

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

**RESOLUTION #20-085**

**A RESOLUTION APPROVING THE REVOCATION OF A CONDITIONAL USE PERMIT THAT ALLOWED A TRUCKING BUSINESS IN THE H-1 HIGHWAY 10 DISTRICT AT THE PROPERTY LOCATED AT 6021 HIGHWAY 10 NW IN RAMSEY, MINNESOTA.**

**RECITALS**

1. The City of Ramsey received an application for a Conditional Use in the H-1 Highway 10 District from the **Permittee** on September 20, 2018 to allow a Trucking Company “Truck Garant”, hereinafter referred to as the “**Permittee**,” on the property generally known as 6021 Highway 10 NW and legally described as follows:

That part of the Northeast Quarter of the Southwest Quarter, Section 35, Township 32, Range 25, Anoka County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Southwest Quarter, said corner having been set by the county surveyor of Anoka County, Minnesota, pursuant to district court order in Torrens case No. T-1186; thence on an assumed bearing of South along the east line of said Northeast Quarter of the Southwest Quarter, a distance of 299.78 feet to the intersection with the southerly right-of-way line of Burlington Northern Railroad Company (formerly Great Northern Railway); thence North 66 degrees 30 minutes West, along said southerly right-of-way line, a distance of 48.70 feet to the actual point of beginning of the tract of land to be hereby described; thence continuing North 66 degrees 30 minutes West along said southerly right-of-way line a distance of 199 feet to a judicial landmark set pursuant to Torrens case No. T-1476; thence South 23 degrees 02 minutes West a distance of 427.01 feet, more or less, to the intersection with the northerly right-of-way boundary line of trunk highway No. 10, as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION MONUMENTATION PLAT 02-M6, filed as Anoka County recorder document No. 541043; thence southeasterly along said northerly right-of-way boundary line to the intersection with a line bearing South 23 degrees 02 minutes West from the actual point of beginning; thence North 23 degrees 02 minutes East a distance of 462.46 feet, more or less, to the actual point of beginning.

(Said tract is also known as Lot 24, AUDITOR'S SUBDIVISION No. 96).

**(“Subject Property”)**

2. That the **Permittee** appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) and a public hearing pursuant to the Ramsey City Code on November 1, 2018 and that said public hearings were properly advertised and that the minutes of said public hearings are hereby incorporated by reference.
3. That the **Subject Property** is approximately 2.05 acres in size and is located within the H-1 Highway 10 District.
4. That the **Permittee** submitted a site plan that shows an existing structure that will be utilized for the purpose of vehicle storage and maintenance.
5. That the **Subject Property** is served by a public utilities and will continue to be serviced by public utilities.
6. That the **Permittee** was issued a Notice of Violation on March 24, 2020 outlining the conditions of approval that were currently being violated and indicated a requirement to rectify those violations within thirty (30) days from the date of the letter or the Conditional Use Permit may be revoked.
7. The City Staff inspected the **Subject Property** on April 24, 2020 following the thirty (30) day window for compliance and found that the **Permittee** had not come into compliance and that the **Subject Property** remained in violation of the stated conditions of the Conditional Use Permit.
8. That the **Permittee** appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) and a public hearing pursuant to the Ramsey City Code on May 8, 2020 and that said public hearing was properly advertised and that the City Council considered and approved of the revocation of the Conditional Use Permit on May 12, 2020.

**FINDINGS OF FACT**

1. That the City of Ramsey issued a CUP to Truck Garant with the following conditions:
  - a) That no inoperable vehicles or vehicle parts shall be stored outdoors.
  - b) That no vehicle maintenance or fabrication services are provided to the general public.
  - c) That no construction material hauled by Truck Garant shall return to the **Subject Property** for storage for any duration of time.
  - d) That the **Permittee** shall provide grading and drainage plans to the **City** for review and approval prior to any surface parking expansion and/or sidewalk installation.

- e) That any restriping or repaving of the parking lot will meet **City** requirements at the time of updating.
  - f) That the **Subject Property** shall have adequate parking for the use before being issued a Certificate of Occupancy.
  - g) That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
  - h) That the **Permittee** shall comply with all state, local, and federal regulations.
2. That the City of Ramsey issued a Notice of Violation to the **Permittee** on March 24, 2020 outlining the conditions of approval that were currently being violated and indicated a requirement to rectify those violations within 30 days from the date of the letter or City Staff would bring the CUP before the City Planning Commission and City Council for consideration of CUP revocation. The following conditions being violated were listed as follows:
- a) Inoperable vehicles and vehicle parts stored outdoors.
  - b) Storage of construction material outdoors.
  - c) Violation of local regulations regarding the storage of personal recreation vehicles on the property, placement and use of a burning barrel on the property.
3. That City Staff conducted a site inspection on April 24<sup>th</sup>, 2020 following the thirty day window for compliance and found the property to still be in violation of the following conditions:
- a) Inoperable vehicles and vehicle parts stored outdoors.
  - b) Violation of local regulations regarding the placement and use of a burning barrel on the property.
4. That the City duly noticed and held a public hearing at the regularly scheduled Planning Commission meeting held on May 7<sup>th</sup>, 2020 regarding the possible revocation of the CUP issued to Truck Garant.

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

- 1. That the Conditional Use Permit (CUP) issued to Truck Garant for the purposes of operating a trucking business at the property generally known as 6021 Highway 10 NW is hereby revoked based on the stated Findings of Fact outlined above.

