

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

**RESOLUTION #17-09-218**

**A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO MOTORS ON TEN, LLC, TO EXPAND A LAWFUL NONCONFORMING USE AND TO ALLOW MOTOR VEHICLE MOTOR VEHICLE SALES IN THE H-1 HIGHWAY 10 BUSINESS DISTRICT AND DECLARING TERMS OF SAME:**

**RECITALS**

1. Motors on Ten, LLC, hereinafter referred to as the “Permittee” has properly applied for a Conditional Use Permit to expand a lawful, conforming use and allow motor vehicle sales on the property generally known as 7103 Highway 10 NW and legally described as follows:

That part of the Southwest Quarter of the Southwest Quarter Section 27, Township 32, Range 25 described as follows: Beginning at a point on the northeasterly right of way boundary of Trunk Highway No 10, 710.23 feet southeasterly from intersection of said right of way with west line of said Quarter Quarter, thence on assumed bearing south 65 degrees, 22 minutes, 49 seconds, east along said right of way 33.01 feet, thence on bearing north parallel with west line of said Quarter Quarter and its southerly extension, 355.61 feet to southerly rail road right of way, thence north 66 degrees, 11 minutes, 34 seconds west, along said rail road right of way 143.37 feet, thence on bearing south 205.79 feet, thence south 65 degrees, 22 minutes 49 seconds east 111.28 feet, thence on bearing south, 147.58 feet to point of beginning, except road subject to easement of record, Anoka County, Minnesota

And

That part of Lot 5 Auditors Subdivision No 31, beginning at northwest right of way of Trunk Highway No. 10 and the southwest corner of Kovar Addition, thence northwesterly along said right of way 33.01 feet, thence north to north line of Section 34, Township 32, Range 25, thence east along said north line to west line of said Kovar Addition, thence south along said west line to point of beginning, Anoka County, Minnesota

And

Lot 1, Block 1 Kovar Addition, Anoka County, Minnesota

(“Subject Property”)

2. 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 September 7, 2017, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.

3. That the Subject Property is zoned H-1 Highway 10 Business District and is approximately 1.52 acres in size.
4. That the Subject Property abuts the railroad tracks to the north, Highway 10 to the south, and parcels to the east and west of the Subject Property are zoned H-1 Highway 10 Business District.
5. That the Permittee has submitted a Site Plan to expand the paved area on the Subject Property to provide additional area to display motor vehicles for sale.
6. That Section 117-120 of the City Code requires all parking and pavement (including maneuvering, sales, and display areas), setback from street right-of-way at least twenty (20) feet.
7. That the Permittee has applied for a Variance to the setback requirement.
8. That motor vehicle, implement, and recreation equipment sales and service is a conditional use in the H-1 Highway 10 Business District.
9. That motor vehicle sales had been occurring on the Subject Property when City Code was amended to identify motor vehicle sales as a Conditional Use and has been occurring continuously on the Subject Property since that amendment.
10. That the Permittee has requested a Conditional Use Permit to expand the lawful non-conforming use by expanding the paving/parking area and to allow for motor vehicle sales on the Subject Property.
11. 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.
12. That vehicles displayed for sale shall be restricted to bituminous or concrete surfaces only.
13. That the Planning Commission met on September 7, 2017, conducted a public hearing and recommended City Council approval/denial of the request.

## **FINDINGS OF FACT**

1. That motor vehicle sales 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 will/will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.

3. That the motor vehicle sales operation 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 will/will not be hazardous to existing or future neighboring uses.
5. That motor vehicle sales will/will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That motor vehicle sales 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 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.

**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 a Conditional Use Permit (the "Permit") for the expansion of a lawful nonconforming use and for motor vehicle sales on the Subject Property contingent upon the following conditions:

**CONDITIONS**

1. That this Permit allows for motor vehicle sales to occur on the Subject Property.
2. That the expansion of the paved area shall be in accordance with the plans prepared by Hakanson Anderson and dated July 20, 2017, revised August 3, 2017, and in compliance with the Staff Review Letter dated August 28, 2017.
3. That motor vehicle sales and repairs shall only be conducted within the building located on the Subject Property.
4. 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.
5. That there shall be no salvaging of parts from inoperable motor vehicles on site to be used to repair other motor vehicles.
6. That there shall be no outside storage of parts or cannibalized vehicles on the Subject Property.

7. That the Permittee shall obtain all necessary permits to complete any required building modifications.
8. That the Permittee (and tenants) shall obtain all necessary licenses to lawfully operate motor vehicle sales operations on the Subject Property.
9. That the Permittee shall stripe all required customer parking stalls and those stalls shall not be used for any use other than customer parking.
10. That the Permittee shall maintain all required drive aisle widths in accordance with City Code Section 117-356.
11. That this Permit shall be perpetual in duration as long as the terms are herein complied with.
12. That the Permittee shall be responsible for all City costs incurred in administering and enforcing this Permit.
13. 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.
14. That this Permit shall automatically expire if the use is not initiated by September 12, 2018.

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 12<sup>th</sup> day of September, 2017

Motors on Ten, 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 Motors on Ten, 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

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 Jo Ann 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 Jo Ann 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  
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This document reviewed by:  
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