

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

RESOLUTION #22-194

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE CENTER AT 14725 RAMSEY BLVD NW AND DECLARING TERMS OF PERMIT

RECITALS

1. Lil Explorers, hereinafter referred to as the “**Permittee**” has properly applied for a Site Plan and a Conditional Use Permit for a day care center on the property legally described as follows:

Lot 2 Block 1 Ramsey Storage Center, Anoka County, Minnesota

(the “**Subject Property**”)

2. That the **Subject Property** is zoned B-1 General Business District, which is a commercial zoning designation and guided as such in the 2040 Comprehensive Plan.
3. That day care centers are a conditional use in the B-1 General Business District.
4. That the **Permittee** appeared before the Planning Commission for a public hearing on August 25, 2022 that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
5. That the Planning Commission reviewed and recommended **approval/denial** of the request on August 25th, 2022.
6. That the City Council reviewed and **approved/denied** the request on September 13th, 2022.

FINDINGS OF FACT

1. That the proposed use **will not** adversely impact traffic in the area.
2. That the proposed use **will not** substantially or adversely impair the use, enjoyment or market value of surrounding properties.
3. That the proposed use **will be** constructed 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.
4. That the proposed use **will not** create additional requirements at public cost for public facilities and services.

5. That the proposed use **will not** be detrimental to the economic welfare of the community.
6. That the proposed use **will not** be disturbing or hazardous to existing or future neighboring uses.
7. 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.

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

1. That the Ramsey City Council (the “City”) hereby grants approval of the Conditional Use Permit (the “Permit”) for a day care center on the **Subject Property** contingent upon the following:

CONDITIONS:

1. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
2. That this **Permit** authorizes the **Permittee** to operate a child day care center on the **Subject Property**.
3. The **Permittee** shall provide the **City** with copies of all applicable government permits and permit renewals, along with all applicable licenses and license renewals, as they are granted.
4. The **Permittee** shall also copy the **City** on all notices of violations, fines or permit revocations received relating to these permits.
5. The **Permittee** is responsible for obtaining all applicable and necessary permits, including but not limited to, building, plumbing, mechanical, and fire, prior to commencement of any building improvements or modifications.
6. The **Permittee** agrees that all required improvements and/or modifications, as outlined by the Fire Marshall and Building Inspector, shall be completed and approved by City Staff prior to the occupancy and operation of the preschool.
7. The **Permittee** shall adhere to all applicable local, county, state and federal regulations, including Minnesota State Building Code and Fire Code.

8. That this **Permit** shall be contingent upon final review and approval by the Building Official, Fire Marshal, and a Certificate of Occupancy (CO).
9. That the **Permittee** shall be responsible for all **City** costs incurred in administering and enforcing this **Permit**.
10. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.
11. That the **Permittee** shall maintain the **Subject Property** in compliance with City Code Section 117-356 (Commercial and Industrial Development Off-Street Parking) and Chapter 30 (Nuisances) at all times.
12. That all applicable **City** ordinances not specifically covered herein shall become a part of this Permit.
13. That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected and shall remain in full force and effect.
14. 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.
15. That this **Permit** shall automatically expire if the use is not initiated by September 13, 2023 and issuance of a building permit for the day care center shall constitute initiation.
16. That the **Permittee** shall apply for a Sign Permit for any new sign and this **Permit** does not provide any approval on proposed signage.
17. That if the **Permittee** or its successors or assigns violates any material term or condition imposed by this **Permit**, it may be revoked and terminated consistent with applicable law. Without limiting the foregoing, the violation of any statute, regulation, ordinance or **Permit** condition imposed by lawful governmental authority and governing operations on the **Subject Property** is grounds for revocation and termination of this **Permit**, consistent with applicable law. The change, alteration or amendment of any such 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 waived or excused by the **City**.
18. That the failure of the **City** at any time to require a 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.

19. That the **Permittee** agrees that this **Permit** shall be recorded in the office of the Anoka County Recorder.

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 13th of September, 2022.

Mayor

ATTEST:

City Clerk