

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

RESOLUTION #21-042

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO PLATTING REQUIREMENTS TO FACILITATE A METES AND BOUNDS SUBDIVISION OF PID #23-32-25-21-0002 AND DECLARING TERMS OF PERMIT

RECITALS

1. The City of Ramsey received an application from Shade Tree Communities LLC (the "Permittee") requesting a Procedural Variance in accordance with City Code Section 117-561 (Procedural Variances) to complete a metes and bounds subdivision on the property generally identified as PID #23-32-25-21-0002 and legally described as follows:

TH PT OF NE1/4 OF NW1/4 OF SEC 23 TWP 32 RGE 25 EX TH PT
THEREOF DESC AS FOL: BEG AT SW COR OF SD 1/4 1/4, TH N ASSD
BRG ON W LINE OF SD 1/4 OF 1/4, 793.13 FT TO C/L OF TOWN RD,
TH NLY ALG SD C/L ON CUR CONC TO NW, RADIUS OF 229.18 FT &
CENTRAL ANG OF 19 DEG 44 MIN 42 SEC, 78.98 FT TO INTER/W
C/L OF CSAH NO 5, TH S 1 DEG 01 MIN 30 SEC E ALG SD C/L
20.05 FT, TH DEFL LFT ALG SD C/L ON TAN CUR, RADIUS OF
181.89 FT, 142.96 FT, TH S 46 DEG 03 MIN 30 SEC E ALG SD C/L
524.54 FT, TH DEFL RT ALG SD C/L ON TAN CUR RADIUS OF
520.87 FT, 298.94 FT, TH S 13 DEG 10 MIN 30 SEC E ALG SD C/L
105.41 FT TO INTER/W S LINE OF SD 1/4 1/4, TH WLY ALG SD S
LINE 615.65 FT TO POB, EX RD SUBJ TO EASE OF REC, Anoka County, Minnesota;

(the "Subject Property")

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 (Variances) of the Ramsey City Code on February 4, 2021, and that said public hearing was properly advertised and that the minutes of said public hearing are available.
3. That the Subject Property is approximately 29.57 acres in size and is zoned PUD – Planned Unit Development.
4. That the Permittee acquired the Subject Property in 2005.
5. That as part of the land transaction in 2005, both the seller and the buyer (the Applicant) thought the transaction was only for the land north/east of Nowthen Boulevard.
6. That in the 1970s, Anoka County reconstructed a portion of Nowthen Boulevard, which resulted in a realignment that bisected the Subject Property.

7. That the original legal description of the Subject Property referenced the easterly boundary of right-of-way of Nowthen Boulevard.
8. That after the realignment of Nowthen Boulevard, the legal description was not updated; thus, it still described the parcel as lying east of the easterly right-of-way of Nowthen Boulevard.
9. That the Permittee is not claiming ownership of the land south/west of Nowthen Boulevard.
10. That the seller from 2005 has filed a Notice of Adverse Claim of Real Estate against the Subject Property.
11. That the Permittee is pursuing a metes and bounds subdivision to legally subdivide the Subject Property into two parcels with the intention of retaining the land north/east of Nowthen Boulevard and deeding the land south/west of Nowthen Boulevard back to the party that sold the land in 2005.
12. That the City of Ramsey is only considering this action to assist with cleaning up the title for the Subject Property and does not consent to or acknowledge any claim of building rights on the remnant parcel south/west of Nowthen Boulevard.
13. That any future proposed subdivision and/or construction would be subject to the platting and zoning standards in effect at that time.

FINDINGS OF FACT

1. That deviating from the platting requirements will not impair an adequate supply of light and air to adjacent property.
2. That deviating from the platting requirements will not unreasonably increase the congestion on the public street.
3. That deviating from the platting requirements will not have the effect of allowing any use prohibited in the R-2 Residential (Medium Density) District.
4. That deviating from the platting requirements will not permit a lesser degree of public health, safety, and general welfare protection than established by Chapter 117 of the Ramsey City Code, or permit standards which are lower than those required by state law.
5. That deviating from the platting requirements will not increase the danger of fire or endanger public safety.
6. That deviating from the platting requirements will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of Chapter 117 of the Ramsey City Code.

7. That deviating from the platting requirements will still 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.
8. That deviating from the platting requirements will not violate the intent and purpose of the Comprehensive Plan.
9. That deviating from the platting requirements will be in accordance with the objectives of the intent of Section 117-53 (Variances) and Section 117-561 (Procedural Variances) of the Ramsey City Code.

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

That the Ramsey Planning Commission hereby grants approval of a variance (the “Variance”) to deviate from the platting requirements to facilitate a metes and bounds subdivision of the **Subject Property**, subject to review and approval as to legal form and contingent upon the following conditions:

CONDITIONS

1. The requirements of City Code Chapter 117 Article III (Subdivisions) are a practical difficulty in that Nowthen Boulevard was realigned in the 1970s but legal descriptions were not updated accordingly. The legal description of the **Subject Property** references or calls out Nowthen Boulevard one of the boundaries but due to the realignment, that ‘call out’ has moved.
2. A **Variance** to the platting requirements in City Code Chapter 117 Article III (Subdivisions) is hereby granted to the **Permittee** to legally separate the **Subject Property** into two (2) distinct parcels, with the right-of-way of Nowthen Boulevard as the boundary between them, contingent on the conditions contained in this Variance.
3. This **Variance** shall automatically become null and void if it is not initiated within twelve (12) months of the date of approval, unless an extension is granted at the written request of the **Permittee**.
4. The **Permittee** shall be responsible for all **City** costs incurred in administering and enforcing this **Variance**.
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 adequate water supply and on-site sewage disposal facilities shall be the responsibility of the **Permittee**.

7. That any future subdivision of either parcel and/or proposed improvements on either parcel will be subject to the platting and zoning standards in effect at that time.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, 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 Planning Commission this the 4th day of February, 2021.

Chairperson

ATTEST:

City Clerk

