

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

RESOLUTION #17-09-217

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO THE PARKING AND PAVING SETBACK FROM STREET RIGHT OF WAY.

RECITALS

1. Motors on Ten, LLC (Permittee), has properly applied for a variance (the "Variance") from the parking and paving setback from street right of way in the H-1 Highway 10 Business District on the property generally known as 7103 Highway 10 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

(the "Subject Property"); and

2. That That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 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 as a part of these findings 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 a portion of the Subject Property is already paved, is within the required greenspace, and is considered lawful, nonconforming.
8. That the two adjacent parcels also have paved areas within the required greenspace and are also considered to be lawful, nonconforming.
9. That the expansion of the paved area is an attempt to bring and keep the Subject Property in compliance with zoning standards.

FINDINGS

1. That the plight is/is not due to circumstances unique to the Subject Property.
2. That the plight was/was not created by the Permittee.
3. That, if granted, the Variance will/will not alter the locality's essential character.
4. That, if granted, the Variance will/will not impair an adequate supply of light and air to adjacent property.
5. That, if granted, the variance will/will not have the effect of allowing a use that is prohibited in the applicable zoning district.
6. That, if granted, the variance will/will not increase the congestion on the public street.
7. That, if granted, the variance will/will not adversely impact the degree of public health, safety and general welfare provided for in the Ramsey City Code.
8. That, if granted, the Variance will/will not permit standards that are lower than those required by state law.
9. That, if granted, the variance will/will not diminish established property values within the neighborhood.

10. That, if granted, the variance requested is/is not the minimum variance necessary to accomplish the intended purpose of the Permittee.
11. That, if granted, the variance will/will not grant the Permittee any special privilege that is denied to the owners of other land in the same district.

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

CONDITIONS

1. That a **Variance** to the required paving and parking setback from street right-of-way is hereby granted in accordance with the plans prepared by Hakanson Anderson and dated July 20, 2017, revised August 3, 2017, contingent upon compliance with the Staff Review Letter dated August 28, 2017.
2. That the **Permittee** shall be responsible for obtaining a Conditional Use Permit for the expansion of a lawful, non-conforming use on the **Subject Property**.
4. The **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
5. The **Variance** shall become null and void if the use is not initiated by September 7, 2018 and pavement installation shall be considered initiation.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, 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 adopted by the Ramsey Planning Commission this the 7th day of September, 2017.

Motors on Ten, LLC hereby acknowledges receipt of this variance and that they have reviewed the terms of the variance and have agreed that they will comply with the terms of the variance.

By: _____

Its: _____

