

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

**RESOLUTION #19-126**

**A RESOLUTION APPROVING THE ISSUANCE OF A HOME OCCUPATION PERMIT TO OPERATE A YOGA STUDIO BUSINESS ON THE PROPERTY LOCATED AT 14941 JUNIPER RIDGE DRIVE NW AND DECLARING TERMS OF PERMIT**

**RECITALS**

1. That on April 22, 2019, the City of Ramsey received an application from Wendy and Michael Gutknecht, (the “Applicant”) requesting a home occupation permit to operate a yoga studio (the “Home Occupation”) on the property generally known as 14941 Juniper Ridge Drive NW and legally described as follows:  

Lot 7, Block 4, Rum Acre Estates, Anoka County, Minnesota

(the “Subject Property”)
2. That Wendy and Michael Gutknecht own the Subject Property.
3. That the Applicant appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 of the City Code on June 6, 2019, and that said public hearing was properly advertised.
4. That the Subject Property is zoned R-1 Residential (MUSA), and the surrounding parcels are zoned R-1 Residential (MUSA).
5. That the Subject Property is approximately 1.01 acres and is surrounded by lots of similar size and is adjacent to the Rum River.
6. That the Subject Property is guided for low density residential on the City’s Future Land Use Map.
7. That the Applicant owns and occupies the dwelling unit on the Subject Property.
8. That the Subject Property includes a 1,600 square foot home, a 1,000 square foot attached garage, and a 900 square foot detached accessory building (detached garage).
9. That the Home Occupation is proposed to be entirely contained within the current attached accessory building located on the Subject Property.
10. That there will be approximately 400 square feet of garage space reserved for indoor residential parking and storage related to the residential use on the Subject Property, as established in City Code Section 117-351 (Home Occupations)
11. That there is no interior or exterior business signs or display related to the Home Occupation on the Subject Property.
12. That there may be more than eight (8) vehicle trips per hour per standard eight (8) hour business day, which is not in compliance with City Code Section 117-351 (Home Occupations).

13. That the Home Occupation does not employ other persons other than the Applicant themselves.
14. That there will be no activities related to loading or unloading equipment at the Subject Property.
15. That the Home Occupation does involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the Subject Property.
16. That the Home Occupation does not conduct retail sales on the Subject Property.
17. That the Applicant has proposed business hours from 5:30 a.m. to 7:00 p.m.
18. That the Applicant has proposed to conduct three (3) classes a day for a maximum of 21 classes per week. The Applicant has stated the classes shall have no more than eight (8) students (clients) per class.
19. That the Applicant has proposed to pave a 16'x40' parking pad for client parking adjacent to the attached accessory building (attached garage) and connecting to the existing driveway. The parking pad site is currently screened from neighboring view with a privacy fence.
20. That all structures shall comply with all applicable codes, including, but not limited to, building, fire and zoning.
21. That the City finds the Home Occupation operates beyond the parameters of general and administrative home occupation permit requirements (117-351) and therefore requires Planning Commission and City Council review and approval.

#### **FINDINGS OF FACT**

1. That the proposed use will not adversely impact traffic in the area.
2. That the proposed use will be compatible with the residential neighborhood due to density and lot size of the surrounding lots.
3. 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 public welfare.
4. That the proposed use will not substantially adversely impair the use, enjoyment, or market value of neighboring properties.
5. That the proposed use will not be hazardous or disturbing to existing or future neighboring uses.
6. That the proposed use will be served adequately by public facilities and services such as highways and streets.
7. 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.

8. That the proposed use will not involve activities and uses that would 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 Wendy Gutknecht's yoga studio to operate on the **Subject Property**.
2. That **Permittee** shall be required to reserve at least 400 square feet of garage space in the attached garage for the purposes of the primary residential use.
3. That the **Permittee** shall solely conduct classes from the 1,000 square foot attached garage.
4. That the **Permittee** shall pave the proposed 16 'x 40' parking pad for client parking adjacent to the attached garage and connecting to the existing driveway. The **Permittee** shall apply for and receive a zoning permit before paving said area.
5. That the hours of operation on the **Subject Property** shall be Monday through Saturday, 7:00 a.m. to 7:00 p.m.
6. That the **Permittee** must limit the number of students per class to four (4) and must limit the number of classes to two (2) per day to mitigate the number of vehicles, reducing the number of round trips to less than eight (8) during a normal business day as to comply into compliance with City Code Section 117-351 (Home Occupation).
7. That the **Permittee** shall reside in the dwelling unit of the **Subject Property**. The **Permittee** may employ up to one (1) employee not residing in the dwelling. The **Permittee** shall notify the City if they intend to employ another person.
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 City Code 117-355 relating to the parking of vehicles. No vehicles shall be parked on the grass. There shall be no customer parking on the road.
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. That 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.
18. That the **Permit** shall be contingent upon final approval by the Building Official, City Engineer, and Fire Marshal.

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 \_\_\_\_\_, 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 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:  
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This document reviewed by:  
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