



MAYOR AND COUNCIL COMMUNICATION

DATE: 2/16/2016
CONSENT/REGULAR
ITEM #:
MOTION

AGENDA ITEM: Hecker Commercial Wedding Ceremony Venue Interim Use Permit
SUBMITTED BY: Stephen Wensman, Planning Director
THROUGH: Clark Schroeder, Interim City Administrator
REVIEWED BY: Joan Ziertman

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

Danielle Hecker is requesting a ten year Interim Use Permit to establish a commercial wedding ceremony venue as an accessory use on her residential property located at 11658 50th Street North. Staff and the Planning Commission recommend the City Council approve the request for a ten year interim use permit for a Commercial Wedding Ceremony Venue with the following motion:

““Move to recommend approval of Resolution 2016 ___ approving the ten year Interim Use Permit for a Commercial Wedding Ceremony Venue located at 11658 50th Street North with 13 conditions.”

BACKGROUND AND STAFF REPORT:

The Planning Commission held a public hearing on January 11, 2016, then was continued it to February 8, 2016 in order for the applicant to process a concurrent amendment to the Commercial Wedding Ceremony Venue ordinance. At the public hearing, Councilmember Smith spoke in support of the proposal. After the public hearing, Staff received several emails in support of the proposal.

The Planning Commission reviewed the proposal and their primary concerns and comments addressed the following issues:

- Potential noise
- Parking setback/screening
- Access management
- Public safety driveway requirements

- Right-of-way dedication.

Noise. After much discussion, the Planning Commission decided that staff's condition requiring conformance with city code addressed this concern.

Parking setback/screening. The Planning Commission discussed the impact of the commercial wedding ceremony venue parking setback to the future residential development proposed for the agricultural property (The Legends of Lake Elmo) to the north and east of the proposed. The adjacent parcel is presently Agricultural and the proposed ten foot parking setback complies with the ordinance. If the adjacent parcel were developed, the parking setback would be 100 feet. The Planning Commission wanted to adequately address the screening issue knowing the area will likely be developed as residential. In the end, the Planning Commission was satisfied that the screening would be adequately addressed by the future development with berming and landscaping and added a condition of approval to address this issue.

Access management. The Planning Commission supported the City Engineers access management recommendation to connect the commercial venue access to the internal roads of the future Legends of Lake Elmo development. The Planning Commission recommends that at the time the Legends of Lake Elmo is developed, an 18 foot, 7 ton driveway be installed to the north – northeast corner of the applicant's property. The 18 foot, 7 ton standard is to accommodate large emergency vehicles, such as a Fire Truck and wide enough to pass if a vehicle is parked or stalled there.

Public safety driveway requirements. The Planning Commission also supported the City Engineer and Fire Chief's request for a 7 ton –turnaround for emergency vehicles. The Commission recommended a 12 foot, 7 ton loop be installed on the site connected to the 18' wide, 7 ton driveway to the Legends road system.

Right-of-way dedication. The Planning Commission supported the City Engineer's recommendation for right of way dedication for a future trail along 50th Street N. The Planning Commission did not support the applicant having to construct the trail.

In Summary, the applicant's proposal meets the requirements of the amended Commercial Wedding Ceremony Venue ordinance. The Planning Commission amended staff's recommended conditions to address the above mentioned issues. The central issue remaining is the balancing of public safety concerns for access management and emergency vehicle driveway against the intent of the ordinance to preserve the rural character. The 50th Street access is the historic access to the property and the best location for the applicant's clients to find the venue. 50th Street is a collector and more suited to higher traffic volumes, whereas the future Legends of Lake Elmo road will be a residential road. The requirement for the 18 foot & 12 foot, 7 ton driveway is contrary to the applicant's intent and the intent of the ordinance to preserve the rural character.

FINDINGS OF FACT

In order for the City Council to approve the interim use permit, the following findings must be met:

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. The site is located on a collector road, the site is surrounded by farmed rural residential land to the north (future proposed Legends Development).

3. The use will not adversely impact implementation of the Comprehensive Plan. The improvements respect the rural/agricultural nature of the area and zoning district. The use is accessory to the principle residential use.
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. Staff is recommending a termination date of ten years from the date of approval.
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. A consent agreement will need to be approved by the City Council as a condition of approval.
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. This item can also be addressed as part of a consent agreement with the City.
7. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.

RECOMMENDATION:

Staff and the Planning Commission recommend the City Council approve the request for a ten year interim use permit for a Commercial Wedding Ceremony Venue with the following motion:

“Move to recommend approval of Resolution 2016- ___ approving the ten year Interim Use Permit for a Commercial Wedding Ceremony Venue located at 11658 50th Street North with 13 conditions.”

ATTACHMENT(S):

- Resolution __ approving a ten year Interim Use Permit for a Commercial Wedding Ceremony Venue located at 11658 50th Street North
- Planning Commission packet 2/8/16
- ~~Planning Commission minutes 2/8/16~~
- Letters in Support