

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

RESOLUTION #19-181

RESOLUTION APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT TO ALLOW FOR THE OPERATION OF A RELIGIOUS INSTITUTION IN THE H-1 HIGHWAY 10 BUSINESS DISTRICT BASED ON FINDINGS OF FACT AND DECLARING THE TERMS OF SAME.

RECITALS

1. Freedom Christian Church, hereinafter referred to as “Permittee”, has properly applied to the City of Ramsey (the “City”) for an interim use permit (the “Permit”) to operate a Religious Institution, including church and parish offices, in the H-1 Highway 10 Business District on the property generally referred to as 6937 Highway 10 and legally described as follows:

That part of Lot 4 Auditors Subdivision No. 31 lying southeasterly of the following described line, beginning at a point on the southerly line of said Lot 520 feet northwesterly of Southeast Corner thereof, thence deflecting to right 88 degrees 338 feet plus or minus to northerly line of said lot and said line there terminate, except road subject to easement of record, Anoka County, Minnesota.

(the “Subject Property”)

2. The Planning Commission met on August 1, 2019, conducted a public hearing and recommended that the City Council approve the request to operate a Church in the H-1 Highway 10 Business District.

FINDINGS OF FACT

1. That on July 11, 2019, the Permittee properly applied for an Interim Use Permit renewal.
2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-52 of the Ramsey City Code on August 1, 2019, 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 zoned H-1 Highway 10 Business District; the adjacent parcels to the west and east are zoned H-1 Highway 10 Business District, the property to the north is zoned E-2 Employment (separate by the Burlington Norther Santa Fe Railroad) and the property to the south (south side of Highway 10) is MU-PUD Mixed Use Planned Unit Development.
4. That the H-1 Highway Business District does not allow for religious institutions as a permitted or conditional use.

5. That the Permittee received an Interim Use Permit for this same use on July 1, 2012 and that has expired on June 30, 2017.
6. That there has been one complaint or concern brought to the City's attention regarding an RV behind the building, but has since been resolved. There have been no other complaints or concerns brought to the City's attention.
7. That the Permittee is proposing to utilize 5,500 square feet of the building located at 6937 Highway 10 for the purpose of a Church facility.
8. That the Permittee is not proposing any building modifications associated with the use.
9. That the Permittee is requesting that the Interim Use Permit be granted for ten (10) years.
10. That Section 117-52 of the Ramsey City Code allows for an Interim Use Permit to be granted for a maximum of five (5) years, unless otherwise extended by Council.
11. That, in 2012, the request had been forwarded to MnDOT for review and they had stated they had no concerns with the proposed use.
12. That the proposed use will not adversely impact traffic in the area.
13. That the proposed use will not be dangerous or detrimental to persons residing or working in the vicinity of the use or to the public welfare.
14. That the proposed use will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
15. That the proposed use will 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 not change the essential character of the area.
16. That the proposed use will not create additional requirements at public cost for public facilities and services.
17. That the proposed use will not be detrimental to the economic welfare of the community.
18. That the proposed use will not be disturbing or hazardous to existing or future neighboring uses.
19. That the proposed use 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.

20. That the proposed use will be in accordance with the objectives of the intent of Section 117-52 Interim Use Permits of the City Code.

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

This **Permit** is issued pursuant to Section 117-52 of the Ramsey City Code. The conditions of this **Permit** are as follows:

1. The **Permittee** is herein allowed to operate a Religious Institution, including places of assembly and offices, on the **Subject Property**.
2. The **Permittee** shall secure written permission from the **Subject Property** owner for the parking of up to fifty (50) vehicles on the **Subject Property**. Such written permission shall be provided to the **City**.
3. Parking along Highway 10 shall be prohibited at all times and any violation of such would cause the **Permit** to be revisited.
4. This **Permit** shall be for a term of ten (10) years, commencing on August 1, 2019 and expiring on July 30, 2029.
5. This **Permit** shall allow the **Permittee** to lease an adjacent suite for expansion, as long as all other terms of the **Permit** are maintained.
6. This **Permit** is applicable only to the operation of a Religious Institution, including places of assembly and offices, on the **Subject Property**. The granting of this **Permit** does not allow for any other use that is prohibited in the H-1 Highway 10 Business District.
7. This **Permit** shall become null and void in the event the use granted under this **Permit** permanently ceases prior to the expiration date or upon the expiration date, whichever occurs first.
8. That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.
9. That the City Administrator or his or her designee shall have the right to inspect the **Subject Property** for compliance and safety purposes at any time.
10. That the failure of the **City** at any time to require performance by the **Permittee** of any provisions herein shall in no way affect the right of the **City** thereafter to enforce the same. Nor shall waiver by the **City** of any breach of any of the provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.

11. That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
12. That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the **City** and the **Permittee**.
13. That if the **Permittee** or its successors or assigns violates any material term or condition of this **Permit**, it is grounds for suspension or revocation hereof consistent with applicable law. Specifically, but without limiting the foregoing, the **City** may amend, suspend, or revoke this **Permit**, consistent with applicable law, if the City Council reasonably determines that continued operation of the facility places the public health, safety or welfare or the environment in jeopardy or creates a public nuisance due to odors, litter, debris or other nuisance factors. The change, alteration or amendment of any statute, regulation, ordinance or permit condition by any governmental authority other than the **City**, shall not excuse the **Permittee** from compliance with statutes, regulations, ordinances or permit conditions in effect on the date of the original issuance of this **Permit** unless compliance is waved or excused by the **City**.

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 2019.

FREEDOM CHRISTIAN CHURCH

By: _____

As: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 2019, before me, a Notary Public, personally appeared _____, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

