

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

**RESOLUTION #21-287**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AUTOMOTIVE SALES AT 6957 HIGHWAY 10 NW AND DECLARING TERMS OF AGREEMENT**

**RECITALS**

1. Jay Laws, on behalf of Laws Auto Connection, hereafter referred to as “**Permittee**”, has properly applied for a Conditional Use Permit to allow motor vehicle sales on the property generally known as 6957 Highway 10 NW and legally described as:

LOT 4 AUDITORS SUBDIVISION NO 31 DESC AS FOL: COM AT SE COR OF SD LOT, TH NWLY ALG SWLY LINE OF SD LOT 520 FT TO POB, TH CONT NWLY ALG SD SWLY LINE 155 FT, TH DEFL TO RT AT ANG OF 88 DEG 335 FT +OR- TO NELY LINE OF SD LOT, TH SELY ALG SD NELY LINE 155 FT +OR- TO INTER/W A LINE EXTD NELY FROM POB AT ANG OF 88 DEG, TH SWLY ALG SD LINE 338 FT +OR- TO POB, EX SLY 42 FT THEREOF, Anoka County, Minnesota

(the ‘**Subject Property**’);

2. That the **Subject Property** is zoned H-1 Highway 10 Business District and is approximately 1.04 acres in size.
3. That motor vehicle, implement, and recreation equipment sales and service is a conditional use in the H-1 Highway 10 Business District.
4. That the **Subject Property** abuts Highway 10 NW to the south, and parcels to the east and west of the **Subject Property** are zoned H-1 Highway 10 Business District.
5. That the **Permittee** has submitted a site plan indicating five (5) parking spaces dedicated to the business in the north existing parking lot, and a private entrance to their office.
6. That Section 117-120 of the City Code 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.
7. 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.
8. That vehicles displayed for sale shall be restricted to bituminous or concrete surfaces only.
9. That the Planning Commission met on October 28, 2021, and conducted a public hearing and recommended **approval/denial** of the request.
10. That the City Council met on November 9, 2021 and **approved/denied** the request.

## **FINDINGS OF FACT**

1. That motor vehicle sales 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 will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That the motor vehicle sales 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/will not change the essential character of the area.
4. That motor vehicle sales will not be hazardous to existing or future neighboring uses.
5. That motor vehicle sales will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That motor vehicle sales 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 will not involve uses, activities and equipment 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 THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

That the Ramsey City Council hereby grants approval of a Conditional Use Permit (the “**Permit**”) for motor vehicle sales on the **Subject Property** contingent upon the following conditions:

## **CONDITIONS**

1. That this **Permit** allows for motor vehicle sales to occur on the **Subject Property**.
2. That this **Permit** is contingent upon site plan review and site plan approval by the Ramsey City Council.
3. That there shall be no parking or maneuvering on any unpaved area at any time.
4. That the Permittee shall ensure that any new or upgraded 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 right-of-way.
5. That the striping of the paved areas area shall be in compliance with the City Code; the **Permittee** shall submit plans to the City of Ramsey prior to any paving or striping for proper permitting.

The **Permittee** shall stripe all required customer parking stalls and those stalls shall not be used for any use other than customer parking.

6. That the **Permittee** shall maintain the **Subject Property** in compliance with City Code Section 117-356 (Commercial and Industrial Development Off-Street Parking) and Chapter 30 (Nuisances) at all times.
7. That there shall be no salvaging of parts from inoperable motor vehicles on site to be used to repair other motor vehicles.
8. That there shall be no outside storage of parts or cannibalized vehicles on the **Subject Property**.
9. That the **Permittee** shall obtain all necessary permits to complete any required building modifications or site modifications.
10. That the **Permittee** (or any other tenants) shall obtain all necessary licenses to lawfully operate motor vehicle sales operations on the **Subject Property**.
11. That the **Permittee** shall maintain all required drive aisle widths in accordance with City Code Section 117-356.
12. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
13. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this Permit.
14. 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.
15. That this **Permit** shall automatically expire if the use is not initiated within one (1) year of the date of this approval.

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 9<sup>th</sup> day of November, 2021.

