Permit** is explicitly for the expansion of a lawful nonconforming use on the **Subject Property**.
3. That the **Permittee** shall provide a Certificate of Survey of the **Subject Property** prior to issuance of a Building Permit to verify that all setbacks, parking, landscaping, and building coverage standards are in accordance with City Code.
4. That this **Permit** shall remain in effect for all of the **Subject Property**. The **Permittee** may not expand the building footprint beyond what is depicted in Exhibit A without amending this **Permit**.
5. That the **Permittee** shall be responsible for all City of Ramsey (the “City”) costs incurred in administering and enforcing this **Permit**.
6. The **City** shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request. In the event the **Permittee** is determined to be in violation of any of the conditions set forth herein, the **City** shall give the **Permittee** written notice of the violation. The **Permittee** shall be given 30 days to correct the violation and submit a written response to the notice.
7. The **Permittee** shall amend the Site Plan to comply with the **City** Staff Review Letter dated May 22, 2017.

The motion for the adoption of the foregoing resolution as 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 13th day of June, 2017.

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this ____ day of _____, _____, before me, a Notary Public, personally appeared Sarah Strommen and JoAnn M. Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal Corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council and said Sarah Strommen and JoAnn M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
City of Ramsey
7550 Sunwood Dr NW
Ramsey, MN 55303

This document reviewed by:
Ratwik, Roszak & Maloney
730 Second Ave. S., Suite 300
Minneapolis, MN 55402

Exhibit A
Insert Site Plan