

Councilmember

introduced the following resolution and moved for its adoption:

RESOLUTION #18-045A

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO 22 PROPERTIES, LLC TO ALLOW MOTOR VEHICLE SALES AND DETAILING IN THE B-2 HIGHWAY BUSINESS DISTRICT AND DECLARING TERMS OF SAME:

RECITALS

1. 22 Properties, LLC, hereinafter referred to as the “Permittee” has properly applied for a Conditional Use Permit to allow motor vehicle sales on the property generally known as 6750 Highway 10 NW and legally described as follows:

Lot 2, Block 1 Riverside West, 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 March 1, 2018, 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 B-2 Highway Business District and is approximately 1.32 acres in size.
4. That motor vehicle, implement, and recreation equipment sales and service is a conditional use in the B-2 Highway Business District.
5. That the Subject Property abuts Riverdale Drive NW to the south, Highway 10 to the north, and parcels to the east and west of the Subject Property are zoned B-2 Highway Business District.
6. That the Permittee has submitted a site plan identifying a paved future parking area to upgrade the unpaved area on the Subject Property to provide additional area to display motor vehicles for sale and store motor vehicles onsite for detailing.
7. That Section 117-120 of the City Code requires all parking and pavement (including maneuvering, sales, and display areas) be setback from the street right-of-way a distance of at least twenty (20) feet.
8. That boat sales had been occurring on the Subject Property when City Code was amended to identify recreational vehicle sales as a Conditional Use and was occurring on the Subject Property since that amendment.
9. That the Permittee has requested a Conditional Use Permit to allow for motor vehicle sales and detailing on the Subject Property.

10. 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.
11. That vehicles displayed for sale, or those that have been detailed, shall be restricted to bituminous or concrete surfaces only.
12. That the Planning Commission met on March 1, 2018, conducted a public hearing and recommended City Council approval of the request.

FINDINGS OF FACT

1. That motor vehicle sales and detailing 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 motor vehicle sales and detailing will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That the motor vehicle sales and detailing operation 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 motor vehicle sales and detailing will not be hazardous to existing or future neighboring uses.
5. That motor vehicle sales and detailing will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That motor vehicle sales and detailing 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 motor vehicle sales and detailing 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 motor vehicle sales and detailing on the Subject Property contingent upon the following conditions:

CONDITIONS

1. That this **Permit** allows for motor vehicle sales and detailing to occur on the **Subject Property**.
2. That the **Permittee** shall resituated the existing fence out of the street right-of-way before any automobile sales or detailing take place onsite. The fence must remain onsite to continue to screen the unimproved parking areas.
3. That the **Permittee** shall ensure that any new or upgraded parking and pavement onsite comply with Section 117-120 of the City Code requiring all parking and pavement (including maneuvering, sales, and display areas) require at least a twenty (20) foot setback from adjacent street right-of-way.
4. That the expansion of the paved area shall be in accordance with the plans prepared by 22 Properties, LLC and in compliance with the City Code. The **Permittee** shall submit paving plans to the City of Ramsey prior to paving to ensure they meet current standards at the time of paving.
5. That the paving of the 6,500 square foot unpaved area shall take place by June 2020, and the paving of the approximately 14,300 square foot, unpaved area shall take place by June 2023. All unimproved areas, currently gravel and dirt, will be paved by June 2023 or the **permit** shall be revoked and the **Permittee** shall need to reapply for a Conditional Use Permit.
6. That motor vehicle sales and repairs shall only be conducted within the building located on the **Subject Property**.
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.
8. That there shall be no salvaging of parts from inoperable motor vehicles on site to be used to repair other motor vehicles.
9. That there shall be no outside storage of parts or cannibalized vehicles on the **Subject Property**.
10. That the **Permittee** shall obtain all necessary permits to complete any required building modifications.
11. That the **Permittee** (or any other tenants) shall obtain all necessary licenses to lawfully operate motor vehicle sales operations on the **Subject Property**.
12. That the **Permittee** shall stripe all required customer parking stalls and those stalls shall not be used for any use other than customer parking.

13. That the **Permittee** shall maintain all required drive aisle widths in accordance with City Code Section 117-356.
14. That the **Permittee** is forgoing the previous lawful, nonconforming status of the boat sales and storage, and agrees to remove this use from onsite.
15. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
16. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this Permit.
17. 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.
18. That this **Permit** shall automatically expire if the use is not initiated by June 1, 2019.

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 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 March, 2018.

22 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 ANOKA)

On this _____ day of _____, before me, a Notary Public, personally appeared _____, the _____ of 22 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

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
7550 Sunwood Dr NW
Ramsey, MN 55303

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