

Council Member _____ introduced the following resolution and moved for its adoption:

RESOLUTION #19-180

**A RESOLUTION APPROVING APPEAL FOR A VARIANCE TO BUFFER YARD
SETBACKS FOR DELTA MODTECH**

RECITALS

1. Delta ModTech, hereinafter referred to as the “Permittee”, has properly applied for an appeal to the City Council related to a variance request reviewed by the Planning Commission.
2. That the initial variance request was related to the requirement for bufferyard setbacks for industrial uses adjacent to residential uses on the property located at 8200 Bunker Lake Blvd and legally described in Exhibit A (the “Subject Property”).
3. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 of the Ramsey City Code July 10, 2019, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
4. That the Planning Commission voted to deny the variance request at its meeting on July 10, 2019.
5. That the Applicant submitted an official appeal to the City regarding the Planning Commission’s decision.
6. That the Subject Property is zoned E-3 Employment and is directly adjacent to property zoned R-3 High Density Residential which requires a sixty (60) foot landscaped buffer yard and a 30% increase in plantings within the bufferyard.
7. That the Applicant has proposed a bufferyard depth of forty (40) feet.
8. That the Permittee has proposed an approximately 200,000 square foot industrial building that includes both office and warehouse space.
9. That the Permittee has sited the actual building a distance of 190 feet from the common property line and that the only encroachment into the standard sixty (60) foot bufferyard are portions of the proposed parking lot.

FINDINGS OF FACT

1. That the proposed use **will/will not** adversely impact traffic in the area.

2. That the proposed use **will/will not** substantially or adversely impair the use, enjoyment or market value of surrounding properties.
3. That the proposed use **will be/will not be** constructed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use **will not** change the essential character of the area.
4. That the proposed use **will/will not** create additional requirements at public cost for public facilities and services.
5. That the proposed use **will/will not** be detrimental to the economic welfare of the community.
6. That the proposed use **will/will not** be disturbing or hazardous to existing or future neighboring uses.
7. That the proposed use **will/will not** involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.

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 an appeal to formal action taken by the City's Planning Commission related to a variance request to the bufferyard setback distance as it relates to Delta ModTech on the Subject Property contingent upon the following conditions:

CONDITIONS

1. That the **Permittee** shall revise the landscaping plan to comply with staff review comments to provide for added evergreen vegetative screening within the proposed forty (40) foot bufferyard.
2. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
3. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Permit**.
4. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the **Building**, including a Building Permit.

5. 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.
6. That this **Permit** shall be tied to the recording of the Final Plat for Amsterdam Extension and will expire if the Final Plat is not recorded.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____, 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 23rd of July, 2019.

Exhibit A: Legal Description

Lot 1, Block 1, Alpha Development, Anoka County, Minnesota

Or upon platting:

Lot 1, Block 1, Amsterdam Extension, Anoka County, Minnesota

(the 'Subject Property');