

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

RESOLUTION #17-08-197

A RESOLUTION APPROVING THE ISSUANCE OF AN AMENDED CONDITIONAL USE PERMIT TO EDDY'S AUTO & BODY REPAIR INC. EJ PROPERTIES LLC, TO ALLOW MOTOR VEHICLE REPAIRS AND MOTOR VEHICLE SALES IN THE H-1 HIGHWAY 10 BUSINESS DISTRICT AND DECLARING TERMS OF SAME:

RECITALS

1. ~~WHEREAS, Eddy's Auto & Body Repair Inc. EJ Properties LLC,~~ hereinafter referred to as the "Permittee" has properly applied for an amended Conditional Use Permit to expand ~~conduct~~ motor vehicle sales and repairs ~~and motor vehicle sales~~ on the property generally known as 6845 Highway 10 NW and legally described as follows:

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That part of Lot 3 Auditors Subdivision No. 31 described as follows: Beginning at the southwest corner of said lot, thence southeasterly along southerly line of said lot 450 feet, thence north parallel with west line thereof 385.04 feet to north line of said lot, thence northwesterly along said northerly line 447.09 feet to northwest corner thereof, thence south along west line of said lot to point of beginning, subject to easement of record, Anoka County, Minnesota

("Subject Property")

2. The City of Ramsey received an application to amend an existing Conditional Use Permit on July 6, 2017.

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3. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) of the Ramsey City Code on August 3, 2017, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.

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4. That the Subject Property is zoned H-1 Highway 10 Business District. Properties to the east and west of the Subject Property are also zoned H-1 Highway 10 Business District; south of Highway 10 the properties are zoned MU-PUD (Mixed Use Planned Unit Development) and consist of a mixture of residential townhome units and commercial businesses; north of the railroad tracks the properties are zoned E-2 Employment District.

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5. That the Subject Property is approximately 3.56 acres in size.

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6. That motor vehicle, implement, and recreation equipment sales and service is a conditional use in the H-1 Highway 10 Business District.

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7. That in 2010, a Conditional Use Permit was issued for motor vehicle sales and repair on the Subject Property.
8. That the Permittee has requested an amendment to the Conditional Use Permit to allow additional tenants to lease office space for motor vehicle sales and repair.
9. That City Code Section 117-356 (Commercial and Industrial Development Off-Street Parking) requires one (1) dedicated customer parking space for every ten (10) vehicles displayed; three (3) dedicated customer parking spaces for each enclosed bay; and one (1) dedicated parking space for each full time employee.
10. That vehicles displayed for sale shall be restricted to bituminous or concrete surfaces only.
11. That motor vehicles awaiting repair shall be parked on a bituminous or concrete surface.
12. That any motor vehicle awaiting repair that will be on the Subject Property for more than one (1) day shall be parked indoors or in the designated area identified in Exhibit 1 (the 'Designated Storage Area').
13. That the Designated Storage Area identified in Exhibit 1 shall be improved with either bituminous or concrete surfacing before being used for parking.
14. That the Planning Commission met on August 3, 2017, conducted a public hearing and recommended City Council approval/denial of the request.

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FINDINGS OF FACT

1. That motor vehicle sales and repair will/will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfar.
2. That motor vehicle sales and repair will/will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That motor vehicle sales and repair will/will not be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will/will not change the essential character of the area.
4. That motor vehicle sales and repair will/will not be hazardous to existing or future neighboring uses.

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5. That motor vehicle sales and repair will/will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That motor vehicle sales and repair will/will not create excessive additional requirements at public cost for public facilities and services and will/will not be detrimental to the economic welfare of the community.
7. That motor vehicle sales and repair will/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.

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

That the Ramsey City Council hereby grants approval of an Amended Conditional Use Permit (the "Permit") for motor vehicle sales and repair on the Subject Property contingent upon the following conditions:

CONDITIONS

- ~~1. That based on Findings of Fact #0864, a Conditional Use Permit ("Permit") to allow motor vehicle repairs and motor vehicle sales on the Subject Property is hereby granted to the Permittee.~~
1. That this amended Permit shall supersede and replace the Conditional Use Permit approved by the City Council in Resolution #10-03-072, issued on March 23, 2010.
2. That this Permit ~~only~~ allows for motor vehicle sales and repairs to occur on the Subject Property.
3. That the number of individual tenants operating motor vehicle sales and repair operations shall be limited based on the available parking and drive aisle widths as outlined in City Code Section 117-356.
- ~~2.4.~~ That motor vehicle sales and repairs shall only be conducted within the building located on the Subject Property.
- ~~3.5.~~ That motor vehicles awaiting repair shall be stored on a bituminous or concrete surface. All parking surfaces must be approved by the City of Ramsey ("City").
6. That any motor vehicle awaiting repair that will be on the Subject Property for more than one (1) day shall be stored indoors or within the designated area as shown on Exhibit 1 (the "Designated Storage Area"), which area shall be surfaced with bituminous and/or concrete and shall be screened on all sides with 100% opaque screening of wood, masonry, or maintenance free material. Chain link fencing of any type for screening purposes shall not be permitted.

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~~7. That the Permittee shall maintain the Subject Property in compliance with City Code Section 117-356 (Commercial and Industrial Development Off-Street Parking) and Chapter 30 (Nuisances) at all times.~~

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~~4.~~

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~~5-8. That motor vehicles awaiting repair shall not be stored outside on the Subject Property for longer than fourteen (14) days unless a prior written request for an extension for up to thirty (30) days is approved by the Zoning Administrator. Any extension beyond thirty (30) days shall require approval of the City Council. This includes motor vehicles in the Designated Storage Area.~~

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~~6. That the Permittee shall comply with City Code § 117-356 (Commercial and Industrial Development Off Street Parking) and shall be required to provide and stripe forty one (41) parking spaces for customer and employee parking, plus one (1) additional striped parking space for every ten (10) motor vehicles displayed for sale.~~

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~~7-9. That there shall be no salvaging of parts from inoperable motor vehicles on site to be used to repair other motor vehicles.~~

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~~10. That there shall be no outside storage of parts or cannibalized vehicles on the Subject Property.~~

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~~8-11. That overnight and/or longer term parking/storage of semi trailers/tractors is not permitted on the Subject Property.~~

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~~9-12. That the Permittee shall obtain all necessary permits to complete any required building modifications.~~

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~~13. That the Permittee and tenants shall obtain all necessary licenses to lawfully operate the motor vehicle sales and repair and sales operations on the Subject Property.~~

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~~14. That the Permittee shall stripe all required customer parking stalls and those stalls shall not be used for any use other than customer parking.~~

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~~10-15. That the Permittee shall maintain all required drive aisle widths in accordance with City Code Section 117-356.~~

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~~11. That all tenants, either existing or future, on the Subject Property shall obtain and maintain all necessary licenses and permits to lawfully operate motor vehicle repair and/or motor vehicle sales operations.~~

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~~12-16. That this Permit shall be perpetual in duration as long as the terms are herein complied with.~~

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~~13-17.~~ That the Permittee shall be responsible for all City costs incurred in administering and enforcing this Permit.

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~~14-18.~~ That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.

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~~15-19.~~ That this Permit shall automatically expire if the use is not initiated by ~~March 23~~August 22, 201~~4~~8.

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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 22nd day of August, 2017

EJ Properties LLC hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: _____ Its: _____

STATE OF MINNESOTA)) SS.
COUNTY OF _____)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of EJ Properties LLC, a Limited Liability Corporation (Domestic) under the laws of Minnesota, on behalf of the Corporation, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

Exhibit 1 (the Designated Storage Area)

