

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2009-06**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR CITY CENTER
PLAZA, LLC**

WHEREAS, City Center Plaza, LLC (“Applicant”) requests a Conditional Use Permit for General Manufacturing, Limited Manufacturing, Warehousing and Wholesale Business as permitted principal uses at 10990-60th Street North in the City of Grant, Minnesota; and

WHEREAS, the property is legally described as follows:

Unit 1, Common Interest Community Number 329, a condominium, Grant
Commerce Center, Washington County, Minnesota.

The property includes the adjacent common areas as defined in the Declaration for Common Interest Community Number 329 dated July 5, 1997.

WHEREAS, the City Council has considered the Applicant’s request at a duly noticed Public Hearing which took place on April 7, 2009, and has recommended approval; and

WHEREAS, the City Council for the City of Grant has considered the 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 City Center Plaza, LLC 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 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 City Center Plaza, LLC and its successors and assigns shall be authorized to use the property consistent with the terms of this Conditional Use Permit without claim by the City of Grant that the use of the property violates Ordinance No. 2005-117 or Ordinance No. 50, Section 602.01(3); and

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

1. These conditions apply to the entire parcel included in this CUP.
2. The City Engineer has reviewed the plans, and conditions identified by the Engineer are made a part of these conditions of the Conditional Use Permit.
3. The septic system on the site shall meet all City and County ordinance requirements. The septic and well for building 10900 and 10990 shall be the existing shared system and maintained jointly pursuant to the Declaration and Bylaws of Common Interest Community Number 329.
4. All requirements of the Lighting Ordinance have been met and any changes shall be in compliance with the Lighting Ordinance.
5. The existing accesses to the property shall be maintained by the owner(s).
6. The property shall no longer be part of or governed by the existing Amended Conditional Use Permit on the property dated September 4, 2001.

7. A pedestal sign shall be allowed pursuant to the sign ordinance, not to exceed 35' in height and not more than 100 square feet in size (the site is allowed 200 square feet per code and 10900 was given 100 square feet of signage). The sign shall meet all setback requirements.
8. Outside storage shall be in accordance with the City's Zoning Ordinance.
9. Landscaping shall be maintained to present a neat and attractive appearance.
10. The hours of operation for Truck and Shipping Traffic shall be 6:00 AM to 6:00 PM. This includes trucks loading and unloading materials on the property and any activity related to that process.
11. Waste pickup vehicles hours of operation shall not be earlier than 7:00 AM nor later than 6:00 PM.
12. The owner shall comply with the noise requirements of the Zoning Ordinance.
13. Handling and disposal of hazardous substances shall meet the requirements of the relevant Building Codes.
14. If needed and installed by the Owner, security of the site shall be via security cameras, non-climbable security fencing and a secured entry/exit gate.
15. Warehousing of materials and equipment shall be limited to: 1) materials and equipment used in the process of manufacturing on the premises or for the process of wholesaling on the premises; and 2) the finished products which are manufactured on the premises or the products wholesaled on the premises.
16. Periodic review of the CUP on a complaint and annual basis is permitted by the City to allow for annual review of compliance with the terms of the CUP. Applicant shall comply with City Ordinances that require Applicant to pay a CUP review fee.
17. This Conditional Use Permit shall run with the property and shall not in any way be affected by the subsequent sale, lease or other change from current ownership.

Adopted by the Grant City Council this 7th day of April, 2009

Tom Carr, Mayor