

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

**RESOLUTION #21-207**

**A RESOLUTION APPROVING LAWFUL NONCONFORMING RIGHTS AND BOUNDARY AGREEMENT FOR KEN'S REPAIR AND SALES AT 15415 ST. FRANCIS BLVD NW**

**WHEREAS**, the property owner Sharon Niles (the "Property Owner") has been operating an automotive repair and sales business with lawful, nonconforming rights on the property generally known as 15415 Saint 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) ("the Subject Property")

**WHEREAS**, the Subject Property has a split zoning designation with the northern three-fourths of the property zoned R-2 Medium Density Residential, and the southern one-fourth zoned as B-1 Business District and is approximately 20.95 acres in size; and

**WHEREAS**, Ken's Repair and Sales, Inc has been in operation since the late 1960s, prior to the incorporation of the City of Ramsey as a City in 1974, and as such is afforded status as a Lawful, Nonconforming Use to continue operation on a property that is currently zoned as R-2 Residential; and

**WHEREAS**, 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; and

**WHEREAS**, the Property Owner added U-Haul services (rentals) to their business in the 1980s; and

**WHEREAS**, the Property Owner repairs customer and personal vehicles, and stores items in box trucks on the Subject Property; and

**WHEREAS**, the City Council of the City of Ramsey approved of the proposed declaring terms of the lawful nonconforming rights and boundaries for the Subject Property on December 14, 2021.

**NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

1. The **CITY** and **OWNER** agree to the following as lawful, nonconforming uses of the Subject Property:
  - a. A single line of vehicles along Highway 47 South of “The Loop” and no more than two rows of sales vehicles between the two driveways on the Subject Property; the **OWNER** agrees to no more than 20 vehicles in the sales rows. Said vehicles may be on the grass.
  - b. U-Haul rental services, including up to 10 vehicles onsite for rental. Said rental vehicles include both box trucks and pull behind trailers, both flat bed and enclosed. All U-Haul related items shall be stored on “The Hill” (shown in Exhibit A) with the understanding that customers may leave the rentals in the wrong location from time to time, and the Property Owner shall move the vehicles into compliance within 24 business hours.
    - i. U-Haul box trucks shall be parked only upon improved surfacing (Class V gravel or similar), in the area defined as “The Hill” (shown in Exhibit A).
  - c. There are no lawful, nonconforming rights associated with living in a camper or motorhome on the Subject Property.
  - d. The Subject Property is allowed to maintain an auto repair and sales use on the Subject Property. There are no lawful, nonconforming rights associated with trailer, recreational vehicle, boats, etc. sales or service.
  - e. The Subject Property is allowed outdoor storage in “storage” area, limited to that shown in the 1977 aerial photo attached as Exhibit B; and short term outdoor storage in “the Hill”, of no more than 2 weeks, for passenger vehicles awaiting repair.
  - f. The **OWNER** shall keep existing surface parking areas behind the barn and on “the Hill” as shown in Exhibit A. Future revisions to existing parking areas will require compliance with current Ramsey City Code.
2. The **OWNER** shall maintain the Subject Property in compliance with City Code Chapter 30 (Nuisances) at all times.
3. The **OWNER** shall limit to a total of ten (10) personal vehicles, trailers, and campers on the property in accordance with City Code Section which allows properties greater than 5.0 acres in size to have a total of up to ten (10) such personal vehicles, trailers, and campers.
4. The **OWNER** shall apply for a Sign Permit for any new sign. This Agreement does not provide any approval on proposed signage.
5. The **OWNER** agrees that any expansion of the use which is hereby deemed Lawful, Nonconforming by the City of Ramsey shall only be allowed via a Conditional Use Permit (CUP) on the Subject Property, which is consistent with City Code direction for this type of use and expansion.

6. The **CITY** and **OWNER** agree there are no lawful, nonconforming rights related to “The Low” (shown in Exhibit A) and agree to remove all vehicles and storage from “The Low.”
7. The **OWNER** agrees to remove inoperable, or non-road-worthy vehicles from the “Hill” to the “Storage” in two (2) to three (3) business days; to allow the Property Owner adequate time over long or holiday weekends.
8. The **OWNER** agrees to turnover customer vehicles from acquisition to resale within two (2) months and “junk”, inoperable, or vehicles meant for cannibalization within three (3) months.
9. The **CITY** and **OWNER** agree to the Lawful Nonconforming Rights boundary, shown in Exhibit A.
10. That this Resolution is contingent upon City Attorney review.

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 14<sup>th</sup> of December, 2021.



**Exhibit A: Defining Boundaries of the Subject Property**

**KEN'S REPAIR AND SALES**  
**-LAWFUL NONCONFORMING USES AREAS-**



**LEGEND**

- Operations Allowed
- Operations Not Allowed

**Exhibit B: 1977 Aerial Photo of Subject Property**

