

Business Name: Oak & Steel Smokehouse**Description:**

Oak and Steel Smokehouse is a niche-focused company dedicated to not only crafting smoked meats, but preserving tradition, and supporting our community. With a devotion to keeping the dollar within our beloved state of Minnesota, we've dedicated ourselves to creating hand-crafted, locally sourced smoked meats that go through a primitive cooking process over live oak fire using traditional offset smokers.

Initial Plans:

In our initial phase, we are focused on exclusively smoked pulled pork providing wholesale distribution to local grocers (Mackenthun's) and nearby restaurants. Each package of pork sold will include Cologne, MN on the label, in efforts to bring commerce to the city, connect local residents to high quality food, and continue our pursuit of celebrating locally sourced products.

Future Business Plans:

Looking ahead, we envision launching our direct-to-consumer channel, with retail available at 102 Lake Street W. (Cologne) as well as drop-shipping product straight to consumer's homes. Additional expansion would include diversifying our product line to include smoked beef brisket and burnt ends. To achieve this, we plan to hire additional employees, partner with local beef farms, and cultivate direct to consumer channels through local partnerships, our website, and social media.

Types of Operations:

Our day-to-day operations include cooking, cooling, packaging, cleaning/disinfection, and distribution by method of refrigerated pickup truck. Continuous inspection from the Minnesota Department of Agriculture is also included, where our cooking, cooling, packaging, and cleaning processes are inspected daily for compliance. We leverage local companies providing us with local oak, pork, marketing, banking, and finance.

Number of Employees:

At present, we will have 2 employees working on-site with 2 employees working remote/in the field. We anticipate expanding our team to 6-8 within the next 3 years to meet the demands of our expanding operations.

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 24-05**

**A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR 102 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, Oak and Steel Smokehouse, LLC, a Minnesota limited liability company (the “Applicant”) is the proposed tenant of certain real property located in the City of Cologne, State of Minnesota, owned by Clifford Industries, LLC, a Minnesota limited liability company, and located at 102 Lake Street West and legally described as follows:

Commencing at the Southeast corner of Outlot 2; thence running West 100 feet; thence North 140 feet; thence East 100 feet; thence South 140 feet to Place of Beginning being in the Village of Cologne, according to the map or plat thereof on file and of record in the Office of the Register of Deeds, in and for the County of Carver, and State of Minnesota. According to Warranty Deed dated July 19, 2023

(the “Subject Property”); and

WHEREAS, Paul Modeen is the owner of the Subject Property; and

WHEREAS, the Planning Commission of the City did on February 7, 2024, 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 February 7, 2024 recommend approval of the interim use permit to the City Council; and

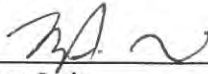
NOW, THEREFORE, BE IT RESOLVED the interim use permit is subject to the following conditions:

1. A commercial kitchen for food preparation with both wholesale distribution and retail sales is permitted only within the portions of the building identified in the application submitted by the applicant and on file at City Hall. Prior to expansion into other portions of the building, an amendment to this Interim Use Permit would be required.
2. No outside storage is permitted.

3. No outside food preparation, including the use of smokers, is permitted.
4. The applicant shall consult with the Building Official to determine if improvements are required to be made for occupancy of the proposed use. If required, the applicant shall secure a building permit and complete code required items before occupancy of the building.
5. The use and Subject Property shall be in compliance with all requirements of the zoning ordinance, as amended from time to time.
6. The use and Subject Property shall maintain compliance with all noise and nuisance related ordinances of the City Code, as may be amended from time to time.
7. The use and Subject Property shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and provided to the City.
8. Disposal and handling of all waste and hazardous materials shall be done in conformance with law.
9. 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.
10. This permit is granted to Oak and Steel Smokehouse, LLC. This permit shall expire and be of no further consequence in the event that Oak and Steel Smokehouse, LLC shall either 1) cease to remain in good standing with the Office of the Minnesota Secretary of State or 2) is no longer the tenant of the portion of the Subject Property for which this permit is granted.
11. This Interim Use Permit shall terminate on February 20, 2029. 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 20th day of February, 2024.

Approved:



Matt Lein
Mayor

Attested:



Michelle Morrison
City Administrator/Clerk

M/ Bruss

Lein yes

Szaroletta yes

Kells yes

S/ Kells


Bruss yes

Lenzen absent

ACCEPTANCE OF IUP #24-05

I acknowledge and agree to the terms of Interim Use Permit #24-05 and will operate the property in conformance with the terms of said Interim Use Permit.

