

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2008-12**

**RESOLUTION APPROVING AN AMENDED CONDITIONAL USE PERMIT FOR
AMERICAN POLYWATER CORPORATION (APC)**

WHEREAS, American Polywater Corporation (APC) (“Applicant”) has submitted an application for an Amended Conditional Use Permit for office, warehouse and light assembly uses at 11170 60th Street North in the City of Grant, Minnesota; and

WHEREAS, the property at 11170 60th Street North has an existing Conditional Use Permit issued to Item Products, Inc., dated May 1, 1996 for Limited Manufacturing use; and

WHEREAS, the property is legally described as follows:

All that part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 30 North, Range 21 West, Grant Township, Washington County, Minnesota, described as follows: Beginning at a point in the South line of said Southwest Quarter of Southwest Quarter, said point being 876.5 feet East of the Southwest Corner thereof; thence North at right angles for 642.33 feet; thence East at right angles for 169.54 feet; thence South at right angled for 642.33 feet to said South line of the Southwest Quarter of the Southwest Quarter; thence West along said South line of Southwest Quarter of the Southwest Quarter for 169.54 feet to the point of beginning.

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on May 19, 2008, 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 June 3, 2008, regular 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 American Polywater Corporation (APC) for an Amended Conditional Use Permit, based upon the following findings pursuant to Ordinance 1997-77, Section 505.03 which provides that a Conditional Use Permit or Amended 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 proposed use is designated in Section 604 of the Zoning Ordinance as a conditional use in the proposed district;
- The proposed use conforms to the Grant Comprehensive Plan;
- The proposed use will not be detrimental to or endanger the public health, safety or general welfare of the City of Grant, its residents, or the existing neighborhood;
- The proposed use is compatible with the existing neighborhood;
- The proposed use meets conditions or standards adopted by the community through resolutions or other ordinances;
- The proposed use will not create additional requirements for facilities and services at public cost beyond Grant’s normal low density residential and agricultural uses;
- The proposed 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 proposed use will not result in the destruction, loss or damage of natural, scenic or historic features of importance
- The proposed use will not increase flood potential or create additional water runoff onto surrounding properties; and

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

1. The Applicant must add 13 parking spaces in order to meet the parking requirements in the Ordinance.
2. The Applicant shall be required to comply with all standard set forth by the Minnesota Pollution Control Agency (MPCA) regarding the storage, handling, or use of materials which may cause pollution to the environment, based on the City’s Ordinance, and maintain its hazardous waste and industrial waste permits for the site.

3. The Applicant shall provide copies of the completed Phase I and Phase II Environmental Surveys to the City.
4. The Applicant shall use a state-licensed contractor to evaluate and design an acceptable fire suppression system for the building, including an evaluation of the existing fire suppression features in the building. The Applicant must obtain a permit from the State Fire Marshall before constructing any improvements, and provide a copy of the permit to the City.
5. The applicant must install an adequately sized underground feed to the APC building, with its own inside control valves, water flow indicators, and monitoring system at the IPI site.
6. To maintain the CUP, the Applicant must grant an easement for access to the water reservoir at the IPI site and right of inspection of the equipment if a resale of the property occurs, and provide a copy of the agreement to the City. The Applicant or any future owner must upgrade the APC building to provide its own system independent of the APC building if sale of the property occurs. The Applicant must obtain a permit from the State Fire Marshall and the City's Building Inspector for the upgrade.
7. The City's Building Inspector will review the building with the property owner or their representative, to ensure compliance with the intent of both building and fire codes regarding the quantity, location, and storage of flammable and hazardous materials being used or stored on the property.
8. The Applicant will be required to inspect and size the septic system to accommodate the employees on the site. The applicant will be required to work with Washington County to gain approval and necessary permits for the septic system, or for any future expansion of the system.
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 will be 6:00 AM to 6:00 PM. These activities would include trucks loading and unloading materials on the property and any activity related to trucking and shipping processes.
12. Hours of operation for waste pickup shall be 7:00 AM to 6:00 PM.
13. The Applicant shall meet the requirements of the relevant Building codes for handling and disposal of hazardous substances.
14. The CUP shall be subject to annual review by the City for compliance with the conditions set forth in the CUP. The Applicant shall comply with City Ordinances that require the applicant to pay a CUP review fee.

15. 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.

16. The Applicant shall complete the purchase of the property.

17. The Applicant shall pay all fees and escrows.

Adopted by the Grant City Council this 3rd day of June, 2008.

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 June 3, 2008 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 _____, 2008.

Kim Points
Clerk
City of Grant