

ITEM NO. 4C

RESOLUTION NO. 16-23

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A WAREHOUSE/INDOOR STORAGE USE ON THE PROPERTY LOCATED AT 5420 MANITOU RD – PID 33.117.23.12.0050

WHEREAS, the City of Tonka Bay is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Tonka Bay has adopted zoning regulations in the Municipal Code to promote orderly development and utilization of land within the city; and

WHEREAS, John Studer (“Applicant”) submitted an application on behalf of Matt Midboe, MJM Properties (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 5420 Manitou Road which is legally described as follows:

THAT PART OF THE NW 1/4 OF THE NE 1/4 SEC 33 T 117 R 23 LYING NLY OF RR R/W AND WLY OF CO RD NO 19 AND ELY AND SELY OF THE FOL DESC LINE COM AT THE NW COR OF SAID NW 1/4 OF THE NE 1/4 TH E ALONG THE N LINE THOF DIS 519.9 FT TH DEF RIGHT 89 DEG 33 MIN TO THE NLY LINE OF RR R/W AND THE PT OF BEG TH NLY ALONG LAST DESC LINE DIS 60 FT TH DEF RIGHT 50 DEG 17 MIN TO THE WLY LINE OF SAID CO RD NO 19 AND SAID LINE THERE TERMINATING, City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

WHEREAS, the Property Owners’ Property is located within the C-2 Commercial Shoreland Overlay zoning district; and

WHEREAS, the Applicants are requesting the following:

1. **A conditional use permit for a warehouse/indoor storage use** within the C-2 District.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated June 15, 2016 on the application made by the Applicants (Planning Report), analyzing the request made in relation to City Ordinance criteria and made recommendations if the requests were approved by the City Council; and

WHEREAS, the City Council reviewed the requests on June 28, 2016, and held a public hearing, following the required notices and publication; and

WHEREAS, the Applicants presented to the Council reasons for their proposal; and

WHEREAS, the City Council, following the public hearing and deliberation on the Conditional Use Permit request to allow for a warehouse/indoor storage use directed staff to prepare a resolution for its consideration, and having considered the application, the Planning Report, the resolution prepared by staff, makes the following findings of fact and conclusions:

1. The proposed use of the property for commercial use is consistent with the City's Comprehensive Plan.
2. Granting the requested conditional use permit will not impair an adequate supply of light and air to adjacent parcels.
3. Granting the conditional use permit will not unreasonably increase congestion in the public street.
4. Granting the conditional use permit will not diminish or impair established property values in the neighborhood.
5. Granting the conditional use permit will not alter the essential character of the locality.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the Conditional Use Permit request, to allow for a warehouse/indoor storage use; as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED, that the approval of the requested conditional use permit shall include the following conditions:

1. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Section 1011.06 of this Ordinance and shall be subject to the approval of the City Engineer.
2. Adequate off-street parking and off-street loading in compliance with requirements of Sections 1011.05 and 1011.06 of this Ordinance is provided.
3. The entire site other than that taken up by a building, structure or plantings shall be hard surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer.
4. A minimum lot area of twenty thousand (20,000) square feet and the minimum lot width of one hundred (100) feet shall be required.
5. A drainage system subject to the approval of the City Engineer shall be installed.
6. Any lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with Section 1011.02 of this Ordinance.
7. Provisions shall be made to control and reduce noise.
8. There shall be no open or outside storage unless approved through a conditional use permit subject to this Section and Section 1003.
9. There shall be no repair of trucks except those stored on the premises and only within an enclosed structure.
10. Any existing signage advertising a business or tenant that no longer occupies the property shall be removed prior to building permit issuance.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 13th day of July, 2016.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Ayes –

Nays –

Absent –

Gerry De La Vega, Mayor

ATTEST:

Lindy Crawford, Clerk/Administrator