

RESOLUTION 2026 - 36_____

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE
CONSTRUCTION OF AN EDUCATIONAL FACILITY AT THE INTERSECTION OF
HIAWATHA AVENUE N AND 11TH STREET NW IN THE CITY OF PIPESTONE**

WHEREAS, Southwestern Minnesota Opportunity Council, Inc. (“SMOC”) (“Owner”) submitted an application for a conditional use permit (“CUP”) to construct a Head Start education facility on property located in the City of Pipestone (“City”) at the intersection of Hiawatha Avenue N and 11th Street NW (PID 18.665.0100), which is legally described on the attached Exhibit A (“Property”); and

WHEREAS, the Owner’s request for a CUP seeks to construct a Head Start education facility, which will include three classrooms, and a parking lot and outdoor play space (“Project”); and

WHEREAS, on May 13, 2026, upon proper and sufficient published notice, notice to affected properties, notice to properties in the area of the Property and notice to the Minnesota Department of Natural Resources (“DNR”), 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 installation of down pointing lights and (2) planting of tall, multi-stage trees to obstruct the sightline of the National Monument; and

WHEREAS, the City Council considered the requested CUP at its meeting on June 22, 2026 and finds as follows:

- a. The Property is currently zoned R-3, Multi-Family Residential District and is located within the FF, Flood Fringe District;
- b. Section 153.10(C)(3) of the City Code allows nursery schools upon the issuance of a conditional use permit;
- c. Conditional uses are allowed in the FF, Flood Fringe District in accordance with Section 153.21(F)(3) of the City Code, so long the use complies with the

requirements of Section 153.21(F)(4), which includes additional requirements in Sections 153.21(D), 153.21(F)(2) and 153.21(K)(2) of the City Code;

- d. Comments submitted by the DNR note that educational facilities are “Critical Facilities”, as that term is defined in Section 153.21(B) of the City Code;
- e. Section 153.21(D)(3)(c) of the City Code provides that “Critical facilities shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.” Comments submitted by the DNR note the BFE + 2 feet is 1721.6’ NAVD88, while the 500-year flood elevation is approximately 1721.3’ NAVD88. Therefore, the City would use BFE + 2 feet to determine the minimum elevation of the building’s lowest floor;
- f. The Owner’s application included plans for, and depiction of, the proposed Head Start educational facility and the proposed parking lot and play area, a copy of which is attached hereto as Exhibit B;
- g. 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;
 - (2) The proposed use is not in conflict with the district plan for the area as this is an allowed conditional use;
 - (3) The proposed use is not in conflict with the stated intent of the zoning district in which it is to be located as this is an allowed conditional use and the conditions imposed will address any concerns with regard to floodplain issues;
 - (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 as the Project meets all setback requirements;
 - (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;
 - (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; and

- 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, information provided by the DNR and the findings and determinations contained herein, the City Council hereby approves and issues a conditional use permit to construct a Head Start educational facility, parking lot and play area on the Property subject to all of the following conditions, restrictions, and requirements:

1. Scope of Use. This CUP allows the Owner to construct the Head Start educational facility, parking lot and play area on the Property in accordance with the plans submitted with the Owner's 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. Setbacks. The Project shall comply with setback requirements for the R-3 Multi-Family Residential District.
3. Floodplain Regulations. The Project shall comply with the DNR notes set forth above; specifically, the construction shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher. Additionally, the Project shall comply with the FF, Flood Fringe District regulations in the City Code, including Sections 153.21(F)(4), 153.21(D), 153.21(F)(2) and 153.21(K)(2).
4. As-Built. At the completion of construction, the Owner shall provide as-built drawings for the Project.
5. Lighting and Screening. Exterior lighting for the Project shall be down pointing lights, and the Owner shall plant tall, multi-state trees sufficient to obstruct the sightline of the National Monument.
6. Permits. The Owner 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

Lot 1, Block 1, North Hiawatha Addition

EXHIBIT B

Plan and Depiction of Head Start Facility

