

CITY OF PIPESTONE
PIPESTONE COUNTY, MINNESOTA

RESOLUTION 2026 - 35

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A SECONDARY
STRUCTURE AT 310 4TH AVENUE NW IN THE CITY OF PIPESTONE**

WHEREAS, Gary Brady (“Applicant”) submitted an application for a conditional use permit (“CUP”) to move an existing dwelling and to construct a secondary structure on property located in the City of Pipestone (“City”) at 310 4th Avenue NW (PID 18.200.0840), which is legally described on the attached Exhibit A (“Property”); and

WHEREAS, the Property is owned by Gary Brady and Debra Brady (“Owners”); and

WHEREAS, the Applicant’s request for a CUP seeks to move an existing dwelling (“Primary Structure”) onto the property and construct a shop (“Secondary Structure”) on the Property (“Project”); and

WHEREAS, on May 13, 2026, upon proper and sufficient published notice, notice to affected properties and notice to properties in the area of the Property, the City of Pipestone Planning Commission held a public hearing regarding the requested CUP, considered the information presented, and voted to forward the application to the City Council with a recommendation that the CUP be approved, with the following conditions: (1) the approval and the issuance of a permit for the Primary Structure, (2) the construction of the Secondary Structure within 90 days of the placement of the Primary Structure and (3) removal of the Primary Structure if the Secondary Structure is not complete within the 90 days.

WHEREAS, the City Council considered the requested CUP at its meeting on July 6, 2026 and finds as follows:

- a. The Property is currently zoned I-1, Light Industrial District;
- b. Section 153.15(C)(3) of the City Code provides that a conditional use permit may be granted for “All other uses not listed above”, which references permitted uses in the I-1, Light Industrial District;
- c. The use proposed by the Applicant is not a permitted use in Section 153(B) of the City Code.
- d. In accordance with Sections 153.26(B) of the City Code, the Planning Commission found and determined as follows:
 - (1) The proposed use is not in conflict with the City’s Comprehensive Plan with the conditions imposed with this Resolution;

- (2) The proposed use is not in conflict with the district plan for the area as with the conditions imposed with this Resolution;
 - (3) The proposed use is not in conflict with the stated intent of the zoning district in which it is to be located with the conditions imposed with this Resolution;
 - (4) The proposed use will not unreasonably harm the public health, safety, and welfare and will not create a nuisance or unreasonable congestion injurious to nearby properties;
 - (5) The proposed use does not interfere with the creation of a beneficial environment within its own property boundaries and on adjoining properties;
 - (6) The proposed use will not interfere with the provision of a reasonable economic benefit to the community; and
 - (7) The provisions for interrelationship between the proposed development and contiguous and noncontiguous adjacent properties will not adversely affect pedestrian and vehicular movement and will not adversely affect the buffering of service facilities and parking areas.
- h. The City Council additionally finds and determines that the criteria for approval of a conditional use permit set forth in Sections 153.26(B) of the City Code have been met by the proposal.

NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter, including the application, information presented at the public hearing and determinations contained herein, the City Council hereby approves and issues a conditional use permit to move an existing dwelling and construct a shop on the Property, subject to all of the following conditions, restrictions, and requirements:

- 1. Scope of Use. This CUP allows the Applicant and Owners to move an existing dwelling and to construct a shop on the Property in accordance with the plans submitted with the application and approved by the City. The Project must comply with the conditions imposed on this CUP, the requirements of the City Code, and all other applicable regulations, including manufacturing requirements and applicable building codes.
- 2. Commencement of Work. Work shall not commence on the Property, and permits shall not be issued, prior to the submission, and approval by the City Engineer, of final construction plans for the Primary Structure and Secondary Structure. The construction of the Secondary Structure shall be complete within 90 days of the placement of the Primary Structure, and if the Secondary Structure is not complete within the 90 days, the Primary Structure and Secondary Structure shall be removed. The Owners must comply with the recommendations of the City Engineer.

3. Setbacks. The Project shall comply with setback requirements for the I-1, Light Industrial District.
4. As-Built. At the completion of construction, the Owners shall provide as-built drawings for the Project.
5. Recording. In the event the Property is combined with adjacent parcels, the Owners shall record this Resolution against the newly created parcel.
6. Permits. The Owners shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances and shall obtain any additional permits or permissions that may be required for the Project. Construction may not begin unless all required permits are obtained and copies provided to the City.
7. Inspection. The City's Director of Community Development shall be granted access upon reasonable notification for reasons of determining compliance with all conditions of this CUP and the City Code.
8. Amended Permit. Any alteration of the use of the Property, or of any plans submitted related to those uses, including, but not limited to, expansion of the use beyond what is allowed by this permit, shall not be permitted unless an amended CUP is obtained from the City.
9. Revocation. The violation of any term or condition of this CUP, including but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in the revocation of this CUP. The Applicant shall be given written notice of any violation, a hearing before the City Council, and reasonable time (not less than 30 days) to cure the violation before a revocation of this CUP may occur.
10. Binding Effect. This CUP and its conditions are binding on the parties, their successors and assigns, and shall run with the Property until the CUP is terminated or revoked as provided herein.
11. Legal Compliance. This CUP is subject to the requirements of the City Code and the Owners are required to comply with, and obtain all other permits or permission, as may be required by, all applicable federal, state and local laws, rules and ordinances.
12. Acceptance of Conditions. Utilization of the Property for the use allowed by this CUP shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the CUP without qualification, reservation, or exception.
13. No Waiver. A failure by the City to take action with respect to any violation of any condition, covenant or term of this CUP shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term.

Passed and adopted by the City Council of the City of Pipestone this 6th day of July, 2026.

Dan Delaney
Mayor

ATTEST:

Megan DeWitte
City Clerk

EXHIBIT A
Legal Description of the Property

Real property in Pipestone County, Minnesota, described as follows:

The South Fifty (50) feet of Lots One (1), Two (2) and Three (3) and the North Two-Thirds (N. 2/3) of Lots Ten (10), Eleven (11) and Twelve (12), all in Block Seven (7) of the Original Plat to the City of Pipestone, County of Pipestone, State of Minnesota.