OAK AND STEEL SMOKEHOUSE, LLC



BY: Matthew Kolander
ITS: owner

CLIFFORD INDUSTRIES, LLC



BY: Paul Modeen
ITS: Managing Member

DRAFTED BY:

Collaborative Planning, LLC
PO Box 251
Medina, MN 55340
763-473-0569

KAEDING
ARCHITECTURE
35 W. MAIN STREET, SUITE 201
WACONIA, MN 55387
952.451.9763

COOP BUILDING INTERIOR BUILD OUT

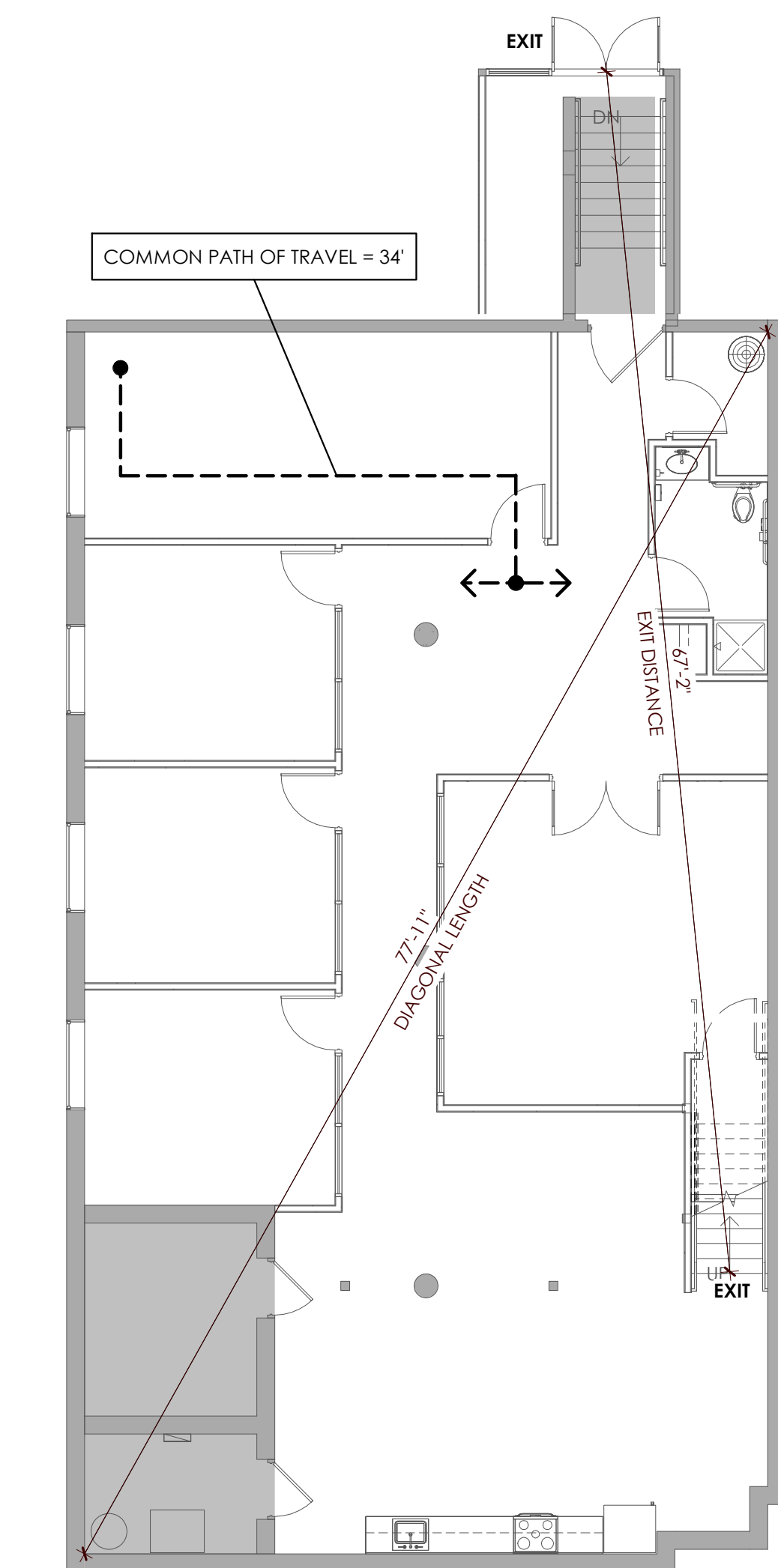
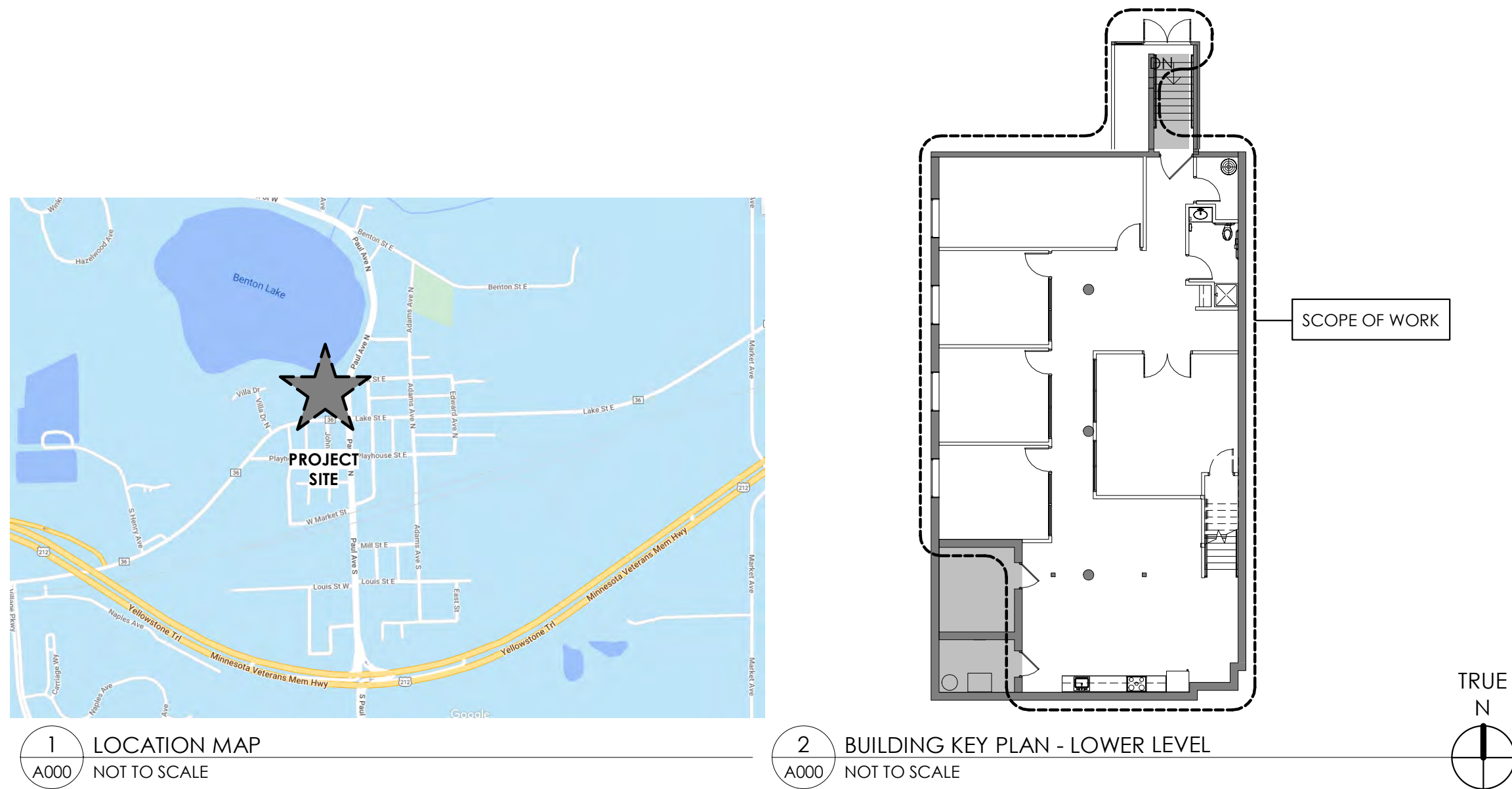
102 LAKE STREET W
COLOGNE, MN 55322

JENNIFER KAEDING, AIA
51456 2.20.24
REGISTRATION # DATE

[illegible]

LOCATION MAP,
BUILDING KEY, LIFE SAFETY
PLAN, CODE REVIEW

A000



3 LIFE SAFETY PLAN - LOWER LEVEL
A000 NOT TO SCALE

APPLICABLE CODES	
GOVERNING CODES: 2018 INTERNATIONAL BUILDING CODE 2020 MINNESOTA STATE BUILDING CODE (IW) AMENDMENTS 2020 MINNESOTA ACCESSIBILITY CODE 2009 ICC/ANSI A117.1 2018 INTERNATIONAL ENERGY CODE (IECC) W/ 2020 MSBC AMENDMENTS	2012 LIFE SAFETY CODE - NFPA 101 2018 INTERNATIONAL FIRE CODE 2020 MN STATE FIRE CODE 2020 MN STATE PLUMBING CODE 2020 MN STATE MECHANICAL CODE 2020 NATIONAL ELECTRICAL CODE (NEC)

OCCUPANCY REQUIREMENTS		
Building Info:		
BUILDING CLASSIFICATION:		NON-SEPARATED
BLDG CONSTRUCTION TYPE:		V-B
SPRINKLER SYSTEM:		NONE
OCCUPANCY TYPE:		B
ADJ. TENANT OCCUPANCY:		NONE
OCCP. SEPARATION REQ'D:		NONE

Space	Description	Sq. Ft.	Occupants
BUSINESS S.F. / 150	GENERAL OFFICE	2,644	18
	TOTAL LOWER LEVEL SQUARE FOOTAGE:	2,644	
		TOTAL OCCUPANTS:	18

CODE REVIEW	
EXITS REQUIRED: (PER IBC TABLE 1006.3.2)	1
EXITS PROVIDED:	2
DIAGONAL LENGTH: (PER IBC 1007.1.1)	77'-11"
DISTANCE REQUIRED: (1/3 DIAGONAL LENGTH)	25'-11"
DISTANCE PROVIDED:	67'-2"

MAX. ALLOWED COMMON PATH OF EGRESS TRAVEL: (PER IBC TABLE 1006.2.1)	100'
ACTUAL COMMON PATH OF EGRESS TRAVEL:	34'
MIN. REQ'D. EXIT WIDTH: (PER IBC 1005.1) OCCUPANTS X .2	3.6"
ACTUAL EXIT WIDTH: # OF DOORS X 34"	68"
CORRIDORS RATING: (PER IBC TABLE 1020.1)	0 HRS

PLUMBING REVIEW	
Occupant Info:	
OCCUPANCY TYPE:	B
TOTAL OCCUPANTS:	18
OCCUPANTS PER SEX:	9

REQUIRED WATERCLOSETS PER SEX (PER IBC TABLE 2902.1)	M / F
1 PER 25 FOR THE FIRST 50	1
1 PER 50 FOR THE REMAINDER EXCEEDING 50	-
NUMBER OF WATERCLOSETS REQUIRED	1
NUMBER OF WATERCLOSETS PROVIDED	1

REQUIRED LAVATORIES PER SEX (PER IBC TABLE 2902.1)	
1 PER 40 FOR THE FIRST 80	1
1 PER 80 FOR THE REMAINDER EXCEEDING 80	-
NUMBER OF LAVATORIES REQUIRED	1
NUMBER OF LAVATORIES PROVIDED	1

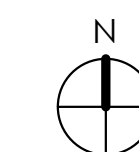
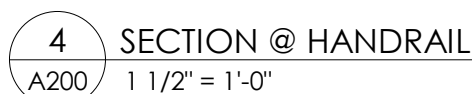
REQUIRED DRINKING FOUNTAINS (PER IBC TABLE 2902.1, SUB H)	
1 PER 100	
NUMBER OF HI/LO DRINKING FOUNTAINS PROVIDED	0

IS THE REQUIRED (1) SERVICE SINK PROVIDED (PER IBC TABLE 2902.1, SUB E)	N/A
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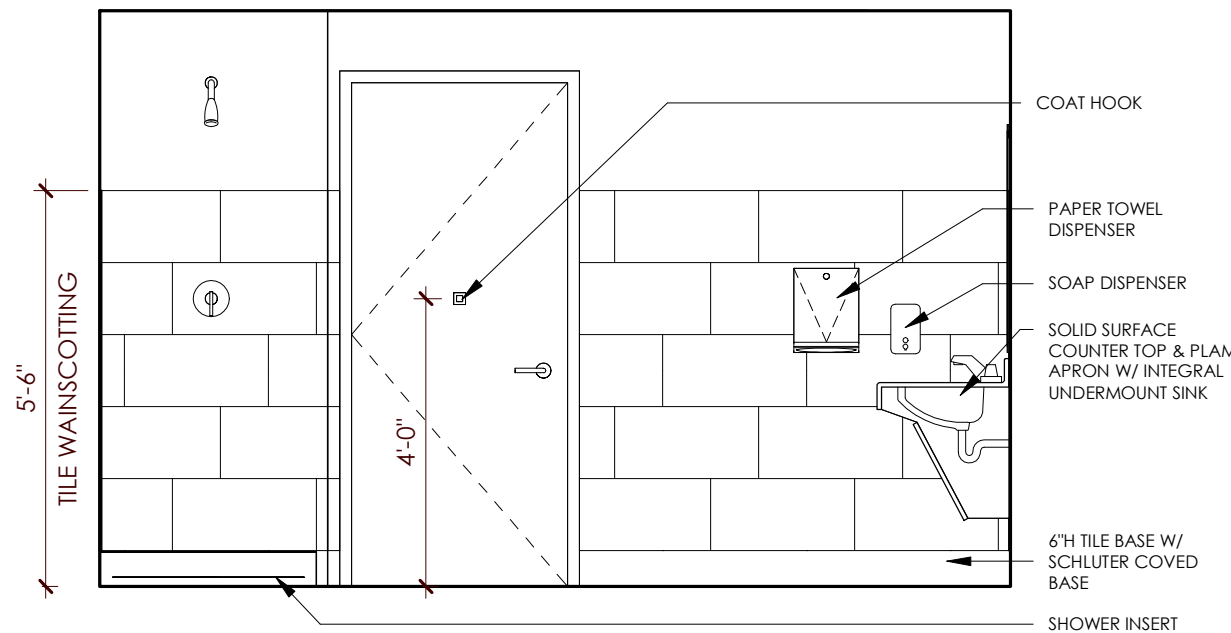
PROJECT CONTACT LIST	
CLIENT	
PMR. LLC.	
CONTACT:	PAUL MODEEN
EMAIL:	PAUL@PMRCONTRACTORS.COM
PHONE:	952-292-2859
ARCHITECT	
KAEDING ARCHITECTURE	
CONTACT:	JENNIFER KAEDING
ADDRESS:	235 WEST MAIN STREET, SUITE 201, WACONIA, MN 55387
EMAIL:	JKAEDING@KAEDINGARCH.COM
PHONE:	952-451-9763

SHEET INDEX	
ARCHITECTURAL	
A000	LOCATION MAP, BUILDING KEY, LIFE SAFETY PLAN, CODE REVIEW
A200	FLOOR PLAN & RAILING DETAILS
A300	ENLARGED TOILET PLAN, ELEVATIONS, & TYPICAL MOUNTING HEIGHTS

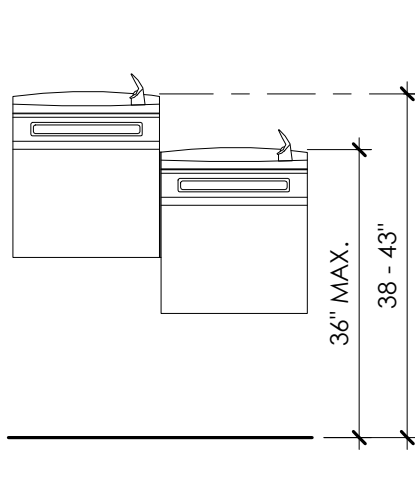
"N:\I Projects\Coop Building\Revit\CO OP BUILDING R23.rvt"
2/19/2024 2:09:40 PM



A200



5 TOILET
A300 $3/8" = 1'-0"$

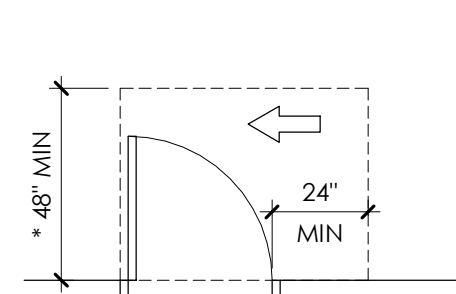


DRINKING FOUNTAIN
A117.1 602

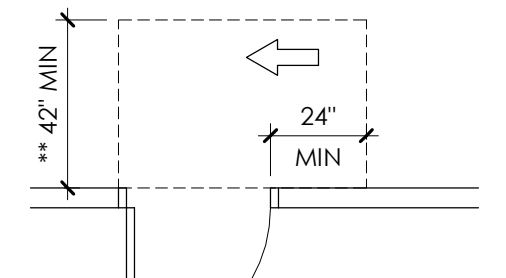
Diagram illustrating the floor plan of a bathroom with dimensions and clearances:

- Overall width: 56" MIN.
- Overall depth: 60" MIN.
- Clearance from wall to toilet: 48" MIN. CLEAR
- Toilet fixture dimensions: 30" MIN. (width), 48" MIN. (depth)
- Clearance from toilet to vanity: 48" MIN.
- Vanity dimensions: 48" MIN. (width), 30" MIN. (depth)
- Clearance from vanity to wall: 42"
- Clearance from vanity to toilet: 60" MIN. DIA.
- Clearance from vanity to wall: 18"

9	MANEUVERING CLEARANCE @ MANUAL DOORS
A300	1/4" = 1'-0"



LATCH APPROACH, PULL SIDE
(*54" MIN IF CLOSER IS PROVIDED)



(*48" IF CLOSER IS PROVIDED)

A300

Collaborative Planning, LLC

Memorandum

To: Honorable Mayor and Council
From: Cindy Nash, AICP, EDFP
Date: March 7, 2024
Subject: Ordinance Amendment – Expansion of Non-conforming Uses and CUP Process

The City has initiated an ordinance amendment related to non-conforming uses and conditional use permits.

The purpose of the change to the section on non-conforming uses is to propose an opportunity for legal non-conforming uses to expand their use and buildings. In particular, much of the historic core of the community is zoned C-2 but currently contains homes and other non-commercial uses that currently would be prevented from expanding under the existing ordinance. This amendment would provide a one-time opportunity for people to make those expansions. As drafted, it would be permitted after review by the Planning Commission and City Council with an application for a Conditional Use Permit.

The Zoning Ordinance does not currently contain a process for applying for and making a decision on a Conditional Use Permit. This draft ordinance also creates that process.

A redline version of an ordinance amendment is attached for review and consideration. At their March meeting, the Planning Commission recommended approval of the ordinance amendment.

§ 153.007 NONCONFORMING USES AND STRUCTURES.

Any structure or use existing upon the effective date of the adoption of this chapter which does not conform to the provisions of this chapter may be continued subject to the following conditions:

- (A) The nonconforming use is not expanded or enlarged, unless approved by a Conditional Use Permit subject to the following:
 - a. The footprint of the building containing the use may be permitted to be expanded by not more than 50% a single time. Additional expansions are not permitted.
 - b. The use is an existing legal nonconforming use.
 - c. The proposed expansion must be in compliance with all performance standards contained within Chapter 153 of the City Code unless a variance has been granted by the City under the procedures set forth in Section § 153.090 .
 - d. The Conditional Use Permit is recorded and specifically restricts the future expansion of the building(s) on the subject property unless the use is changed to a conforming use.
- (B) If a nonconforming use is discontinued or a nonconforming structure is abandoned for a period of one year, further use of the structure or property must conform to this chapter.
- (C) If a nonconforming use is replaced by another use, the new use shall conform to this chapter.
- (D) If a nonconforming use or structure is damaged by any cause to the extent that repair or replacement costs exceed 50% of the market value, the use or structure may not be replaced or repaired except in conformity with this chapter.
- (E) Normal maintenance of a nonconforming structure is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.

(Ord. 150, passed 2-22-2000; Ord. passed 3- -2007)

Sec. 153.094. Conditional use permits.

- (1) *Purpose.* Certain uses identified as conditional uses for a particular zoning district, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person.
- (2) *Criteria for granting conditional use permits.* In granting a conditional use permit, the city council shall consider the advice and recommendations of the planning commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands. Among other things, the city council shall make the following findings where applicable:
 - A. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
 - B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
 - C. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - D. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
 - E. Adequate measures have been or will be taken to provide ingress or egress so designated as to minimize traffic congestion in the public streets.
 - F. The use of the property shall, in all respects other than the conditional use, conform to the applicable regulations of the district in which it is located.
- (3) *Additional conditions.*
 - A. In permitting a new conditional use or the alteration of an existing conditional use, the city council may impose, in addition to these standards and requirements expressly specified by this chapter, additional conditions which the planning commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited, to the following:
 - a. Increasing the required zoning lot size and setback dimension.
 - b. Limiting the height, size or location of structures.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location or lighting of signs.

- g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open space.
 - i. Placing hours of operation restrictions on the proposed use.
- B. Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the city council, time limits, review dates, and such other information as may be appropriate.

(4) *Procedure.*

- A. The person applying for a conditional use permit shall fill out and submit to the city clerk the conditional use permit application form signed by the owner, site plan, and other such information necessary to review the application for compliance with this Ordinance, and such submittal shall include all information as required on the application form unless a waiver of certain information is granted by the city clerk.
- B. The city clerk shall determine if the application is complete and, if complete, refer the application to the planning commission.
- C. The planning commission shall hold a public hearing on the application. Notice of the public hearing shall be published in the official newspaper designated by the city at least ten days prior to the hearing. Notice of the hearing shall also be mailed to owners of property located within 350 feet of the outside boundaries of the land to which the conditional use will be applicable if the conditional use permit is for an area of five acres or less. The notice shall include a description of the land and the proposed conditional use.
- D. The report of the planning commission shall be placed on the agenda of the city council following referral from the planning commission. In the event that the planning commission does not make a recommendation on an application within 60 days of the date that the application was determined to be complete under M.S.A. § 15.99, then the application shall automatically be referred to the city council for a public hearing if a public hearing was not previously completed by the planning commission.
- E. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include request for changes in conditions, and as otherwise described in this chapter.
- F. No application for a conditional use permit shall be resubmitted for the same property and for the same type of conditional use for a period of one year from the date of a decision of the city council to deny an application. A conditional use

permit shall expire and be considered null and void one year after it has been issued if no construction has begun.

- G. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a hearing with notice of said hearing provided to the current property owner of record by first-class mail at least ten days prior to the hearing; it shall be the responsibility of the clerk to schedule such hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A hearing for annual review of a conditional use permit may be required at the discretion of the city council.
- H. In the event that the any of the conditions of the CUP are violated, the city has authority to revoke the conditional use permit.
 - a. A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance. If within 30 days of written notice from the city the violation has not been corrected, the city may pursue the following procedure to terminate the permit:
 - (i) Written notice of revocation shall be served upon the owner at least ten working days prior to the Conditional Use Permit being revoked.
 - (ii) Notice to the owner on record shall be served personally or by first class mail. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation constituting the basis of the revocation, the facts which support the conclusions that a violation has occurred and a statement that if the Owner desires to appeal, the appeal must, within ten working days, exclusive of the day of service, file a request for a hearing.
 - (iii) The hearing request shall be in writing, stating the grounds for appeal and served personally or received by first class mail by the city clerk at the city hall not later than 4:30 p.m. of the tenth city working day following notice of revocation.
 - (iv) Following the receipt of a request for hearing, the city council shall set a time and place for the hearing within thirty days of receipt of the hearing request.
- I. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. The city may, at its discretion, review the property periodically to determine compliance with the terms of the conditional use permit. Conditional Use Permits shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the city council from enacting or amending official controls to change the status of conditional uses.

