



MAYOR AND COUNCIL COMMUNICATION

DATE: 4/5/2016
REGULAR
ITEM #:
MOTION

AGENDA ITEM: Interim Use Permit for a Commercial Wedding Ceremony Venue
SUBMITTED BY: Stephen Wensman, Planning Director- Presented by Ben Gozola
THROUGH: Clark Schroeder
REVIEWED BY: Emily Becker, City Planner
Ben Gozola, Consultant Senior Planner

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:

Carol Palmquist is requesting approval of a 10-year Interim Use Permit to establish a Commercial Wedding Ceremony Venue to be located at 12202 55th Street N. Staff and the Planning Commission recommend approval a 5-year Interim Use Permit with conditions with the following motion:

“Move to approve Resolution 2016-__ granting a 5-year Interim Use Permit for a Commercial Wedding Ceremony Venue with 13 conditions”.

BACKGROUND AND STAFF REPORT:

Carol Palmquist is requesting approval of a 10-year Interim Use Permit to establish a Commercial Wedding Ceremony Venue on her residential property located at 12202 55th Street N. On February 16, 2016, the City Council approved an amendment to the Commercial Wedding Ceremony Venue ordinance to allowed the venues as an accessory use with an interim use permit in the A – Agriculture, RT – Rural Transitional, and RR-Rural Residential zoning districts on parcels 10 acres in size or greater, increased the allowed number of venues to no more than four per week, no more than 2 per day, requires an operator or responsible designee be on the premises for the duration of each event, and exempts applicants from the commercial parking and curbing requirements of Section 154.210. On February 22, 2016, the Planning Commission held a public hearing. At the public hearing, three residents spoke on the item. One spoke in favor of the item and the two others expressed concerns about noise, environmental concerns, and the city’s poor maintenance of the road. Of those that spoke, none were opposed to the proposal. The Planning Commission

discussed primarily focused on the duration of the interim use permit, and the issues of noise and emergency vehicle access requirements. The Planning Commission recommended approval of a 5-year Interim Use Permit with 13 conditions.

CONDITIONS OF APPROVAL:

On February 22, 2016, City Staff had presented 10 conditions of approval in the Staff report. The Planning Commission amended conditions 2 and 6, and added three additional conditions (underlined). The recommended conditions of approval are:

- 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 access driveway be 18' wide and designed to a 7 ton standard to accommodate emergency service vehicles to the northerly extent of the parking area, or that the access driveway be 18' wide, designed to the 7 ton standard to the edge of the field and that the adjacent private drive remain clear during venues for emergency service vehicles.
- 3) That accessible parking be provided and signed as handicapped parking with an accessible path connecting the sanitary facilities and the public assembly area.
- 4) That the applicant maintains compliance with all applicable City Code standards for the duration of the interim use.
- 5) That the applicant enters into a consent agreement with the City in accordance with Section 154.107 of the City Code.
- 6) That the interim use is valid for a period of ~~ten~~ five 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.
- 7) The applicant/owner shall comply with Minnesota 1300.0190 for temporary structures and uses. Building permit and inspection will be required.
 - Temporary structure installer is required to submit a complete plan from the manufacture for installation including tie down instructions that conform to the 90 MPH wind loading in the Minnesota State Building Code.
- 8) Applicant must comply with all applicable requirements of the MN State Fire Code:
 - Chapter 24, "Tents, Canopies and other Membrane Structures of the 2007 Minnesota Fire Code.
 - Section 503, "fire Apparatus Access Roads", of the 2007 Fire Code.
 - Section 906, "Portable Fire Extinguishers", of the 2007 Fire Code.
- 9) That the applicant/owner maintain a contract to supply and maintain (4) temporary sanitary facilities while in operation and that at least one temporary sanitary facility be handicapped accessible and placed on an accessible route.
- 10) Any Portable power/ generators/ Heaters or other like equipment shall be placed/installed in accordance with the manufacture installation instructions and the applicable codes.
- 11) Applicant enter into a maintenance agreement with the City to maintain 55th Street west of Marquess Trail to the applicant's field road through the term of the Interim Use Permit

- 12) Submit an erosion control plan with any extension of the gravel entrance road.
- 13) Submit the results of an instrumented measurement of sound at the east and west property lines at the wedding ceremony site to demonstrate compliance with the City's noise ordinance.

REQUIRED FINDINGS:

An interim use permit may be granted only if the City Council finds as follows:

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 user agrees to all conditions that the City Council deems appropriate to establish the interim use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.
5. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.
6. The date or event terminating the interim use shall be set by the City Council at the time of approval.

Staff and the Planning Commission believe the application meets each of the above listed findings.

RECOMMENDATION:

Staff and the Planning Commission recommend approval a 5-year Interim Use Permit with conditions with the following motion:

“Move to approve Resolution 2016-__ granting a 5-year Interim Use Permit for a Commercial Wedding Ceremony Venue with 13 conditions”.

