

**RESOLUTION OF THE MANKATO CITY COUNCIL
GRANTING AN EXTENSION FOR A CONDITIONAL USE PERMIT AND
CERTIFICATE OF DESIGN COMPLIANCE UNDER THE ZONING ORDINANCE**

WHEREAS, the owner of the following real estate located in the City of Mankato to wit:

Lot 4, Block 2, Mills Addition (1811 Premier Drive)

applied for, and was granted, a conditional use permit in the B-3, Highway Commercial District, to allow a drive-thru between the building and the property frontage in the Highway Gateway Overlay District, and for a Certificate of Design Compliance for a new structure in the Highway Gateway Overlay District on August 14, 2023, and;

WHEREAS, the Planning Agency of the City of Mankato completed a review of the application and made a report pertaining to said request (CY 30-23), a copy which was presented to the Planning Commission of the City of Mankato and;

WHEREAS, the Planning Commission of the City of Mankato on the 26th of July 2023, adopted a recommendation that the request for a conditional use permit and certificate of design compliance be granted with conditions; and

WHEREAS, based upon the Planning Agency report, minutes, and recommendations, on August 14, 2023, the City Council found that:

1. The development, in conjunction with the conditions outlined below, conforms to standards for granting a conditional use permit as in Chapter 10 of the Mankato City Code.
2. The development, in conjunction with the conditions outlined below, conforms to the standards of the Highway Gateway Overlay District as identified in Mankato City Code section 10.48.

WHEREAS, based upon the findings, the Council of the City of Mankato, recommended approval with conditions of the conditional use permit to allow for a drive-thru restaurant in the B-3, and the certificate of design compliance; and

WHEREAS, the Mankato City Code, section 10.92 subd. 10 states, that, "subject to an extension of time granted by the City Council, no conditional use permit shall be valid for a period longer than twelve (12) months, unless a Building Permit is issued, or a unless a Certificate of Occupancy is issued and the conditional use commenced within that period of time; and

WHEREAS, it has been more than twelve (12) months since August 14, 2023 and a Building permit has not been issued nor has a Certificate of Occupancy been issued for the request; and

WHEREAS, the applicant is seeking an extension of time from the City Council as allowed City Code to move the project forward in accordance with the original approvals and.

NOW THERE FOR, BE IT RESOLVED by the Council of the City of Mankato, that the request for a conditional use permit to allow for a drive-thru restaurant in the B-3, Highway Commercial District, and the certificate of design compliance be extended for an additional twelve (12) months, until August 14, 2025; and

NOW THERE FOR, BE IT FURTHER RESOLVED by the Council of the City of Mankato, the conditional use permit and certificate of design compliance shall be subject to the terms and conditions of the original approval as follows:

1. Prior to the fabrication or installation of signage, a sign permit shall be required, and all signage shall achieve the sign standards in Mankato Code section 10.87.
2. All lighting shall conform to Mankato City Code section 10.89 including, but not limited to, full-cut, fully shielded light fixtures and a photometric plan achieving code standards shall be provided.
3. The development shall conform to the Mankato City Code franchise coloring standards, including 10% allowable franchise coloring on the front elevation, and 5% on the rear and sides. At the time of building permit submission, the applicant will need to provide a plan that meets the criteria set forth in the Mankato City Code regarding franchise coloring.
4. A landscaping plan providing details on the proposed landscaping species, heights and other details as per Mankato City Code shall be provided for review and approval at the time of building permit submission.
5. A snow removal plan shall be provided at the time of building permit submission.
6. The drive-thru facility, and accessory parking areas and drive-thru traffic lanes, shall not obstruct or interfere with other traffic lanes or parking areas located on the zoning lot. If the operation of the drive-thru facility results in traffic hazards or congestion on public streets or alleys, the City Council may order the modification or termination of the drive-thru facility per 10.82 of Mankato City Code.
7. A bicycle parking plan shall be provided at the time of building permit submission.
8. All exterior finishes on the building shall conform to Mankato City Code Chapter 10.48.

This resolution shall become effective immediately upon passage.

Dated this _____ day of _____, 2025.

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke, MMC
City Clerk