

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

RESOLUTION #21-288

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AUTOMOTIVE SALES AT 6740 HIGHWAY 10 NW AND DECLARING TERMS OF AGREEMENT

RECITALS

1. Sang Huynh and Toan Danh, hereafter referred to as “**Permittees**”, have properly applied for a Conditional Use Permit to allow motor vehicle sales and outdoor storage on the property generally known as 6740 Highway 10 NW and legally described as:

Lot 3, Block 1, Riverside West, Subject to Easements of Record, Anoka County, Minnesota

(the ‘**Subject Property**’);
2. That the **Subject Property** is zoned B-2 Highway Business District and is approximately 1.32 acres in size.
3. That the **Subject Property** is guided for Commercial in the City’s 2040 Comprehensive Plan.
4. That motor vehicle, implement, and recreation equipment sales and service is a conditional use in the B-2 Highway Business District.
5. That the **Subject Property** abuts Highway 10 NW to the north, and parcels to the east and west of the **Subject Property** are zoned B-2 Highway Business District.
6. That the **Permittees** have submitted a site plan indicating general areas for parking of employees, customers, and vehicles for sale. The plan also includes proposed future parking expansion area, and the installation of a fence.
7. 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.
8. 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.
9. That vehicles displayed for sale shall be restricted to bituminous or concrete surfaces only.
10. That the **Permittees** have requested permission to have two (2) dealers on the **Subject Property**.
11. That the Planning Commission met on October 28, 2021, and conducted a public hearing and recommended **approval/denial** of the request.
12. That the City Council met on November 9, 2021 and **approved/denied** the request.

FINDINGS OF FACT

1. That motor vehicle sales **will/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/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/will not** 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/will not** be hazardous to existing or future neighboring uses.
5. That motor vehicle sales **will/will not** impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That motor vehicle sales **will/will not** create excessive additional requirements at public cost for public facilities and services and will/will not be detrimental to the economic welfare of the community.
7. That motor vehicle sales **will/will not** involve uses, activities and equipment that will/will not 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 for two (2) dealers to occur on the **Subject Property**. Any expansion of number of dealers will require a revised Conditional Use Permit.
2. That the **Permittees** are allowed to sell motor vehicles and passenger vehicles, this **Permit** does not cover boats, RVs, trailer sales, or similar uses.
3. That this **Permit** is contingent upon site plan review and site plan approval.
4. That the building on the **Subject Property** must meet all applicable federal, state, and local regulations including ADA compliant bathrooms, as noted by the Building Official during an on-site inspection.

5. That each automotive dealer must have a designated office space, and that any building modifications shall require proper permitting.
6. That the number of automotive dealers on the **Subject Property** shall not exceed two (2) dealers.
7. That there shall be no parking or maneuvering on any unpaved area at any time.
8. That the **Permittees** 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, as well as any required permit. All parking must be striped per City Code, and each dealer's spaces must be signed appropriately.
9. That the striping and signage of the paved areas area shall be in compliance with the City Code; the **Permittees** shall submit plans to the City of Ramsey prior to any paving or striping for proper permitting. The **Permittees** shall stripe all required customer parking stalls and those stalls shall not be used for any use other than customer parking. Customer parking and handicapped parking shall also be signed appropriately.
10. That the **Permittees** 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.
11. That there shall be no auto repair work on the **Subject Property**, which includes, but it not limited to, salvaging of parts from inoperable motor vehicles on site to be used to repair other motor vehicles.
12. That all vehicles on the **Subject Property** must be fully operable, road-worthy, and licensed properly.
13. That the outdoor storage will consist of no more than five (5) vehicles related to the towing business, of which the **Subject Property** will be the headquarters for but will not hold vehicles related to the towing business.
14. That the **Permittees** shall apply for a Site Plan for any changes onsite, including but not limited to, expanding the parking lot, changing signage, or modifications to the building. That the **Permittees** shall obtain all necessary permits to complete any required building modifications or site modifications, including permits for the proposed fencing and parking expansion.
15. That the **Permittees** (or any other tenants) shall obtain all necessary licenses to lawfully operate motor vehicle sales operations on the **Subject Property**. All businesses shall be properly registered with the Secretary of State, and receive Motor Vehicle Dealer's Licenses from the State. The **Permittees** must provide proof of licensure to the City.
16. That the **Permittees** shall maintain all required drive aisle widths in accordance with City Code Section 117-356.

17. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
18. That the **Permittees** shall be responsible for all City costs incurred in administering and enforcing this **Permit**.
19. 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.
20. That this **Permit** shall automatically expire if the use is not initiated within one (1) year of the date of 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 9th day of November, 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

This document drafted by:
City of Ramsey
7550 Sunwood Dr NW
Ramsey, MN 55303