ATTACHMENT(S):

- Commercial Wedding Ceremony Venue Ordinance
- Resolution 2016-__ granting approval for a 5-year interim use permit for a Commercial Wedding Ceremony Venue
- 2/22/16 Planning Commission Minutes

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

RESOLUTION NO. 2016-__

A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR CAROL PALMQUIST TO ESTABLISH A COMMERCIAL WEDDING CEREMONY VENUE AT 12202 55TH 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, Carol Palmquist, residing at 12202 55th 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 February 22, 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 22, 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 five year Interim Use Permit to establish a Commercial Wedding Ceremony Venue at 12202 55th 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 access driveway be 18' wide and designed to a 7 ton standard to accommodate emergency service vehicles to the northerly extent of the parking area, or that the access driveway be 18' wide, designed to the 7 ton standard to the edge of the field and that the adjacent private drive remain clear during venues for emergency service vehicles.
- 3) That accessible parking be provided and signed as handicapped parking with an accessible path connecting the sanitary facilities and the public assembly area.
- 4) That the applicant maintains compliance with all applicable City Code standards for the duration of the interim use.
- 5) That the applicant enters into a consent agreement with the City in accordance with Section 154.107 of the City Code.
- 6) That the interim use is valid for a period of ~~ten~~ five 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.
- 7) The applicant/owner shall comply with Minnesota 1300.0190 for temporary structures and uses. Building permit and inspection will be required.
 - Temporary structure installer is required to submit a complete plan from the manufacture for installation including tie down instructions that conform to the 90 MPH wind loading in the Minnesota State Building Code.
- 8) Applicant must comply with all applicable requirements of the MN State Fire Code:
 - Chapter 24, "Tents, Canopies and other Membrane Structures of the 2007 Minnesota Fire Code.
 - Section 503, "fire Apparatus Access Roads", of the 2007 Fire Code.
 - Section 906, "Portable Fire Extinguishers", of the 2007 Fire Code.
- 9) That the applicant/owner maintain a contract to supply and maintain (4) temporary sanitary facilities while in operation and that at least one temporary sanitary facility be handicapped accessible and placed on an accessible route.
- 10) Any Portable power/ generators/ Heaters or other like equipment shall be placed/installed in accordance with the manufacture installation instructions and the applicable codes.
- 11) Applicant enter into a maintenance agreement with the City to maintain 55th Street west of Marquess Trail to the applicant's field road through the term of the Interim Use Permit

- 12) Submit an erosion control plan with any extension of the gravel entrance road.
- 13) Submit the results of an instrumented measurement of sound at the east and west property lines at the wedding ceremony site to demonstrate compliance with the City's noise ordinance.

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

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



**City of Lake Elmo
Planning Commission Meeting
Minutes of February 22, 2016**

Chairman Kreimer called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Haggard, Kreimer, Dunn, Larson, Griffin, Lundquist and Williams.

COMMISSIONERS ABSENT: Fields & Dodson

STAFF PRESENT: Planning Director Wensman

Approve Agenda:

The agenda was accepted as amended.

Approve Minutes: January 11, 2016

M/S/P: Williams/Kreimer move to approve the January 11, 2016 minutes excluding the vote on the November 23, 2015 minutes, ***Vote: 7-0, motion carried unanimously.***

Public Hearing Interim Use Permit Application – Commercial Wedding Ceremony.

Wensman started his presentation regarding the Palmquist Commercial Wedding Ceremony Venue. This request is for a 10 year interim use permit on an agricultural property at 12202 55th Street N. The applicant is requesting wedding ceremonies adjacent to the vineyard with turf parking. There would be 3-4 employees and up to 200 guests. There would be up to 4 events per week from May – October, with no more than 3 venues on any Saturday. Hours would be 10 am – 10 pm. The noise ordinance would be complied with and there would be a traffic attendant during venues. There will be trash receptacles and temporary tents that comply with code.

Access from the site would be off of 55th Street. 55th street becomes a gravel drive after Carriage Station. The engineer is concerned about long term maintenance. There are a couple of options 1) there could be a maintenance agreement or 2) they could require a paved cul-de-sac and assess the improvements. All activities will be taking place in an open field. There is no structure being used in this case, however, there would need to be restroom facilities. Staff is recommending approval with 12 conditions.

Williams asked about the tent. The ordinance states that it has to be taken down within 72 hours of the event. Based on the comment of the Building Official, will they need a permit each time a tent is put up. Wensman stated that yes they would.

Dunn asked about the storm water management plan. Wensman stated that the City is requiring upgrades to the driveway for safety purposes. Williams asked if there is a turn around. Wensman stated that there is not a structure and it is not as difficult of an entry.

Carol Palmquist, 12202 55th Street, is the applicant and stated that she has maintained the gravel road. She is not prepared to pay the assessment for a paved road or a cul-de-sac.

Kreimer asked why she is asking for 10 years for the IUP. Palmquist stated that she is asking for 10 years as she has additional expense to get the business off the ground.

Griffin asked about the field road. She is wondering how far it will go into the property and how wide it will be.

Public Hearing opened at 7:38 pm.

Chip Longacre, 12058 55th Street N, is dismayed that it is being made so difficult for Ms. Palmquist to make a little money from her property. The City has done a poor job of maintaining the gravel road in front of property.