PUBLIC NOTICE

**CITY OF COLOGNE
CARVER COUNTY
STATE OF MINNESOTA**

ORDINANCE NO.

**AN ORDINANCE AMENDING THE CITY OF COLOGNE ZONING
ORDINANCE RELATED TO EXPANSION OF NON-CONFORMING USES AND
CONDITIONAL USE PERMITS**

The City Council for the City of Cologne, Carver County, Minnesota, hereby ordains that on the 11th day of March 2024, that the City Council for Cologne adopted the above Ordinance. Due to the lengthy content of the Ordinance, a brief summary follows:

- Section 1. Section 153.007 of the Cologne Zoning Ordinance is hereby rescinded and a new Section 153.007 is added.
- Section 2. Section 153.094 of the Cologne Zoning Ordinance is added.
- Section 3. EFFECTIVE DATE. This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.
- Section 4. REPEALER All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.

/s/ Matt Lein, Mayor

ATTEST:

/s/ Michelle Morrison, Clerk

**CITY OF COLOGNE
CARVER COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY OF COLOGNE ZONING ORDINANCE
RELATED TO EXPANSION OF NON-CONFORMING USES AND CONDITIONAL
USE PERMITS**

The City Council of Cologne, Minnesota ordains:

SECTION 1. RESCIND AND REPLACE SECTION. Section 153.007 of the Cologne Zoning Ordinance is hereby rescinded and a new Section 153.007 is added as follows:

§ 153.007 NONCONFORMING USES AND STRUCTURES.

Any structure or use existing upon the effective date of the adoption of this chapter which does not conform to the provisions of this chapter may be continued subject to the following conditions:

(A) The nonconforming use is not expanded or enlarged, unless approved by a Conditional Use Permit subject to the following:

- a. The footprint of the building containing the use may be permitted to be expanded by not more than 50% a single time. Additional expansions are not permitted.
- b. The use is an existing legal nonconforming use.
- c. The proposed expansion must be in compliance with all performance standards contained within Chapter 153 of the City Code unless a variance has been granted by the City under the procedures set forth in Section § 153.090 .
- d. The Conditional Use Permit is recorded and specifically restricts the future expansion of the building(s) on the subject property unless the use is changed to a conforming use.

(B) If a nonconforming use is discontinued or a nonconforming structure is abandoned for a period of one year, further use of the structure or property must conform to this chapter.

(C) If a nonconforming use is replaced by another use, the new use shall conform to this chapter.

(D) If a nonconforming use or structure is damaged by any cause to the extent that repair or replacement costs exceed 50% of the market value, the use or structure may not be replaced or repaired except in conformity with this chapter.

(E) Normal maintenance of a nonconforming structure is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.

SECTION 2. ADD NEW SECTION. Section 153.094 of the Cologne Zoning Ordinance is added as follows:

Sec. 153.094. Conditional use permits.

- (1) *Purpose.* Certain uses identified as conditional uses for a particular zoning district, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person.
- (2) *Criteria for granting conditional use permits.* In granting a conditional use permit, the city council shall consider the advice and recommendations of the planning commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands. Among other things, the city council shall make the following findings where applicable:
 - A. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
 - B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
 - C. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - D. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
 - E. Adequate measures have been or will be taken to provide ingress or egress so designated as to minimize traffic congestion in the public streets.
 - F. The use of the property shall, in all respects other than the conditional use, conform to the applicable regulations of the district in which it is located.
- (3) *Additional conditions.*
 - A. In permitting a new conditional use or the alteration of an existing conditional use, the city council may impose, in addition to these standards and requirements expressly specified by this chapter, additional conditions which the planning

commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited, to the following:

- a. Increasing the required zoning lot size and setback dimension.
 - b. Limiting the height, size or location of structures.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location or lighting of signs.
 - g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open space.
 - i. Placing hours of operation restrictions on the proposed use.
- B. Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the city council, time limits, review dates, and such other information as may be appropriate.

