

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

RESOLUTION #21-175

**A RESOLUTION APPROVING A HOME OCCUPATION PERMIT
TO OPERATE A LANDSCAPING BUSINESS ON THE PROPERTY LOCATED AT 8351 160th
AVENUE NW (PROJ. #21-119) AND DECLARING TERMS OF PERMIT**

RECITALS

1. Jacob Johnson, hereinafter referred to as the “Applicant”, has properly applied for a Home Occupation Permit to operate a landscaping business on the property located at 8351 160th Avenue NW and legally described as follows:

 LOT 3 BLOCK 1 FOREST HIDEAWAY, EX RD SUBJ TO EASE OF REC, Anoka County,
 Minnesota

 (the “Subject Property”)
2. That on January 2, 2019 a code enforcement case was opened for a public nuisance violation regarding waste, refuse, garbage, and construction materials.
3. That on April 28, 2021, Staff conducted a follow up inspection on the open case, discovering the home occupation at the property.
4. That on April 29, 2021, a first notice of violation was sent to the property for public nuisance, off-street parking, and home occupation violations.
5. That on May 13, 2021 a second inspection was conducted and a second notice of violation letter sent for public nuisance, off-street parking, and home occupation violations with a citation for \$75.
6. That on May 24, 2021 the Applicant contacted Staff that he would address the violations and apply for the home occupation permit.
7. That on June 10, 2021, the Applicant submitted a Home Occupation Supplemental Questionnaire without a completed application or fees paid.
8. That on July 2, 2021 a third notice of violation was sent to the property for a home occupation violation with a citation for \$250.
9. That on July 20, 2021, the Applicant, submitted a completed application for a Home Occupation Permit to operate a landscaping business (the “Home Occupation”) on the Subject Property.
10. That the Planning Commission reviewed the request on August 26, 2021.
11. That the Subject Property is zoned R-1 Residential (Rural Developing) and the surrounding parcels are zoned R-1 Residential (Rural Developing).
12. That the Subject Property is approximately 1.65 acres and is surrounded by lots of similar size.

13. That the Subject Property is guided for Rural Developing (residential) in the City's Future Land Use Map.
14. That the Applicant owns the Subject Property, and will occupy the dwelling while conducting business on the Subject Property.
15. That the Home Occupation is proposed to be based out of a second driveway where the landscaping equipment and materials will be stored. A site plan has been included.
16. That the Applicant has stated there will be at least 400 square feet of garage space reserved for indoor residential parking and storage in an attached garage related to residential use on the Subject Property, as established in City Code Section 117-351 (Home Occupation). The detached 800 square foot garage will be used for storage and light mechanical work.
17. There are no business signs at the Subject Property.
18. That the Applicant has stated there will be no more than sixteen (16) vehicle trips per standard eight (8) hour day.
19. That the Home Occupation employs four (4) other employees.
20. That the Applicant has proposed to store three (3) Chevrolet 2500s, a Chevrolet 3500, four (4) trailers, and two (2) skid steers on an approved parking surface. Employee vehicles parked at the Subject Property are not included in this proposal.
21. That the Applicant has stated employee parking will be off of the public street on the second driveway; located along the West property line.
22. That the Home Occupation does not involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the Subject Property but does involve operating the business via phone call and email in an office inside the home. Customers do not come to the Subject Property.
23. That the Applicant has proposed business hours from 7:00 a.m. to 5:00 p.m., Monday through Friday barring any inclement weather or holidays.
24. That the City finds the Home Occupation operates beyond the parameters of general and administrative home occupation permit requirements (City Code Section 117-351) and therefore requires Planning Commission and City Council review and approval.
25. The property is not in compliance with City Code requirements related to home-based businesses, but is in compliance with off-street parking violations, and nuisance violations.
26. That the Planning Commission met and held a duly noticed public hearing on August 26, 2021 during their regularly scheduled meeting and recommended approval of the permit contingent upon off-street parking regulations.

FINDINGS OF FACT

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

2. That the proposed use **will not** be compatible with the residential neighborhood due to (in part) density, lot size and use 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 the public welfare.
4. That the proposed use **will not** substantially or 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** create excessive additional requirements at public cost for public facilities and services, and it will be detrimental to the economic welfare of the community.
8. That the proposed use **will** 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 THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

That the request for a Home Occupation Permit for the operation of Timberline Lawn Care Incorporated, on the Subject Property, is hereby approved pursuant to Sections 117-51 and 117-351 of the Ramsey City Code with the following conditions:

