

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

RESOLUTION #19-096

A RESOLUTION APPROVING CODE ENFORCEMENT ACTION PLAN FOR 15415 ST. FRANCIS BLVD NW COMMONLY KNOWN AS KEN'S REPAIR AND SALES:

WHEREAS, Ken's Repair and Sales, Inc. (the "Business") is operating on the property generally known as 15415 St. Francis Blvd NW and legally described as follows:

UNPLATTED CITY OF RAMSEY THAT PART OF THE SW1/4 OF SEC 24-32-25 IN ANOKA CNTY, MN DESC ASFOL-BEG AT THE SE CORNER OF SAID SW1/4 OF NW1/4-TH N 0 DEG 18 MIN 42 SEC E ON THE E LINE OF SAID SW1/4 OF NW1/4 A DIST OF 1491.56 FT-TH S 83 DEG 00 MIN 01 SEC W A DIST OF 991.96 FT TO THE CENTER LINE OF STATE TRK HWY NO 47 AS IT IS NOW LAID OUT & TRAVELLED-TH S 21 DEG 59 MIN 59 SEC E ALONG SAID CENTER LINE A DIST OF 1603.56 FT TO THE S LINE OF SAID SW1/4 OF NW1/4-TH E ON SAID S LINE A DIST OF 386.52 FT TO THE POINT OF BEG(SUBJ TO EASEFOR ROAD PURP OVER THE WLY 33 FT & THE S 33 FT OF THE ABOVE DE STRACT)

("Subject Property"); and

WHEREAS, the Subject Property has a split zoning with the northern two-thirds (approximately) being zoned R-2 Residential (Medium Density) and the southern one-third (approximately) zoned B-1 Business District; and

WHEREAS, the Subject Property is approximately 20.95 acres in size; and

WHEREAS, the Business, commonly known as Ken's Repair and Sales, has been in operation prior to the City's incorporation and formal adoption of zoning authority; and

WHEREAS, the City acknowledges that certain lawful non-conforming rights related to motor vehicle repair and sales are applicable; however, the 'footprint' of the lawful non-conforming use appears to have expanded based on historic aerials; and

WHEREAS, there are documented City Code violations dating back to the 1990s, with notices of violation regarding multiple issues, including motor vehicle sales, inoperable vehicles, debris, expansion of a lawful non-conforming use, and temporary signs, being sent out in 1996, 1998, 1999, 2002, 2009, 2010, 2011, 2012, 2018; and

WHEREAS, the City has a library of photos from past violations and historical aerial photos that demonstrate there have been past clean-up efforts; and

WHEREAS, City Staff received a letter from an attorney representing the property about the Subject Property on October 1, 2009 in response to a September 21, 2009 Notice of Violation

disputing the violations and claiming the Business was a fully protected as lawful non-conforming; and

WHEREAS, in 2010, via a City Council Work Session, Staff provided an update to the City Council regarding the Subject Property, which eventually led to the last major clean-up of violations; and

WHEREAS, in 2018, the City received additional complaints regarding the status and use of the Subject Property and verified that in addition to motor vehicle sales and repair, rentals were now also being offered; and

WHEREAS, motor vehicle and equipment rental is an illegal use within both zoning districts on the Subject Property; and

WHEREAS, most recently, the City sent notices of violation to the Property on July 11, 2018 and July 26, 2018 regarding off-street parking, inoperable vehicles, expansion of lawful non-conforming use, and debris; and

WHEREAS, City Staff has followed up with the Subject Property's Attorney, on October 3, 2018 and October 25, 2018 in an attempt to cooperatively work through these violations and identify an agreed upon footprint for the lawful non-conforming use; and

WHEREAS, in reviewing historical aerial photos of the Subject Property, it seems apparent that much of the area utilized by the Business extends beyond what would be considered the footprint of the lawful non-conforming use; and

WHEREAS, the Property Owner indicated that dismantling of vehicles is taking place on the property and that vehicle parts are being stored in box trucks parked on the property which is not permitted to take place; and

WHEREAS, it is suspected that an RV on the Property is being use as a residence which is not a permitted use; and

WHEREAS, an administrative search warrant is necessary to completely and accurately document all current City Code violations on the Subject Property; and

WHEREAS, upon receipt of an administrative search warrant, City Staff will complete an inspection of the Subject Property, document all existing City Code violations, and initiate the City Council approved process for code enforcement; and

FINDINGS OF FACT

1. That the Property Owner indicated that dismantling of vehicles is taking place on the property and that vehicle parts are being stored in box trucks parked on the property.

2. That the City recognizes the lawful non conforming rights on the property and understands those rights to be limited to the area identified in Exhibit A.
3. That any currently licensed and operable motor vehicles or items related to the Business are limited to the area identified within Exhibit A.
4. That any motor vehicles or items related to the Business that are outside of the area identified within Exhibit A are subject to code enforcement action, up to and including abatement.

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 the proposed code enforcement action plan on the Subject Property as outlined below, contingent upon verification of any violation(s) of City Code:

- 1) City Staff is authorized to seek an administrative search warrant to conduct a complete and thorough inspection of the Subject Property and to accurately document any and all violations of City Code.

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 28th day of May, 2019.

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 Mayor John LeTourneau 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 John LeTourneau 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

Exhibit 1:

KENS REPAIR AND SALES
- LAWFUL NONCONFORMING USE
AREAS



LEGEND

- Operations Allowed
- Operations Not Allowed
- Policy Guidance Required