

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2009-08**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR 10855 MANNING TRAIL**

WHEREAS, in conjunction with the Department of Natural Resources (“DNR”) Gateway Trail Bridge Project, Carol Revoir (“Applicant”) has submitted an application for a Conditional Use Permit (CUP) for Storage of Construction Equipment During Construction and Grading in excess of 5,000 CY at 10855 Manning Trail in the City of Grant, Minnesota in conjunction with a publicly funded project being undertaken by the Minnesota Department of Natural Resources involving the construction of a bridge over the Gateway Trail; and

WHEREAS, the property is legally described as follows:

Property ID#: 1203021110003

Sect-12 Twp-030 Range-021 PT E1/2-NE1/4 BEING THAT PT LYING ELY OF C/L OF CO HWY #15 & NLY OF SOO LN RR R/W & SLY OF N 200FT SD E1/2-NE1/4 SUBJ TO EASE

WHEREAS, the Planning Commission considered the Applicant’s request at a duly noticed Public Hearing which took place on March 16, 2009, and recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant considered the Planning Commission’s recommendation at its April 7, 2009, 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 Carol Revoir for a Conditional Use Permit, based upon the following findings pursuant to Ordinance 1997-77, Section 505.03 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 proposed use is designated in Section 604 of the Zoning Ordinance as a conditional use in the proposed zoning 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 surrounding neighborhood;
- The proposed use meets the conditions and 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 the City of 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.

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

1. The Conditional Use Permit shall be for both Storage of Construction Equipment During Construction and Grading in excess of 5,000 CY. This Conditional Use Permit shall affect only the property for which the Conditional Use Permit is issued and does not apply to or otherwise affect state or county property.
2. The Conditional Use Permit shall not be effective unless and until the City receives a fully executed Joint Powers Agreement from the Department of Natural Resources providing for the reimbursement of costs arising out of the DNR’s use of City roadways related to the Gateway Trail Bridge Project.
3. All construction waste located on the applicant’s property shall be kept in a closed container designed for such purposes.

4. All comments by the City Engineer regarding site restoration, erosion and sediment control, or other issues shall be addressed before construction commences, including the following:
 - The applicant shall obtain an access permit from Washington County and coordinate activities involving CSAH 15 with the County.
 - The applicant shall submit copies of all permits to the City.
5. The applicant shall coordinate review of installation of driveway access or culverts with the City's Building Official.
6. All construction activities taking place in accordance with the Conditional Use Permit shall comply with the conditions of the City's Noise Ordinance.
7. Permits from other agencies including, but not limited to watershed districts, Washington County, or others may be required as necessary. It is the sole responsibility of the applicant to apply for and obtain these permits.
8. All parking for workers or DNR staff related to the project shall be within the defined construction area and not on local road rights-of-way where parking is prohibited.
9. All City professional fees and costs incurred in the processing of this application must be paid by applicant or DNR in accordance with the City's requirements.

Adopted by the Grant City Council this 5th day of May, 2009.

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 May 5, 2009, 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 _____, 2009.

Kim Points
Clerk
City of Grant