

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

RESOLUTION #21-219

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) AND
DECLARING TERMS AGREEMENT AT 7127 HIGHWAY 10 NW (PROJECT 21-128);
RON TOUCHETTE**

RECITALS

1. Ron Touchette, hereinafter referred to as the “Applicant” has properly applied for a Conditional Use Permit to expand lawful nonconforming parking associated with the motor vehicle sales, and repair operations on the property generally known as 7127 Highway 10 NW and legally described as follows:

TH PT OF W 33 RODS OF SW1/4 OF SW1/4 OF SEC 27 TWP 32 RGE 25 DESC AS FOL: COM AT INTER W LINE OF SD 1/4 1/4 WITH SLY R/W LINE OF GREAT NORTHERNRAILWAY, TH SELY ALG SD SLY R/W, 297.57 FT TO ACT POB , TH CONT SELY ALG SD SLY R/W 261.50 FT +OR- TO INTER/W E LINE OF SD W 33 RODS, TH S ALG SD E LINE 206.35, TH NWLY PRL/W R/W TO ELY LINE OF W 31 RODS TH, SLY ALG SD E LINE TO NLY R/W LINE OF T H NO 10 TH NWLY ALG NLY R/W T H NO 10 TO A PT 299 .65 FT SELY FROM W LINE OF SD 1/4 OF 1/4 AS MEAS ALG SD NLY R/W LINE, TH N TO ACT POB, (INCL LOT 6, AUD SUB 31) EX RD SUBJ TO EASE OF REC, Anoka County, Minnesota

(“Subject Property”)

2. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) of the Ramsey City Code on October 28, 2021, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
3. That the Subject Property is zoned H-1: Highway 10 Business District and is approximately 2.08 acres in size.
4. That motor vehicle, implement, and recreation equipment sales and service, and light manufacturing are a conditional use in the H-1: Highway 10 Business District.
5. That the Subject Property has been in operation with motor vehicle sales and repair prior to Ordinance #09-13, amending motor vehicles, implement, and recreation equipment sales and services from a permitted use to a conditional use in the H-1: Highway 10 Business District.

6. The motor vehicle sales and repair use are lawful, nonconforming use on the Subject Property and that expansion of a lawful, nonconforming use requires a Conditional Use Permit (CUP).
7. That the City and the Property Owner seek to agree on the status and limits of the Lawful, Nonconforming Use on the Subject Property in order to provide certain protections to said use for the Property Owner and the City, and allowing for easier enforcement of current Code Standards.
8. That the Applicant has submitted a site plan expanding the parking from a single row of parking in the rear property to two rows and an area of screened parking for repair vehicles on the Subject Property. The site plan is shown in Exhibit A.
9. That Ramsey City Code Section 117-120, regarding the H-1: Highway 10 Business District, requires all parking and pavement (including maneuvering, sales, and display areas) be setback from the street right-of-way a distance of at least twenty (20) feet.
10. That the Applicant currently has five (5) auto sales tenants and one (1) auto body repair and auto sales tenant on the Subject Property. The Applicant is proposing to increase number of tenants to nine (9) auto sales tenants, and one (1) auto body repair and auto sales tenant on the Subject Property; a total of 10 auto sales tenants.
11. That the Subject Property also contains Hirschfield's Inc., Contractor Center and Mini Regional Warehouse, Top Ten Industries, and the tri-plex; Top Ten Industries is not counted as an auto service tenant for this CUP but is a current tenant of the Subject Property. Any expansion or permits necessary for Hirschfield's Inc., Contractor Center and Mini Regional Warehouse, Top Ten Industries, and the tri-plex shall be considered as a separate application if required.
12. That the tenant, Top Ten Industries, is an operations and management business that the Applicant states has been located at the Subject Property for 30 years and is owned and operated by the Applicant. Top Ten Industries currently utilizes five (5) trailers, three (3) trucks, one (1) bobcat in its operations that are kept at the premises and stores five (5) 20' storage containers at the Subject Property. There is no Business Registration Certificate of this business at this location as it predates City Ordinance 26-63, requiring all businesses to obtain a business registration certificate.
13. That the Applicant shall remove the outdoor storage on or before December 31, 2021. Outdoor storage items include the five (5) 20' storage containers.
14. That City Code Section 117-356 (Commercial and Industrial Development Off-Street Parking) requires one (1) dedicated customer parking space for every ten (10) vehicles displayed; three (3) dedicated customer parking spaces for each enclosed bay; and one (1) dedicated parking space for each full-time employee.
15. That Minnesota Statute 2400.2820 requires 1.5 spaces for one to two-family dwellings or one (1) space per multi-family dwellings.

