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Michelle Ashe, County Recorder

By  Deputy

Fees: **\$46.00**



**RESOLUTION NO. R-2014-100**

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING APPLICANT  
PLEASURELAND RV CENTER, INC.'S REQUEST FOR AN INTERIM USE PERMIT**

**RECITALS**

WHEREAS, Haven Township ("Township") received an Interim Use Permit ("IUP") application from PleasureLand RV Center, Inc. ("Applicant") on April 16, 2014;

WHEREAS, the Applicant has requested to use property legally described as Lot 1, Block 1, O'Brien Automotive Addition, Sherburne County, PID No. 25-436-0105 ("Property") for a business selling recreational vehicles;

WHEREAS, the Township has rezoned the Property from Industrial to Commercial, which requires an IUP for selling vehicles pursuant to Section 8, Subdivision 3 of the Haven Township Zoning Ordinance;

WHEREAS, pursuant to Section 12, Subdivision 1 of the Haven Township Zoning Ordinance, IUPs may be approved in accordance with Minn. Stat. § 462.357;

WHEREAS, on May 6, 2014, the Township Planning Commission held a public hearing on Applicant's IUP application in accordance with Minn. Stat. § 462.357, Subd. 3; and

WHEREAS, the Township has considered the application and finds as follows:

**FINDINGS OF FACT**

- A. Applicant PleasureLand RV Center, Inc. intends to purchase the Property.
- B. The Property is zoned Commercial. A business selling vehicles, boats or farm implements on Commercially zoned property is permitted with an IUP pursuant to Section 8, Subdivision 3 of the Haven Township Zoning Ordinance.
- C. Applicant wishes to sell vehicles, boats or farm implements on the Property.

D. Pursuant to Minn. Stat. § 462.3597, Subd. 2, as well as Section 12 of the Haven Township Zoning Ordinance, the Township may grant permission for an interim use of property when the following are met:

**1. The use conforms to the zoning regulations;**

Yes. Applicant proposes to sell recreational vehicles on property zoned Commercial with an IUP in accordance with Section 8, Subdivision 3 of the Haven Township Zoning Ordinance. This proposed use conforms to the zoning regulations of the Township as well as other applicable local, state and federal law, rule and other statutory provisions.

**2. The date or event that will terminate the use can be identified with certainty;**

Yes. The termination date is the earlier of the date that is sixty (60) consecutive days after Applicant ceases to sell vehicles, boats, or farm implements on the Property, or the date of an of the events stated in Section 12, Subd. 2 of the Haven Township Zoning Ordinance.

**3. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and**

Yes. The Property currently as built will serve Applicant's use. No added public services are required. The Property meets all right-of-way and setback regulations at the state and local level.

**4. The Applicant agrees to any conditions that the Township deems appropriate for permission of the use.**

Yes. The Applicant must comply with all conditions stated in this permit.

**5. Conditions of Permit.**

- a. No additional impervious surface coverage will be allowed.
- b. No additional wetland fill will be allowed.
- c. The site is limited to no more than 100 vehicles on site.
- d. No vehicles may be parked or displayed within the right-of-way (The standard setback from right-of-way for parking vehicles will be waived as part of this Resolution).
- e. Hours of operation: daily 8:00 a.m. to 8:00 p.m.
- f. On-site lighting must not adversely affect traffic on U.S. Hwy. 10 or CSAH 7. MnDOT and Sherburne County must be consulted and approval granted prior to the installation of any additional lighting at this site.
- g. Any proposed business signs must comply with the Haven Zoning Ordinance, and receive all applicable permits from Haven Township.
- h. Minor repair of vehicles and minor vehicle reconditioning is allowed at this site.

- i. The use of the Property is limited to the sale of recreational vehicles.
- j. At all times, a 24-hour emergency contact sign shall be posted on the outside of the building in a conspicuous location.
- k. Only the asphalt lot and existing driveway may be used. This will mitigate dust and noise.
- l. Applicant must comply with all state, federal, and local licensing and other rules and regulations for the operation of its business at this location.
- m. Applicant will continue to utilize the current erosion control methods in place.
- n. Applicant has agreed that the existing Conditional Use Permits for this Property, principally found at Sherburne County Recorder Document Nos. 463590 and 323127 are to be extinguished. Prior to commencing operations, Applicant will sign extinguishment documents as required by the Haven Town Zoning Administrator.
- o. All findings required by Haven Township Ordinances have been made.
- p. The permit will be valid and in effect at the time that Applicant acquires the title to the Property. This permit will expire if Applicant has not acquired title to the Property by May 1, 2015.

**NOW THEREFORE, BE IT RESOLVED BY THE HAVEN TOWNSHIP TOWN BOARD THAT:**

1. The Township's determination that the Applicant's proposed use consists of selling vehicles, boats or farm implements is affirmed.
2. The above Findings of Fact are adopted, subject to the above conditions.
3. Subject to the above conditions, the Haven Township Town Board hereby grants the Applicant's request for an IUP to sell vehicles, boats or farm implements on the Property.
4. The IUP will terminate upon the earlier of: (a) the violation of any condition of this permit; (b) of the date that is sixty (60) consecutive days after Applicant ceases to sell vehicles, boats or farm implements on the Property; or (c) the date of any of the events stated in Section 12, Subd. 2 of the Haven Township Zoning Ordinance.
5. The Township hereby terminates all other conditional use permits and interim use permits on the Property pursuant to Applicant's request.

Adopted this 6th day of May, 2014.

**HAVEN TOWNSHIP, MINNESOTA**

  
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Town Board Chairperson

