

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

RESOLUTION #22-067

**A RESOLUTION APPROVING A HOME OCCUPATION PERMIT
TO OPERATE A CONCESSION BUSINESS ON THE PROPERTY LOCATED AT 7230 175TH
AVENUE NW AND DECLARING TERMS OF PERMIT**

WHEREAS, Carmen Schmitz, Amy Schmitz, and Jake Hoffman, hereinafter referred to as the “**Applicants**”, have properly applied for a Home Occupation Permit to operate a concession business on the property located at 7230 175th Avenue NW and legally described as follows:

THE E 410 FT OF SE1/4 OF SE1/4 OF SEC 4 TWP 32 RGE 25, EX RD, SUBJ TO EASE
OF REC, Anoka County, Minnesota

(the “**Subject Property**”); and

WHEREAS, the **Subject Property** is zoned R-1 Residential (MUSA) and the surrounding parcels are zoned R-1 Residential (Rural Developing) and R-1 (MUSA); and

WHEREAS, the **Subject Property** is approximately 12.39 acres and is surrounded by lots of similar size; and

WHEREAS, the **Subject Property** is guided for Low Density Residential in the City’s Future Land Use Map; and

WHEREAS, the **Applicants** submitted a completed Home Occupation Permit Questionnaire and a completed application for a Level II Home Occupation Permit to operate a concession business (the “**Home Occupation**”) on the **Subject Property** on March 7, 2022; and

WHEREAS, the **Applicants** own the **Subject Property**, and will occupy the dwelling while conducting business on the **Subject Property**; and

WHEREAS, the **Home Occupation** is proposed to be based out of the accessory structure onsite with a proposed future expansion to house vehicles, equipment, and materials for the business;

WHEREAS, That the Applicant has stated there will be at least 400 square feet of garage space reserved for indoor residential parking and storage in an attached garage related to residential use on the **Subject Property**, as established in City Code Section 117-351 (Home Occupation). The proposed detached 6,000 square foot garage will be used for storage, food preparation, and loading related to the **Home Occupation**. The proposed 6.000 square feet is the maximum allowed accessory structure space for the **Subject Property**; and

WHEREAS, there are no business signs at the **Subject Property**, and the Applicants do not plan to utilize signage for the **Home Occupation**; and

WHEREAS, the **Applicants** have stated there will be no more than one (1) employee coming to the **Subject Property** per week. The employee would park on the **Subject Property** in accordance with City Code Section 117-355; and

WHERAS, the **Applicants** have proposed to store five (5) vehicles onsite related to the business including a camper, concession trailer, supply truck, food truck, and a pickup truck. All vehicles are proposed to be stored inside or on an allowed parking surface. Employee vehicles parked at the **Subject Property** are not included in this proposal; and

WHERAS, the **Home Occupation** does not involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the **Subject Property** but does involve operating the business via phone and email in an office inside the home. Customers do not come to the **Subject Property**; and

WHERAS, the **Applicants** have not proposed business hours for their **Home Occupation**; and

WHERAS, the City finds the **Home Occupation** operates beyond the parameters of general and administrative home occupation permit requirements (City Code Section 117-351) and therefore requires Planning Commission and City Council review and approval; and

WHERAS, the Planning Commission met and held a duly noticed public hearing on March 24, 2022 during their regularly scheduled meeting and recommended **approval/denial** of the **Home Occupation**.

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

That the request for a Home Occupation Permit for the operation of Mabel LLC on the **Subject Property** is hereby approved pursuant to Sections 117-51 and 117-351 of the Ramsey City Code with the following conditions:

1. That this agreement shall permit the operation of a concession business (the “**Home Occupation**”) on the **Subject Property** consisting in entirety of:
 - a. Onsite storage of vehicles devoted to the **Home Occupation** with one (1) vehicle maximum stored outside;
 - b. Storage of business supplies and concessions;
 - c. Utilize one (1) nonresident employee; and
 - d. Expansion of the current accessory structure with the purpose of vehicle, equipment, concessions, and materials storage indoors.
2. That customers never visit the **Subject Property**.
3. That all outdoor vehicles and equipment shall be placed on appropriate parking surfaces at all times on the **Subject Property**.
4. That the Permittee agrees there will be no exterior evidence of the Home Occupation permitted on the **Subject Property** unless in compliance with Chapter 117-351 (Home Occupations) of City Code except for one (1) vehicle at a single time, unless vehicles are transferring to other locations related to the **Home Occupation**.

5. That the **Applicants** are responsible to verify and ensure that the structure(s) is compliant with all applicable state and local codes.
6. That should the Permittee die or should the **Subject Property** be sold, the Permit shall be automatically terminated, except that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the **Home Occupation**, written notice to that effect shall be given to the Zoning Administrator may authorize continuation of the Permit without further hearing.
7. The Permittee shall reside on the Subject Property; if the Permittee does not reside on the Subject Property, the Permit shall be automatically terminated.
8. That the Permittee agrees that if the operation expands, they will notify the City of Ramsey and reapply for a Permit.
9. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the Permittee.
10. The Permittee shall be responsible for obtaining and having in full force and effect all applicable State, County and City licenses. This includes a Business License with the City, registering with the State of Minnesota. The permit will not be issued until all required permits/licenses are received.
11. The Permittee shall be responsible for all costs incurred in the administration and enforcement of this Permit.
12. 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 to the Permittee.
13. That the allowed hours of operation are [redacted]:00 a.m. to [redacted]:00 p.m., Monday through Friday barring any inclement weather or holidays. If holiday or weather changes the regular schedule, the Permittee may shift hours of operation to Saturday or Sunday; weekend hours of operation are [redacted]:00 a.m. to [redacted]:00 p.m. and pursuant to limit of five (5) total workdays per week. The Permittee may not expand the hours of operation on any day without express consent from the City. The Permittee is limited to five (5) total workdays per week.
14. That this Permit does not authorize a future homeowner of the **Subject Property** from utilizing the detached accessory building for a home-based business.
15. That there shall be no outdoor storage at any time related to the home occupation besides one vehicle associated with the use.
16. That the salvage of inoperable commercial vehicles for purposes of parts for other operable commercial vehicles is not a permitted use within the District and is declared a public nuisance.
17. That the use shall not cause any other nuisance violations or City Code violations, and the **Subject Property** must remain in compliance with off-street parking violations, public nuisance code provisions, and in compliance with the International Property Maintenance Code. This

includes but is not limited to: no junk being stored outside, parking only on the driveway(s), no driving on the grass, etc.

18. That the City reserves the right to revoke the permit for any violation of the above conditions.

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 approved and adopted by the Ramsey City Council this the 12th day of April, 2022.

Mayor

ATTEST:

City Clerk