16. That the Applicant has applied for and been issued a Zoning Permit for a 6-foot chain link fence for screening of the rear parking area. The fence will include an opaque screening material on the chain link.
17. That the Applicant will apply for a Zoning Permit for a 10-foot by 14-foot storage shed made of steel. The accessory structure is subject to Ramsey City Code.
18. That vehicles displayed for sale, or those that have been detailed, shall be restricted to bituminous or concrete surfaces only in the designated areas shown in Exhibit A.
19. That the existing Zoning Code violation on the Subject Property regarding outdoor storage would be addressed by the issuance of this Interim Use Permit.
20. That the Planning Commission met on October 28, 2021, conducted a public hearing and recommended City Council approve the request.

FINDINGS OF FACT

1. That motor vehicle sales and repair **will not** be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfare.
2. That motor vehicle sales and repair **will not** substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That the motor vehicle sales and repair operation **will** be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
4. That motor vehicle sales and repair **will not** be hazardous to existing or future neighboring uses.
5. That motor vehicle sales and repair **will not** impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That motor vehicle sales and repair **will not** create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That motor vehicle sales and repair **will not** involve uses, activities and equipment 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 TIDS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

That the Ramsey City Council hereby grants approval of an Amended Conditional Use Permit (the "Permit") for motor vehicle sales and detailing on the Subject Property contingent upon the following conditions:

CONDITIONS

1. That this **Permit** allows for motor vehicle sales and repairs to occur at nine (9) auto sales businesses, and one (1) auto body repair and auto sales business on the **Subject Property**; contingent on an administrative site plan review.
2. That the **Permittee** shall require all new tenants to obtain a Business Registration Certificate (BRC) from the City of Ramsey and any necessary State licensures as a part of their lease or rental agreement.
3. A fence, minimum of 4 feet tall, with opaque screening must remain onsite to continue to screen the repairable vehicles as shown on Exhibit A. There shall be no barbed wire on fencing. Gravel parking shall be allowed within the fenced area storing vehicles awaiting repair. The fenced in area shall store approximately twenty (20) non-road worthy vehicles and shall require a separate zoning permit for gravel parking and fencing. A spare key to the fence gates shall be provided to the fire department in the event of an emergency.
4. That the **Permittee** shall ensure that any new or expanded parking and pavement onsite comply with Section 117-120 of the City Code requiring all parking and pavement (including maneuvering, sales, and display areas) require at least a twenty (20) foot setback from adjacent street and railroad right-of-way and be applied for by an amended conditional use permit.
5. That the **Permittees** shall remove all gravel on the North parking setback, reducing the parking in the rear property to two rows, and seed the affected area within a reasonable time period of Spring 2022.
6. That there shall be no car cannibalism on the **Subject Property**; salvaging of parts from inoperable motor vehicles on site to be used to repair other motor vehicles.
7. That there shall be no outside storage of parts or cannibalized vehicles on the **Subject Property**.
8. That all parking and storage on the **Subject Property** shall comply with City Code section 117-356; specifically, parking only on improved surfaces and screening of outdoor storage.
9. That the **Permittees** shall obtain all necessary permits to complete any required building modifications.
10. That the **Permittees** (or any other tenants) shall obtain all necessary licenses to lawfully operate motor vehicle sales operations on the **Subject Property**.

11. That the **Permittees** shall stripe all required customer parking stalls and those stalls shall not be used for any use other than customer parking.
12. That the **Permittees** shall maintain all required drive aisle widths to the north adjacent to or within the expanded parking area in accordance with City Code Section 117-356.
13. That all vehicles onsite must be operable, road worthy, and kept in good condition unless stored within the fencing area, which may house inoperable vehicles awaiting repair.
14. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
15. That the **Permittees** shall be responsible for all City costs incurred in administering and enforcing this Permit.
16. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.
17. That this **Permit** shall automatically expire if the use is not initiated by November 9, 2022.

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 9th day of November, 2021.

