

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2016- __

A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR DANIELLE HECKER TO ESTABLISH A COMMERCIAL WEDDING CEREMONY VENUE AT 11658 50TH STREET N.

WHEREAS, the City of Lake Elmo has approved a Commercial Wedding Ceremony Venue ordinance on 2/21/13; and

WHEREAS, the Commercial Wedding Ceremony Venue ordinance was amended on 5/6/14, and on 3/19/16; and

WHEREAS, the applicant, Danielle Hecker, residing at 11658 50th Street N, applied for an Interim Use Permit to establish a Commercial Wedding Ceremony Venue as an accessory use on her property; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2016, which was continued to February 8, 2016; and

WHEREAS, the Planning Commission found the proposed Interim Use adequately conforms to the following findings of fact:

- 1) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
- 2) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
- 3) The use will not adversely impact implementation of the Comprehensive Plan.
- 4) The date or event that will terminate the use is identified with certainty. The applicant has specified in the application materials that the use will terminate once the property is sold or developed under future zoning.
- 5) The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the interim use permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.
- 6) The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.
- 7) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel; and

WHEREAS, on February 8, 2016, the Planning Commission recommended the City Council approve the Interim Use Permit with 13 conditions; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the ten year Interim Use Permit to establish a Commercial Wedding Ceremony Venue at 11658 50th Street N with the following conditions:

- 1) That a parking attendant be on site to assist with cars arriving and exiting the site for each wedding ceremony event.
- 2) That the wedding ceremony venue maintain a contract to supply and maintain temporary sanitary facilities while in operation and that at least one temporary sanitary facility be handicapped accessible.
- 3) That the landscaped buffer on the north property line be comprised of a row of coniferous trees spaced a maximum of 16' on center.
- 4) That an erosion control plan be submitted and approved by the city engineer prior to approval issuance of the interim use permit.
- 5) That the approval be contingent on complying with the Valley Branch Watershed District permit.
- 6) The accessible parking stalls be comprised of a durable material, approved by the city engineer, and signed as handicapped parking with an accessible path connecting to the buildings and restrooms.
- 7) That the applicant maintain compliance with all applicable City Code standards for the duration of the interim use.
- 8) That the applicant enters into a consent agreement with the City in accordance with Section 154.107 of the City Code.
- 9) That the interim use is valid for a period of ten years and must be renewed by the City Council prior to the end of this time period in order to continue operating from the site.
- 10) That the existing driveway be used until a road is constructed to the east with a future residential development, at which time, a new access for the commercial wedding ceremony venue shall be constructed, to meet the City Engineer's recommendation in the Engineer's Memorandum dated 12/7/15, connecting to the new road.
- 11) That a circular 12 foot wide, 7 ton drive be constructed to provide emergency access to connect to the future 18 foot wide, 7 ton driveway, and that the drive be shown on the site plan.
- 12) The proposed parking location is allowed provided a written agreement is signed between the applicant and the developer of the future residential development to the north, north-east resulting in screening along the north property that is minimally a double staggered row of four season plantings such as Spruce.
- 13) That a 40' street right-of-way be granted to the city for 50th Street N to accommodate a future trail.

This resolution was adopted by the City Council of the City of Lake Elmo on this 16 day of February, 2016.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk