

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2024-03**

**RESOLUTION APPROVING CHANGE OF NONCONFORMING GARDEN CENTER
ACCESSORY USE TO PRINCIPAL USE AT 8400 60TH STREET NORTH**

WHEREAS, SiteOne Landscape Supply, LLC (“Applicant”) and Forty Acres Real Estate, LLC (“Owner”), are requesting that the existing garden center use on the site be changed from an accessory to a principal use on property located at 8400 60th Street North, in the City of Grant, Minnesota; and

WHEREAS, a Conditional Use Permit was granted on the property in 1990 which established the principal use as a commercial nursery and accessory use as a garden center; and

WHEREAS, the Applicant was informed by the MnDNR that a water appropriations permit with the volume needed to support a commercial nursery would not be granted given recent circumstances associate with White Bear Lake; and

WHEREAS, the Applicant proposes to use the site consistent with the terms and conditions of the Conditional Use Permit except that the percentage of the business associated with the commercial nursery operations will be reduced; and

WHEREAS, per Section 32-83 the City Council may approve a change from one nonconforming use to another provided that the use is similar; and

WHEREAS, the site has been used in part for garden center uses since at least 1990; and

WHEREAS, the proposed change from an accessory non-conforming use to a principal non-conforming use will have no impact to the site since the use is present and no changes to the site or buildings are proposed as part of this application.

WHEREAS, the City Council has considered this application at its regular meeting on January 2, 2024

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 to change the non-conforming accessory garden use to a principal use on the property located at 8400 60th Street North. The City Council's Findings relating to the standards are as follows:

- The request to change the garden center use from an accessory use to a principal use will have minimal to no impact on the existing site operations.
- The Applicant will comply with the terms and conditions of the Conditional Use Permit issued in 1990 with the only exception being the garden center change to a principal use.
- The commercial nursery use requires a water appropriation permit from the MNDNR to adequately serve the operation size. Based on the water appropriation permit a reduction of the commercial nursery operations is required.
- There are no changes to the site, or the buildings associated with the change from an accessory to a principal use.
- The garden center use has been present on the site since at least 1990.

FURTHER BE IT RESOLVED that the following conditions of approval of the change in use shall be met:

1. The Applicant shall follow all applicable terms and conditions stated within the 1990 Conditional Use Permit, except as explicitly modified herein.
2. Any changes in use may require additional land use permit review, which may include, an amendment to the Conditional Use Permit.
3. No other site or operational changes are approved as part of this review.
4. All escrow amounts shall be brought up to date and kept current.

Adopted by the Grant City Council this 2nd day of January 2024.

Jeff Huber, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2024 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this _____ day of _____, 2024.

Kim Points
Clerk
City of Grant