



RESOLUTION 2024-7-4

**CITY OF STACY
CHISAGO COUNTY, MINNESOTA**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A POWER
SPORTS BUSINESS LOCATED ON THE PROPERTY AT THE NORTHEAST
CORNER OF STACY TRAIL AND FALCON AVENUE (PID 19 00004 20)**

WHEREAS, Nick Simpson of NS Investments and Darby Regan of APPRO Development (“Applicants”) have requested a Conditional Use Permit (CUP) on property owned by SNS Kramer Properties LLC located at the northeast corner of Stacy Trail and Falcon Avenue, PID 19.00004.20 ("Subject Property"), legally described on the attached Exhibit A, for a power sports business that will include motor vehicle sales and repair; and

WHEREAS, the subject property is zoned GB General Business, which includes provisions in Sections 153.051(D)(7) and (8) allowing motor vehicle repair and sales uses as conditional uses; and,

WHEREAS, the Planning Commission considered the application for the CUP at its meeting on June 18, 2024, and held a public hearing, after due notice having been given regarding the application; and

WHEREAS, the Planning Commission reviewed the application and recommended approval with conditions; and

WHEREAS, the City Council considered the Planning Commission's recommendation at its meeting on July 9, 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Stacy hereby approves a Conditional Use Permit for a power sports business as described in the Applicants’ submitted materials, with the following conditions and findings of fact:

Conditions for Approval of the Conditional Use Permit

- 1) Outdoor display is limited to new vehicles and equipment for sale, arranged on site so as not to interfere with vehicles or pedestrians or with required parking spaces, on an approved impervious surface, not grass or bare ground. All other materials and equipment will be stored inside the building on site.
- 2) All service and repair of vehicles and equipment will be done completely within the enclosed building.

- 3) Trash on site will be handled within an enclosed structure or screened from adjacent properties and roadways.
- 4) A lighting plan will be prepared for review and approval of the City Planner and City Engineer that meets the standards in the code before a building permit is issued. Light poles on site are limited to 20 ft in height.
- 5) The truck loading dock on the north side of the site will be landscaped to screen the trucks and loading from view of I-35.
- 6) A landscape plan will be prepared for review and approval of the City Planner and City Engineer that meets the standards in the code before a building permit is issued. The parking lot will be substantially screened by landscaping to a height of 3-4 feet to screen headlights from Falcon Avenue and Stacy Trail.
- 7) All lighting on the site or the building will be downcast cutoff type fixtures so that the source of the light is not visible to surrounding properties at eye level or to surrounding streets, with no more than 1 foot-candle spillover beyond the property line.
- 8) The building will be kept off of the north 30 feet of the property in anticipation of future utility needs.
- 9) The on-site septic system will be moved off of the north 30 feet of the property.
- 10) A proof of parking plan will be prepared showing future parking to a total of 69 spaces on site, which will be constructed if the City finds there are parking problems in the future after expansion of the building.
- 11) All other engineering issues will be addressed as detailed in the planning report dated June 18, 2024, to be reviewed and approved by the City Engineer.
- 12) The project will meet all other zoning and engineering requirements before issuance of a building permit.
- 13) The building may be up to 45 feet in height if approved by the Fire Chief.

Findings of Fact for Approval of Conditional Use Permit

- 1) SNS Kramer properties LLC owns the property in the northeast quadrant of Stacy Trail and Falcon Avenue, identified by Chisago County as PID 19.00004.20 ("Property"), legally described in Exhibit A attached to this resolution.
- 2) The Property is zoned GB General Business in the City of Stacy zoning scheme. Motor vehicles sales and motor vehicle repair are allowed by conditional use permit in the GB district.
- 3) Nick Simpson, doing business as NS Investments, proposes a power sports use on the property, selling and repairing snowmobiles, all-terrain vehicles, and similar equipment and vehicles in a new 12,000-square-foot building.

- 4) The property will be served by a driveway access off of Falcon Avenue at the northwest corner of the property.
- 5) The proposed project meets the standards for approving a conditional use permit in Section 153.189(B)(1)(f) of the Stacy Zoning Code.
- 6) A building height of 45 feet has been determined acceptable by the Stacy Fire Chief.

Council Member Mark Utecht introduced the foregoing resolution and moved its adoption:

The motion for adoption of the foregoing resolution was duly seconded by Council Member Tim Sawatzky and, upon vote being taken thereon, the following voted in favor thereof: Mark Utecht, Yim Sawatzky, Dennis Thieling, and Jeff Barrett. The following voted against or abstained: Carolyn Cagle.

Whereupon the resolution was declared duly passed and adopted the 9th day of July, 2024.

PASSED AND ADOPTED by the City Council of the City of Stacy, Minnesota this 9th day of July, 2024.

Mark Utecht, Mayor

ATTEST: _____
Angela Comstock, Deputy City Clerk

EXHIBIT A

LEGAL DESCRIPTION

(Per Doc. No. A615913)

That part of the West Half of the Southwest Quarter of Section 29, Township 34, Range 21, Chisago County, Minnesota, described as follows: Beginning at the southwest corner of said Southwest Quarter; thence on an assumed bearing of North 01 degree, 52 minutes, 21 seconds West along the west line of said Southwest Quarter a distance of 778.27 feet; thence North 88 degrees, 05 minutes, 23 seconds East a distance of 775.89 feet to the westerly right of way line of Interstate No, 35; thence southerly, westerly and southwesterly along said right of way line to the south line of said Southwest Quarter; thence westerly along said south line to the point of beginning.

Except: That part of the Southwest Quarter of the Southwest Quarter of said Section 29 described as follows: Commencing at the southwest corner of said Section 29; thence South 88 degrees, 28 minutes, 23 seconds East, Chicago County datum, along the south line of said Section 29, a distance of 129.35 feet to the point of beginning of the parcel to be described; thence continuing South 88 degrees, 28 minutes, 23 seconds East, along said south line, a distance of 171.08 feet; thence North 1 degree, 13 minutes, 07 seconds East, a distance of 45.84 feet; thence southwesterly, along a non-tangential curve concave to the southeast having a radius of 360.00 feet and a central angle of 28 degrees, 26 minutes, 30 seconds, a distance of 178.70 feet, the chord of said curve is 176.88 feet and bears South 76 degrees, 30 minutes, 45 seconds West, to the point of beginning,