

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

RESOLUTION #12-05-__

A RESOLUTION ADOPTING FINDINGS OF FACT #0__ RELATING TO A REQUEST FROM SAUTER AND SONS, INC. TO PROCESS DEMOLITION CONCRETE IN THE E-2 EMPLOYMENT DISTRICT.

WHEREAS, the City of Ramsey received an application from Sauter & Sons Inc., hereinafter referred to as the “Applicant”, for a conditional use permit to process demolition concrete and asphalt on the property generally known as 6651 141st Ave NW and legally described as follows:

Lot 1, Block 1, Gateway North Industrial Park No. 5, Anoka County, Minnesota

(“Subject Property”)

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY (the “City”), ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1. That Sauter and Sons, Inc., hereinafter referred to as "Applicant", has properly applied for a conditional use permit to crush and recycle demolition concrete and asphalt in the E-2 Employment District.
2. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-51 of the Ramsey City Code on May 3, 2012, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
3. That the Subject Property is approximately ten (10) acres in size.
4. That the Subject Property is zoned E-2 Employment and the Applicant is in the excavation and demolition business.
5. That the surrounding properties to the north, south and west are also zoned E-2 Employment and the property to the east is zoned E-1 Employment.
6. That the site plan approved in January of 2001 for the development of the Subject Property included an area for stockpiling earth materials (dirt storage as indicated on approved site plan) that would be transported to various job sites.
7. That as part of the approvals process in 2001, permanent erosion control measures, such as concrete bins around the dirt stockpile to contain the stored material, installation of a berm along the north side of the dirt stockpile, sloping the recycled aggregate surface away from the pond and constructing the storm sewer inlets with stormceptors were recommended to improve erosion control on the Subject Property.

RESOLUTION #12-05-__

8. That as part of the demolition aspect of the business, the Applicant is proposing to store and crush demolition concrete and asphalt on the Subject Property for re-use on project sites.
9. That according to Section 117-427 (Solid Waste) of the Ramsey City Code, a conditional use permit is required for the storage, collection, transportation, treatment, utilization, processing, transfer, intermediate disposal, and final disposal of solid waste.
10. That City Staff has determined that the storage and crushing of demolition concrete and asphalt is subject to the conditional use permit requirements established in Section 117-427 of City Code.
11. That the Minnesota Pollution Control Agency (MPCA) has stated that there is a Standing Beneficial Use related to the use of uncontaminated crushed concrete, which states that if the uncontaminated crushed concrete is used for aggregate, no additional Solid Waste permit through the state would be required (as outlined in MN Rules 7035.2860).
12. That the proposed use may be subject to other permitting, such as the Nonmetallic Mining and Associated Activities general permit, through the MPCA.
13. That Staff has instructed the Applicant to contact the MPCA directly to determine what other permits, if any, may be required and that the Applicant shall provide documentation of any such required permits or correspondence with other regulatory agencies.
14. That according to the Applicant's submittal information, the demolition concrete and asphalt will be confined to a 90' x 200' area, surfaced with recycled aggregate and that the stockpile will not exceed fourteen (14) feet in height.
15. That according to the Applicant's submittal information, the soil stockpile will be confined to a 130' x 200' area, also on a recycled aggregate surface and that the height of the stockpile will not exceed eighteen (18) feet.
16. That according to the Applicant's submittal information, the processed concrete stockpile will be confined to a 90' x 200' area, also on a recycled aggregate surface and that the height of the stockpile will not exceed fourteen (14) feet.
17. That the Applicant has since measured the height of the existing stockpile of demolition concrete and asphalt and has informed the City that it is currently eighteen (18) feet tall.
18. That the Applicant has stated that crushing equipment will be brought onto the site once per year to process the demolition concrete and bituminous into both three (3) inch pieces for use as rock entrances for construction sites and into one and a half (1.5) inch pieces for base material for future parking lots.

19. That the Applicant has stated that it would take one (1) day to set up the crushing equipment and the crushing activity would last a maximum of three (3) days per year.
20. That the Applicant has stated that if necessary, water will be used for dust control during the crushing operations.
21. That the site plan submitted with this application indicates a mixture of evergreen and deciduous trees along the eastern property line and twelve (12) new evergreen trees along the western property boundary for screening purposes. No screening is proposed along the north side of the proposed stockpile areas.
22. That the Applicant has stated that approximately 300 loads of concrete and bituminous material may be generated by the demolition operation of the business per year.
23. That the Applicant has stated that they would utilize all crushed material within the same year that it is produced to limit stockpiling on the site.
24. That in 2003, the Applicant applied for a conditional use permit for this same type of use and at that time the Planning Commission recommended denial of the request due to the following reasons: (1) The City's investment of approximately \$2,318,000.00 on land acquisition, public improvements, site improvements and demolition costs to eliminate blighted conditions in the area where the Subject Property is located and to develop Gateway North Industrial Park No. 5; (2) The private investment in developing individual sites; (3) The lack of adequate screening; (4) The uncertainty of environmental aspects associated with demolition materials; and (5) The activity not be compatible with current and proposed development in the industrial park.
25. That all but one of the surrounding properties have been developed since 2001 for office and warehouse uses.
26. That the Applicant owns the vacant parcel to the west of the Subject Property and is part owner of properties to the west and east of the Subject Property as well.
27. That there is one other facility in Ramsey that received a conditional use permit to process demolition concrete into a reusable, for-sale product.
28. That the Applicant has submitted four (4) letters from surrounding businesses and/or property owners supporting the request for a conditional use permit.
29. That the proposed use will not substantially increase traffic to and from the area.
30. That the proposed use will not be unduly dangerous or otherwise detrimental to persons working in the vicinity of the use, or to the public welfare.
31. That the proposed use will be harmonious with and in accordance with the specific objectives of the Comprehensive Plan.

32. That the proposed use will be designed, operated and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity and such use will not change the essential character of the area.
33. That the proposed use will not be a substantial improvement to the property in the immediate vicinity and to the community as a whole.
34. That the proposed use will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection.
35. That the proposed use will not create excessive additional requirements at public cost for public facilities and services and it will not be detrimental to the economic welfare of the community.
36. That the proposed use will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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 ____ day of _____, 2012.

Mayor

ATTEST:

City Administrator