1. That this agreement shall permit the operation of a landscaping and snow removal business (the "Home Occupation") on the Subject Property consisting in entirety of:
 - a. Four (4) vehicles
 - i. Three (3) Chevrolet 2500
 - ii. One (1) Chevrolet 3500
 - b. Four (4) trailers
 - c. Two (2) Skid Steers
2. That customers shall not visit the Subject Property.
3. That employees will park on the second driveway near the West property line; not at any time on the public streets.
4. That the Permittee agrees there will be no exterior evidence of the Home Occupation permitted on the Subject Property unless in compliance with Chapter 117-351 (Home Occupations) of City Code except:
 - a. Four (4) vehicles
 - i. Three (3) Chevrolet 2500
 - ii. One (1) Chevrolet 3500
 - b. Four (4) trailers

c. Two (2) Skid Steers

5. That the Permittee is responsible to verify and ensure that the structure(s) is compliant with all applicable state and local codes.
6. That should the Permittee die or should the Subject Property be sold, 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 Zoning Administrator and the City Council may authorize continuation of the Permit without further hearing.
7. The Permittee shall reside on the Subject Property; if the Permittee does not reside on the Subject Property, the Permit shall be automatically terminated.
8. That the Permittee agrees that if the operation expands, they will notify the City of Ramsey and reapply for a Permit.
9. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the Permittee.
10. The Permittee shall be responsible for obtaining and having in full force and effect all applicable State, County and City licenses. This includes a Business License with the City, registering with the State of Minnesota. The permit will not be issued until all required permits/licenses are received.
11. The Permittee shall be responsible for all costs incurred in the administration and enforcement of this Permit.
12. 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 to the Permittee.
13. That the Permittee agrees to take additional measures to keep the Subject Property in compliance with City Code regulations related to off-street parking and nuisance violations.
14. That the allowed hours of operation are 7:00 a.m. to 5:00 p.m., Monday through Friday barring any inclement weather or holidays. If holiday or weather changes the regular schedule, the Permittee may shift hours of operation to another weekday, but may not operate on Saturday or Sunday. The Permittee may not expand the hours of operation on any day without express consent from the City. The Permittee is limited to five (5) total workdays per week.
15. That this Permit does not authorize a future homeowner of the Subject Property from utilizing the detached accessory building for a home-based business.
16. That the salvage of inoperable commercial vehicles for purposes of parts for other operable commercial vehicles is not a permitted use within the District and is declared a public nuisance.
17. That the use shall not cause any other nuisance violations or City Code violations, and the Property must remain in compliance with off-street parking violations, public nuisance code provisions, and in compliance with the International Property Maintenance Code. This includes

but is not limited to: no junk being stored outside, parking only on the driveway(s), no driving on the grass, etc.

18. That the City reserves the right to revoke the permit for any violation of the above conditions.

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 denied and adopted by the Ramsey City Council this the 14th day of September, 2021.

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 Mark E. Kuzma and Colleen Lasher, 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 Mark E. Kuzma and Colleen Lasher acknowledge said instrument to be the free act and deed of said Municipal Corporation.

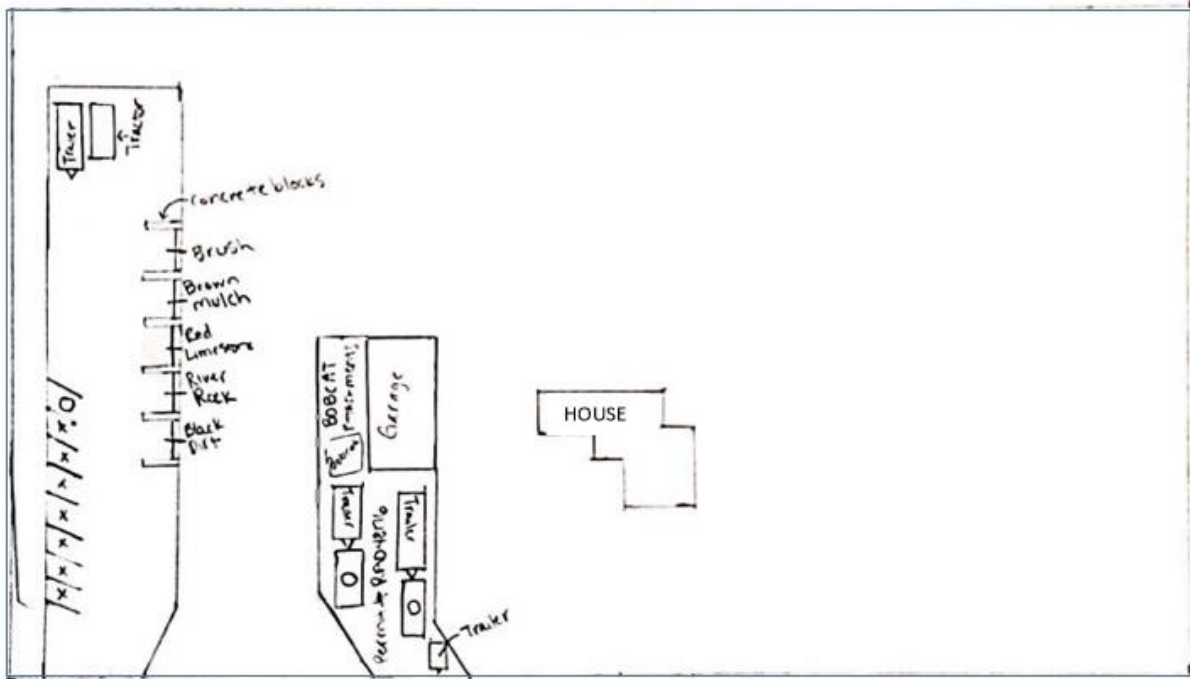
Notary Public

The document drafted by:
The City of Ramsey
7550 Sunwood Dr NW
Ramsey, Minnesota 55303

Exhibit A: Site Plan

- X - Employee parking
- O - Company truck

8351 160th Ave NW



160th Ave NW

Kangaroo Street