

PROPOSED for Tuesday, September 6, 2022

**CITY OF CARVER
ORDINANCE NO. 09-2022**

**AN ORDINANCE AMENDING THE TERMS OF THE PLANNED
COMMERCIAL DEVELOPMENT RELATED TO LOT 1, BLOCK 1, CARVER
SQUARE**

THE CITY COUNCIL OF THE CITY OF CARVER, CARVER COUNTY,
MINNESOTA, DOES ORDAIN:

Section 1. Introduction.

1. National Contractors Inc. is the developer of certain property legally described as follows:

Lot 1, Block 1, CARVER SQUARE, Carver County, Minnesota,
according to the recorded plat thereof.

(the “Subject Property”); and

2. On March 6, 2017, the City of Carver, following public notification and public hearings, granted approval of rezoning of the Subject Property and additional property within the Carver Square plat to General Commercial with a Planned Commercial Development Overlay.
3. March 20, 2017, by Resolution No. 111-17, the City of Carver approved Final Plat for Carver Square, including the Subject Property.
4. The aforementioned approvals require that the underlying Planned Commercial Development be amended prior to any development on the Subject Property.
5. With development specifics proposed for the Subject Property, and because all details of said proposal adhere to all City requirements, the underlying Planned Commercial Development District that includes the Subject Property shall be updated to incorporate approved construction documents for development of Mizzy’s Pizza consistent with the site plan presented to the City on the same date as this Ordinance.
6. Development of the proposed commercial structure is consistent with the Comprehensive Plan and the City of Carver zoning ordinance.
7. The proposed construction documents meet the intent of the shared parking agreement and the Carver City Code; provided, however, that any future use of the rental space on the Subject Property shall be reviewed and approved by the Community Development Director to ensure adherence to all such parking requirements.

Section 2. Rezoning.

1. The underlying Planned Commercial Development District is hereby amended to allow the proposed construction on the Subject Property as contained in the site plan resolution of the same date herewith, subject to the following restrictions and limitations:
 - a. Lot 1, Block 1, CARVER SQUARE is permitted to be developed as a restaurant in conformance with the approved plans.
 - b. Access to the Subject Property shall be as shown on the Site Plans.
 - c. Any previously noted conditions related to the underlying Planned Commercial Development District shall remain in full force and effect, except to the extent they are expressly modified herein.

Section 3. Conditions to Effectiveness.

1. This ordinance shall be effective upon the occurrences of the following:
 - a. Its passage by the Carver City Council.
 - b. Publication in the official newspaper of the City in accordance with applicable law. If this ordinance is approved by at least four members of the city council, the following summary, which informs the public of the intent and effect of this ordinance, may be published in lieu of the entire ordinance:

On September 6, 2022, the Carver City Council approved Ordinance No. 09-2022, an ordinance amending the terms of the Planned Commercial Development District related to Lot 1, Block 1, Carver Square. The ordinance amends said district to accommodate a commercial structure on the property to be used as Mizzy's Pizza with additional commercial rental space consistent with the site plan that was also approved on the same date. The full text of Ordinance No. 09-2022 is available for inspection at Carver City Hall during regular business hours and is available on the City's website.

Adopted by the Carver City Council this 6th day of September, 2022.

Courtney Johnson, Mayor

Attest:

Vicky Sons-Eiden, City Clerk