

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

RESOLUTION #18-160

A RESOLUTION APPROVING THE ISSUANCE OF A HOME OCCUPATION PERMIT TO OPERATE AN AUTOMOBILE DETAILING BUSINESS ON THE PROPERTY LOCATED AT 7950 149TH LANE NW AND DECLARING TERMS OF PERMIT

WHEREAS, the City of Ramsey received an application from Troy and Linda Neiss requesting a home occupation permit to operate an automobile detailing business on the property generally known as 7950 149th Lane NW and legally described as follows:

Lot 1, Block 1, Greenland Hill Anoka County, Minnesota

(the "**Subject Property**")

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA that the findings of fact relating to the request are determined to be as follows:

1. That on July 13, 2018 Troy and Linda Neiss, herein referred to as the "**Applicant**", submitted an application for a Home Occupation Permit to detail automobiles in a detached accessory structure (the "**Home Occupation**") on the **Subject Property**.
2. That the **Applicant** appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 of the City Code on August 2, 2018, and that said public hearing was properly advertised.
3. That the **Subject Property** is zoned R-1 Residential (Rural Developing), and the surrounding parcels are zoned R-1 Residential (Rural Developing) on the north and east, and zoned COR on the south. Property to the west across Armstrong Boulevard is zoned R-3 High Density Residential.
4. That the **Subject Property** is approximately 1.01 acres and is surrounded by lots of similar sizes to the north and west, and abuts City-owned vacant land for stormwater management to the south.
5. That the **Subject Property** is guided for low density residential on the City's Future Land Use Map.
6. That the **Applicant** owns and occupies the dwelling unit on the site of the **Home Occupation**.
7. That the **Subject Property** includes an 840 square foot home, a 480 square foot attached garage, and a 900 square foot accessory (detached) garage.
8. That there is currently exterior evidence of the existence of the **Home Occupation** on the **Subject Property** including the parking of vehicles as well as a path off Armstrong Boulevard to the detached accessory building (detached garage) across the City-owned property which was used primarily for the maneuvering vehicles.
9. That the **Home Occupation** is proposed to be entirely contained within a proposed detached accessory building located on the **Subject Property**.

10. That there will be approximately 480 square feet of garage space reserved for indoor residential parking and storage related to the residential use on the **Subject Property**.
11. That there is no interior or exterior business signs or display related to the **Home Occupation** on the **Subject Property**.
12. That there shall be no more than two (2) vehicle trips per hour per standard eight (8) hour business day or sixteen (16) vehicular trips within a twenty-four (24) hour period, as established in City Code Sec. 117-351 (Home Occupations).
13. That the **City** finds the **Home Occupation** does not constitute a fire hazard to neighboring residences.
14. That the **Home Occupation** includes operations related to motor vehicle detailing, including laundry soap, an air compressor, wet/dry vacuum and buffer.
15. That the **Home Occupation** does not include operations related to internal combustion engines, body shops, ammunition manufacturing, nor motor vehicle repair or sales.
16. That the **Home Occupation** employs one (1) person that lives in the dwelling unit on the **Subject Property**. The **Home Occupation** does not employ any other persons.
17. That there will be no activities related to loading and unloading of equipment at the **Subject Property**.
18. That the **Home Occupation** does not involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the **Subject Property**.
19. That the **Home Occupation** does not conduct retail sales on the **Subject Property**.
20. That the **Home Occupation** business hours are proposed to be 9:00 a.m. to 10:00 p.m.
21. That all structures shall comply with all applicable codes, including, but not limited to, building, fire and zoning.
22. That the **City** finds the **Home Occupation** operates beyond the parameters of a general and administrative home occupation permit requirements (117-351) and therefore requires Planning Commission and City Council review and approval.
23. That the **City** finds that the **Home Occupation** does not operate beyond the intent and parameters of 117-351 (Home Occupations) and finds that the **Home Occupation** is low-level and is a use typically found in a residential area.
24. That the proposed use will not adversely impact traffic in the area.
25. That the proposed use will be compatible with the residential neighborhood due to density and lot size of the surrounding lots.
26. That the proposed use will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.

