

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

**RESOLUTION #11-11-\_\_\_**

**A RESOLUTION ADOPTING FINDINGS OF FACT #\_\_\_ RELATING TO A REQUEST TO ALLOW FOR THE OPERATION OF A CHURCH IN THE B-1 BUSINESS DISTRICT**

**WHEREAS**, Rum River Retail Ventures, LLC, hereinafter referred to as "Applicant", has properly applied to the City of Ramsey (the "City") for an interim use permit (the "Permit") to operate a Church in the B-1 Business District on the property located at 5900 167<sup>th</sup> Ave NW and legally described as follows:

The north 426.29 feet, as measured along west line of that part of Southwest Quarter of Southeast Quarter of Section 11, Township 32, Range 25 lying westerly of center line of Trunk Highway No. 47, except road, subject to easement of record, Anoka County, Minnesota

(the "Subject Property")

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

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-52 of the Ramsey City Code on November 3, 2011, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. That the Subject Property is zoned B-1 Business District; the parcels to the north (across 167<sup>th</sup> Ave) are zoned B-1 Business District, the parcels to the east (across Highway 47), which is the golf course, are zoned PUD, and the parcels to the south and west are zoned R-1 Residential (Rural Developing).
3. That the B-1 Business District does not expressly identify churches as a permitted use.
4. That the Applicant is proposing to utilize 8,184 square feet of the multi-tenant building located at 5900 167<sup>th</sup> Ave NW for the purpose of a temporary Church facility.
5. That the Applicant is requesting that the Permit be granted for five (5) years.
6. That Section 117-52 of City Code allows for an Interim Use Permit to be granted for a maximum of five (5) years.
7. That on October 14, 2008, the City approved an Interim Use Permit (the "2008 Permit") for the Applicant allowing a temporary Church operation on the Subject Property through January 2, 2012.
8. That the change in occupancy in 2008 required the installation of a fire suppression system per MN State Building Code Chapter 1306.
9. That as part of the 2008 Permit request, the fire suppression requirement was waived by the Fire Chief and Building Official due to the limited term of the permit (three [3] years).

10. That as part of the 2008 Permit review process, it was clearly indicated to the Applicant that at the expiration of the 2008 Permit, any application for an extension or for a new Interim Use Permit would be subject to the fire suppression requirement.
11. That the Applicant is required to install a fire suppression system that is approved by the City and operational by September 1, 2012.
12. That the Applicant shall adhere to specific benchmarks outlined in the Permit to ensure timely installation of a fire suppression system prior to the expiration of the Permit; failure to comply with any of the benchmarks shall be cause for the City to review the Permit and consider revocation. The benchmarks are as follows:
  - Complete Automatic Fire Suppression Permit Application submittal on or before March 1, 2012; and
  - Payment of Automatic Fire Suppression Permit Application fees and issuance of Automatic Fire Suppression Permit on or before July 1, 2012; and
  - Automatic fire suppression system approved by City and operational on or before September 1, 2012.
13. That the proposed use will/will not adversely impact traffic in the area.
14. That the proposed use will/will not be dangerous or detrimental to persons residing or working in the vicinity of the use or to the public welfare.
15. That the proposed use will/will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
16. That the proposed use will/will not be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will/will not change the essential character of the area.
17. That the proposed use will/will not create additional requirements at public cost for public facilities and services.
18. That the proposed use will/will not be detrimental to the economic welfare of the community.
19. That the proposed use will/will not be disturbing or hazardous to existing or future neighboring uses.
20. That the proposed use will/will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.
21. That the proposed use will/will not be in accordance with the objectives of the intent of Section 117-52 (Interim Use Permits) of the City Code.

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 the 22<sup>nd</sup> day of November, 2011.

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Mayor

**ATTEST:**

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City Clerk