(4) *Procedure.*

- A. The person applying for a conditional use permit shall fill out and submit to the city clerk the conditional use permit application form signed by the owner, site plan, and other such information necessary to review the application for compliance with this Ordinance, and such submittal shall include all information as required on the application form unless a waiver of certain information is granted by the city clerk.
- B. The city clerk shall determine if the application is complete and, if complete, refer the application to the planning commission.
- C. The planning commission shall hold a public hearing on the application. Notice of the public hearing shall be published in the official newspaper designated by the city at least ten days prior to the hearing. Notice of the hearing shall also be mailed to owners of property located within 350 feet of the outside boundaries of the land to which the conditional use will be applicable if the conditional use permit is for an area of five acres or less. The notice shall include a description of the land and the proposed conditional use.
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M.S.A. § 15.99, then the application shall automatically be referred to the city council for a public hearing if a public hearing was not previously completed by the planning commission.

- E. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include request for changes in conditions, and as otherwise described in this chapter.
- F. No application for a conditional use permit shall be resubmitted for the same property and for the same type of conditional use for a period of one year from the date of a decision of the city council to deny an application. A conditional use permit shall expire and be considered null and void one year after it has been issued if no construction has begun.
- G. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a hearing with notice of said hearing provided to the current property owner of record by first-class mail at least ten days prior to the hearing; it shall be the responsibility of the clerk to schedule such hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A hearing for annual review of a conditional use permit may be required at the discretion of the city council.
- H. In the event that the any of the conditions of the CUP are violated, the city has authority to revoke the conditional use permit.
 - a. A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance. If within 30 days of written notice from the city the violation has not been corrected, the city may pursue the following procedure to terminate the permit:
 - (i) Written notice of revocation shall be served upon the owner at least ten working days prior to the Conditional Use Permit being revoked.
 - (ii) Notice to the owner on record shall be served personally or by first class mail. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation constituting the basis of the revocation, the facts which support the conclusions that a violation has occurred and a statement that if the Owner desires to appeal, the appeal must, within ten working days, exclusive of the day of service, file a request for a hearing.
 - (iii) The hearing request shall be in writing, stating the grounds for appeal and served personally or received by first class mail by the city clerk at the city hall not later than 4:30 p.m. of the tenth city working day following notice of revocation.
 - (iv) Following the receipt of a request for hearing, the city council shall set a time and place for the hearing within thirty days of receipt of the hearing request.

- I. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. The city may, at its discretion, review the property periodically to determine compliance with the terms of the conditional use permit. Conditional Use Permits shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the city council from enacting or amending official controls to change the status of conditional uses.

SECTION 3. EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

SECTION 4. REPEALER

All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.

Passed by the City Council of Cologne this _____ day of _____, 2024.

Approved:

Matt Lein
Mayor

Attested:

Michelle Morrison
City Clerk

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Collaborative Planning, LLC

Memorandum

To: Honorable Mayor and Council
From: Cindy Nash, AICP, EDFP
Date: March 7, 2024
Subject: Conditional Use Permit – 209 Playhouse – Expansion of Non-Conforming Use

The City has received an application from Mr. Shambour to permit the expansion of an existing non-conforming use. Approval of this application is contingent upon the City first adopting the ordinance amendment related to expansion of non-conforming uses and conditional use permits.

Overview of Request



The subject property is a parcel of record containing a building that is being used for storage. Per the application submitted, a variance request is being made to permit the construction of an addition to this building. A copy of the application is attached. The architecture and floor plan for the building was provided in the packet for consideration. The plans show a 28.2' x 57.6' building following the proposed addition for a total of approximately 1,624 square feet. The existing building is the only building on the site and the principal use of the property and existing building is for storage. The existing building is approximately 28.2 feet by 40.2 feet for a total of approximately 1,133 square feet. This is a proposed increase in size of approximately 43%.

The property is zoned C-2 Central Business District and is within the Downtown Overlay District. The property is also within the shoreland overlay district.

Storage is not a listed permitted principal use in the C-2 Central Business District according to Section 153.039 of the Zoning Ordinance. The ordinance amendment that is also being considered would permit the following if adopted by the City Council:

(A) *The nonconforming use is not expanded or enlarged, unless approved by a Conditional Use Permit subject to the following:*

- a. *The footprint of the building containing the use may be permitted to be expanded by not more than 50% a single time. Additional expansions are not permitted.* Staff Note: The proposed expansion is 43%, which would be in compliance with this requirement.
- b. *The use is an existing legal nonconforming use.* Staff note: It appears the property has been used for this non-conforming use since prior to the original adoption of the Zoning Ordinance in Cologne.
- c. *The proposed expansion must be in compliance with all performance standards contained within Chapter 153 of the City Code unless a variance has been granted by the City under the procedures set forth in Section § 153.090 .* Staff Note: The impervious surface on the property exceeds the amount permitted by ordinance, but the property has received a variance from that requirement as the City Council was unable to make a decision on the previous application related to this prior to the expiration of time allowed.
- d. *The Conditional Use Permit is recorded and specifically restricts the future expansion of the building(s) on the subject property unless the use is changed to a conforming use.*

Planning Commission Recommendation

The Planning Commission recommended approval of the Conditional Use Permit subject to the conditions in the resolution.