27. That the proposed use will not substantially adversely impair the use, enjoyment, or market value of neighboring properties.
28. That the proposed use will not be hazardous or disturbing to existing or future neighboring uses.
29. That the proposed use will be served adequately by public facilities and services such as highways and streets.
30. That the proposed use will not create excessive additional requirements at public cost for public facilities and services, and it will not be detrimental to the economic welfare of the community.
31. That the proposed use will not involve activities and uses 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:

This **Permit** is issued pursuant to Sections 117-51 and 117-351 of the Ramsey City Code. The conditions of this **Permit** are as follows:

1. That this resolution shall allow for Troy Neiss' automobile detailing (the "Home Occupation") to operate on the **Subject Property**. The **PERMITTEE** shall be required to reserve at least 480 square feet of garage space for the purposes of the primary residential use.
2. That the **PERMITTEE** shall detail automobiles from the 900 square foot detached accessory building (garage) in the rear yard of the property. That all vehicles and equipment associated with the **Home Occupation** shall be stored within that detached accessory building.
3. That the **PERMITTEE** shall extend the existing Class IV gravel driveway to the detached accessory structure. The driveway must be at least five (5) feet from the side property line.
4. That the **PERMITTEE** shall limit hours of operation on the **Subject Property** to be Monday through Saturday from 9:00am to 10:00pm.
5. That the **PERMITTEE** shall limit work to one automobile at any given time, and will not stack vehicles on the property.
6. That the **PERMITTEE** and all those residing or visiting the **Subject Property** will not access the City-owned property by any other means than the proposed driveway extension. The **PERMITTEE** shall not drive on City-owned land, nor access the property off Armstrong Boulevard.
7. That the **PERMITTEE** shall reside in the dwelling unit of the **Subject Property**. The **PERMITTEE** may not employ any persons on the property.
8. That the **PERMITTEE** may not lease portions of the accessory structure located on the **Subject Property** to any person(s).

9. That the **PERMITTEE** agrees to comply with Chapter 117, Article II, Division 6, Subdivision 1 of City Code, titled "Signs".
10. That the **PERMITTEE** agrees to comply with section 117-355 of City Code relating to outside storage and maneuvering of vehicles and equipment on the **Subject Property**; all parking and maneuvering areas on the **Subject Property** must be surfaced with class V gravel, concrete or asphalt.
11. That the **PERMITTEE** must obtain all applicable permits to ensure that the structures and driveway(s) are compliant with all applicable state and local codes.
12. That should the **PERMITTEE** die or sell the **Subject Property**, the **Permit** shall be automatically terminated, except that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the home occupation, written notice to that effect shall be given to the City Administrator and the City Council may authorize continuation of the **Permit** without further hearing.
13. The **PERMITTEE** shall reside on the **Subject Property**; if the **PERMITTEE** does not reside on the **Subject Property**, the **Permit** shall be terminated.
14. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the **PERMITTEE**.
15. The **PERMITTEE** shall be responsible for maintaining any applicable State or County licenses.
16. The **PERMITTEE** shall be responsible for all costs incurred in the administration and enforcement of this Permit.
17. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.

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 _____ day of August, 2018.

Troy and Linda Neiss, owner(s) of fee title to the Subject Property, hereby acknowledge receipt of this Permit and has reviewed the conditions of this Permit and has agreed to comply with the terms of this Permit.

Troy Neiss

Linda Neiss

CITY OF RAMSEY:

By: _____
Acting Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared Acting Mayor John LeTourneau 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 John LeTourneau and JoAnn M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

The document drafted by:
The City of Ramsey
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Ramsey, Minnesota 55303

This document reviewed by:
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