

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2010-08**

**RESOLUTION APPROVING AN AMENDED CONDITIONAL USE PERMIT FOR
6077 LAKE ELMO AVENUE NORTH
(R-TWO GRANT, LLC)**

WHEREAS, R-Two Grant LLC and Dave Rustad (“Applicant”) have submitted an application for an Amended Conditional Use Permit for motor freight terminal, garage repair, exterior and open storage, office, and warehousing uses at 6077 Lake Elmo Avenue North in the City of Grant, Minnesota; and

WHEREAS, the property at 6077 Lake Elmo Avenue North has an existing Conditional Use Permit issued to Suburban Lighting Company, Inc., dated October 8, 1974, for “General Business Purposes”; and

WHEREAS, the property is legally described as follows:

Rustad Addition Lot 1, Block 1; and

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on January 19, 2010, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant has considered the Planning Commission’s recommendation at its February 1, 2009, City Council meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of R-Two Grant LLC and Dave Rustad for an Amended Conditional Use Permit, based upon the following findings pursuant to Section 32-147 of the City’s Zoning Ordinance which provides that a Conditional Use Permit may be granted “if the applicant has proven to a reasonable degree of certainty” that specific standards are met. The City Council’s Findings relating to the standards are as follows:

- The use is designated in Section 32-245 as a conditional use for the General Business District.
- The use conforms to the city's comprehensive plan.
- The use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The use is compatible with the existing neighborhood.
- The use meets conditions or standards adopted by the city (through resolutions or other ordinances).
- The use will not create additional requirements for facilities and services at public cost beyond the city's normal low density residential and agricultural uses.
- The use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to people, property, or the general welfare because of production of traffic, noise, smoke, fumes, glare, odors, or any other nuisances.
- The use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.
- The use will not increase flood potential or create additional water runoff onto surrounding properties.

FURTHER BE IT RESOLVED, that the following conditions of approval of the Conditional Use Permit shall be met:

1. All relevant conditions and requirements of the existing CUP (except those modified by these conditions) on the property shall be included in the new CUP.
2. The permitted principal use is motor freight terminal.
3. Permitted accessory uses include garage repair, exterior and open storage, office, and warehousing.
4. All permitted accessory uses must be accessory to the permitted principal use.
5. Changes in type or intensity of use on the property, except as identified herein, shall require an amendment to the CUP.
6. Permitted repair of equipment relates only to equipment owned by the new owner and does not relate to services provided to others. Such services shall be prohibited.

7. All waste, refuse or garbage shall be kept in an enclosed building or property contained in a closed container designed for such purposes.
8. Traffic from this site shall be directed to County and State roadways.
9. The Applicant shall identify if additional septic permitting is required and if required, provide a copy of the permit to the City. If not required, the applicant shall provide documentation which indicates that a permit is not needed.
10. All activities occurring under the Amended CUP shall meet the conditions of the City's Noise Ordinance.
11. Hours of operation for trucks and shipping traffic shall be from 7:00 AM to 6:00 PM, which would include trucks loading and unloading materials on the property and any activity related to that process.
12. The hours of operation for waste pickup shall not be earlier than 7:00 AM nor later than 6:00 PM.
13. A fence meeting the standards of section 32-315 of the City's zoning ordinance shall be constructed between the subject property and Advance Self Storage.
14. The CUP shall be subject to annual review by the City for compliance with the conditions set for in the CUP. The applicant shall comply with City Ordinances that require the applicant to pay a CUP review fee.
15. All fees and escrow are paid to the City.
16. In accordance with City ordinances, any violation or non-compliance with the conditions of this permit may result in the revocation of this permit.
17. Exterior storage of construction materials shall not exceed 150 cubic yards of non-hazardous materials and must meet drainage and erosion control requirements in the City's ordinances.
18. Exterior storage of construction materials must be contained behind existing screening.
19. All requirements of the Lighting Ordinance shall be met.

Adopted by the Grant City Council this 2nd day of March, 2010.

Tom Carr, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2010 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this _____ day of _____, 2010.

Kim Points
Clerk
City of Grant