

**CITY OF COLOGNE  
CARVER COUNTY, MINNESOTA  
RESOLUTION NO. 21-21**

**A RESOLUTION AMENDING AN INTERIM USE PERMIT FOR 218 LAKE STREET  
WEST**

**WHEREAS**, the City of Cologne is a Minnesota Municipal Corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

**WHEREAS**, Jensen Decorative Concrete, Inc, a Minnesota business corporation (the “Applicant”) is the proposed purchaser of certain real property located in the City of Cologne, State of Minnesota, located at 218 Lake Street West (the “Subject Property”); and

**WHEREAS**, Warren R. and Ann Marie Dressen are the owners of the Subject Property; and

**WHEREAS**, the City Council adopted Resolution #20-19 on September 8, 2020, approving an Interim Use Permit (“IUP”) for the Subject Property; and

**WHEREAS**, the Applicant has submitted an application to amend IUP #20-19; and

**WHEREAS**, the Planning Commission of the City did on July 6, 2021, conduct a public hearing in relation to the Applicant’s request for an interim use permit; and

**WHEREAS**, the Planning Commission of the City did on July 6, 2021 recommend approval of the interim use permit to the City Council; and

**NOW, THEREFORE, BE IT RESOLVED** the interim use permit is subject to the following conditions:

If the Planning Commission recommends that the Interim Use Permit be approved, staff recommends that it be subject to the following conditions:

1. This IUP amends and replaces the IUP granted in Resolution #20-19 granted on September 8, 2020.
2. The only use permitted for the Subject Property is masonry construction trade business or showroom. No other use of the property is permitted except those as permitted in the Cologne Zoning Ordinance as amended from time to time.
3. The site must be maintained in compliance with the Site Plan prepared by Premier Land Surveying, LLC and dated June 7, 2021. Areas that are not specified as being either building,

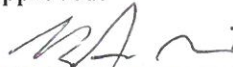
concrete driveway, or outside storage shall consist of grass, trees, bushes or other landscaping no later than July 31, 2023.

4. The north side of the property will have a screened fence as depicted in the site plan no later than July 31, 2022
5. No outside storage is permitted except for within the area to be enclosed by the fence, and not until a fence surrounding the outside storage area has been constructed. All operations and storage of parts and materials shall be conducted within the building or fenced area as shown on the site plan. Outside storage that may be within the fenced area would include parts, attachments, equipment, materials or any other items that are not affixed to the ground provided that the outside storage is kept in a manner and condition that is in compliance with city ordinances. Outside storage does not include employee, customer or company vehicles which must be in compliance with Condition #7, but these vehicles may be parked inside the fenced outside storage area.
6. Prior to construction of the fence, a building permit for a fence shall be submitted to the City for review and approval. The fence shall be in the location shown on the Site Plan.
7. Customer, employee and company vehicles may be parked outside the building either on the cement driveway in front of the building or on the gravel areas. Not more than 12 company vehicles may be permitted to be parked outside. A company vehicle can be a truck, trailer, dump truck, etc. A truck with trailer attached counts as 2 company vehicles.
8. A building permit must be secured for the new building prior to construction. In addition, architectural elevations for the proposed building shall be submitted for Planning Commission and City Council review and approval.
9. In the event that the proposed new building is not constructed by July 31, 2023, the existing gravel on the western side of the site where the proposed building and the proposed concrete area are shown on the site plan shall be removed and grass or landscaping shall be installed in its place not later than July 31, 2023. By July 31, 2023, all employee, customer and company vehicle parking shall be either inside of buildings, or located on the concrete areas to the south and east of the buildings as shown on the Site Plan.
10. The exterior lights existing on the property on July 6, 2021 are approved. No additional lighting is permitted to be installed on the property without first submitting a lighting plan to the City for review. Review of a lighting plan shall occur in a manner specified in the Zoning Ordinance, as amended from time to time.
11. The use and site shall be in compliance with all requirements of the zoning ordinance, as amended from time to time.
12. The use and site shall maintain compliance with all noise and nuisance related ordinances of the City Code, as may be amended from time to time.
13. The use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.

14. The use and site shall be in compliance with the permit issued by the Carver County Water Management Organization (CCWMO) on October 14, 2021. The CCWMO may require that certain items are completed earlier than the dates contained within this resolution.
15. Disposal and handling of all waste and hazardous materials shall be done in conformance with law.
16. A lapse of one year during which the premises are not used for the purposes provided for in this permit shall cause the permit to expire and be of no further consequence.
17. Comments 1 through 5 from the City Engineer in the email from Mr. Saulsbury to Mr. Dickson dated July 6, 2021 shall be addressed to the satisfaction of the City Engineer.
18. The Applicant must reimburse the City for all costs incurred by the City and its consultants in relation to review of the proposed development plans and inspection of improvements.
19. This Interim Use Permit shall terminate on July 31, 2033. If this type of use is still eligible to be permitted as an interim use under city ordinances near the time of expiration of this permit, the applicant may apply for a new interim use permit.

Adopted and approved by the City Council of the City of Cologne on a vote of 4 ayes and 0 nays effective on the 18<sup>th</sup> day of October, 2021.

Approved:



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Matt Lein  
Mayor

Attested:



Michelle Morrison  
City Clerk

M/ Bruss

Lein yes

Szaroletta yes

Kells absent

S/ Lenzen

Bruss yes      Lenzen yes

