

**CITY OF HAMBURG, MINNESOTA
RESOLUTION NUMBER 2010-05**

***RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO
ALLOW STORAGE, REPAIR AND SERVICING OCCUPYING
BETWEEN 30 AND 50 PERCENT OF THE BUILDING FOR
PROPERTY LOCATED AT 411 MARIA AVENUE***

WHEREAS, Mr. Joe Hubler has submitted an application to the City of Hamburg for a conditional use permit to use between 30 and 50 percent of the gross floor area of the building located at 411 Maria Avenue for storage, repair and servicing associated with the business, known as Tonka Granite, and

WHEREAS, 411 Maria Avenue is zoned B-Downtown Mixed Use according to the City of Hamburg Official Zoning Map and guided for “Mixed Use” (commercial and medium density residential) according to the 2030 Land Use map of the City of Hamburg 2030 Comprehensive Plan, and

WHEREAS, Minnesota Statutes, Section 462.3595, establishes the authority of the City of Hamburg to establish standards, requirements and procedures to review and approve conditional uses, and

WHEREAS, the Hamburg Zoning Ordinance, Chapter 160A, Section E, Subdivision 6, Subpart C requires a conditional use permit to be issued by the City for “storage, repair and servicing related to a permitted use and occupying between thirty (30) percent and no more than fifty (50) percent of the gross floor area of the principal structure”, and

WHEREAS, the Hamburg Zoning Ordinance, Chapter 160A, Section F, Subdivision 2 establishes the findings and standards for the review of all conditional uses; and Subdivision 6, Subpart H of the same section establishes the conditions for storage, repair and servicing related to a permitted use and occupying between 30 and 50 percent of the gross floor area of the principal structure, and

WHEREAS, the Hamburg Zoning Ordinance, Chapter 160A, Section C, Subdivision 6 establishes the procedures for conditional uses and these provisions are incorporated here by reference, and

WHEREAS, on October 26, 2010, the City Council of the City of Hamburg held a public hearing, reviewed the staff report, and considered the application for the conditional use permit to use between 30 and 50 percent of the gross floor area of the building located at 411 Maria Avenue for storage, repair and servicing associated with the business, known as Tonka Granite, and

WHEREAS, based upon the findings contained in the City Council staff report dated October 21, 2010 and the comments received at the public hearing held on October 26, 2010 the City

Council finds that the proposed application and supporting information for a conditional use permit to use between 30 and 50 percent of the gross floor area of the building located at 411 Maria Avenue for storage, repair and servicing associated with the business, known as Tonka Granite meets the requirements of the Hamburg Zoning Ordinance, Chapter 160A, Section F, Subdivision 2, and Subdivision 6 Subpart H in accordance with the following:

1. All of the standards contained in this subdivision and the standards of this ordinance will be met,
2. The use is consistent with goals and policies of the Comprehensive Plan,
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements,
4. The use will not negatively impact the use and enjoyment of other properties and uses in the immediate vicinity,
5. The use will not impede planned development and improvement of the property, including the provision of municipal utilities, stormwater drainage, roadways and access; or the planned development of surrounding properties in accordance with the Comprehensive Plan and the standards of this ordinance, and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

THEREFORE BE IT RESOLVED, that the City Council hereby approves a conditional use permit to use between 30 and 50 percent of the gross floor area of the building located at 411 Maria Avenue for storage, repair and servicing associated with the business, known as Tonka Granite based on the above-referenced findings, and is subject to the following conditions:

1. Continual compliance with the representations noted as numbers 1 – 4 included in the May 4, 2010 letter to the City signed by Mr. Hubler.
2. Compliance with the representations of the conditional use permit application to the City signed May 18, 2010 including the submitted floor plans.
3. The conditional use permit be recorded on the property, as required by law, by the applicant and evidence of its recording be submitted to the City of Hamburg.

I CERTIFY THAT the above resolution was adopted by the City Council of Hamburg, Carver County, Minnesota this 26th day of October, 2010.

Richard Malz, Mayor

ATTEST:

Jeremy Gruenhagen, City Clerk/Treasurer