

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

### **RESOLUTION #23-235**

#### **A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AND SITE PLAN TO CONSTRUCT AND STORE ABOVE-GROUND FUEL TANKS AT 6651 141<sup>ST</sup> AVE NW**

#### **RECITALS**

1. Dehn Oil, hereinafter referred to as the “**Permittee**” has properly applied for a Site Plan and a Conditional Use Permit to construct and store above-ground fuel tanks (empty and filled) on the property legally described as follows:

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

(the “**Subject Property**”)

2. That the **Subject Property** is zoned E-2 Employment District, which is an industrial zoning designation and guided as such in the 2040 Comprehensive Plan.
3. That above-ground fuel tank storage is classified as open and outdoor storage as a principal use, which is a conditional use in the E-2 Employment District.
4. That the **Permittee** appeared before the Planning Commission for a public hearing on September 28th, 2023, 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 of the request on September 28th, 2023.
6. That the City Council reviewed and **approved/denied** the request on October 10th, 2023.

#### **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 not** create additional requirements at public cost for public facilities and services.
4. That the proposed use **will not** be detrimental to the economic welfare of the community.

5. That the proposed use **will not** be disturbing or hazardous to existing or future neighboring uses.
6. 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**”) to construct and store above-ground fuel tank 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 construct, store, and operate above-ground fuel tanks on the **Subject Property**.
3. That this **Permit** complies with Staff comments as noted in ProjectDox.
4. 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.
5. The **Permittee** shall also copy the **City** on all notices of violations, fines or permit revocations received relating to these permits.
6. 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.
7. The **Permittee** shall commit to conformance with all conditions outlined in Resolution #12-05-070, which allows for the storage and processing of demolition concrete and bituminous on the **Subject Property**. This Permit does not negate or alter any conditions of that permit.
8. The **Permittee** shall remove any outdoor accumulation of junk on the property, and shall ensure the property is free of refuse and debris.

9. 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 construction and operation of above-ground fuel tank storage.
10. The **Permittee** shall adhere to all applicable local, county, state, watershed, and federal regulations, including Minnesota State Building Code and Fire Code.
11. That this **Permit** shall be contingent upon final review and approval by the Building Official, Fire Marshal, and the City Engineer.
12. That the **Permittee** shall be responsible for all **City** costs incurred in administering and enforcing this **Permit**.
13. That this **Permit** shall automatically expire if the use is not initiated by October 10th, 2024 and issuance of a permit for the above-ground fuel tank storage shall constitute initiation.
14. 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**.
15. 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 10th of October, 2023.

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Mayor

**ATTEST:**

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City Clerk