Carolyn Cary, 5201 Linden Ave, wants the City to understand how to abate the noise. There are a number of environmental issues that have an impact.

Donna Sloan, 12208 Marquess Lane, she does not have a problem with this venue as long as it complies with the sound, traffic, and other issues. She would like to know what happens if it does not comply.

Wensman stated that if there is a problem, the City would contact Ms. Palmquist to bring it into compliance. If there is a chronic problem, staff would document that and take appropriate steps to revoke the permit.

There were no electronic or written comments.

Public Hearing closed at 7:49 pm.

Dunn does not think that the paved 7 ton road is necessary as her driveway is paved. She would like to see condition #2 removed. She is in support of this application.

Lundquist is concerned about the road and the path. She thinks there should be a condition that rectifies the problem. She is concerned that people coming to this venue will come up Manning.

Haggard wants to make sure that the street is safe and maintained. As far as the financial aspect, that is for the Council to decide. She is in support of this application. She would like to see number 4 include "responsible designee".

Williams is concerned about #6 stating for 10 years. He does not think the expenses mentioned relate to the length of the permit. He would like to see it be 5 years which would give the City the opportunity to review the wedding venue.

Williams thinks there needs to be a maintenance agreement, but what that is, is up to the City Council. He would also like to add a condition that the applicant submit a report regarding the noise levels.

Williams would like to see condition #2 remain as the applicant does not intend to use her primary driveway for the venue.

Lundquist stated that driving a fire truck or an emergency vehicle on a gravel driveway or field, is no different than driving on them at the county fair grounds.

Williams thinks that since this is a commercial application, we should stick to the commercial standards.

Griffin thinks it makes more sense to use the homeowner driveway for emergency access and then use a gate to the venue.

Wensman stated that he would be comfortable with the field road entrance at 18' wide and designed to a 7 ton standard and that the regular driveway be for emergency access and that the main driveway remain clear during all events.

The Commission would like Chief Malmquist to look at the driveway prior to this going to the City Council.

Move to amend condition #2 to read that the access road be 18 feet wide and be to a 7 ton standard to accommodate emergency vehicles to the northernly area of the parking area or that the private drive remain clear during the venue, **Vote: 7-0, motion carried, unanimously.**

Move to amend condition #6 to read "The interim use is valid for a period of five 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", **Vote: 7-0, motion carried, unanimously.**

Move to add condition number 11 that would be to enter into a maintenance agreement with the City regarding the maintenance of the road only through the term of the interim use, ***Vote: 7-0 motion carried, unanimously.***

Move to add condition number 12, to require an erosion control plan with any extension of the gravel entrance road, ***Vote: 7-0, motion carried unanimously.***

Move to add a condition 13 that the applicant is required to submit the results of an instrumented measurement of sound at the east and west property lines at the wedding ceremony site to demonstrate compliance with the City's noise ordinance, ***vote: 7-0, motion carried unanimously.***

M/S/P: Williams/Griffin, move to recommend approval of the Interim Use Permit for a commercial wedding venue based on the finding of facts in the staff report and with the 13 conditions of approval as discussed, ***Vote: 7-0, motion carried unanimously.***

Public Hearing – Open Space Development – Legends of Lake Elmo

Wensman started his presentation by showing the location of this development and presenting some of the background information from previous meetings. With the current plan, there are 40 lots and there are 5 outlots that are platted as ghost lots. These are held in reserve in case of ordinance change and will be held in reserve for future development. Staff is recommending that the 5 outlots be platted as one outlot as we do not know what will happen in the future and they will need to be replatted anyway.

A big discussion is the interconnectivity of neighborhoods for safety. Currently Sanctuary only has one access. The future of signalization at 50th Street and Manning is dependent on connectivity of neighborhoods. The County has made it clear that if the City does not have interconnected neighborhoods, they will not invest in signalization.

There was a new plan for the development submitted today that is in response to negotiations with the Heckers. Nothing has been finalized, as those negotiations are ongoing. Those negotiations include agreeing to screening to the north of the Hecker property and access management on 50th Street for driveway access to the Legends entrance. There is no park shown on this plan to connect to the Sanctuary Park as the slopes are high. There are 5 standards for open space in this type of development. There should be conservation easements, contiguous parcels not less than 10 acres (60% must meet this standard), maintained for the purposes for which it is set aside, maintained by the HOA and contiguous with adjacent open space. Buffering is still an issue to the Hecker parcel. The road and 3 parcels violate this setback. This is not fully resolved with the Heckers. This can be waived by 4/5 vote of the Council.

Parks is recommending to construct a trail to the Sanctuary Park and the rest of the dedication will be cash in lieu of park dedication. The City Engineer is recommending 50th street right of way and a trail.

The deviations from the OP Ordinance for this plan are that the homes are on the least fertile soils, Lots 4, 32 and 37 and entrance road are within the buffer area. The deviations require a 4/5 vote. Phase I is going to start to the North. Staff is recommending a condition that construction traffic access the site off of 50th street.

Haggard asked if the ghost lots were factored in for the open space. Wensman stated that they were not. Haggard asked about the trail maintenance. Wensman stated that it is in the public right of way and would be the City's responsibility.

Todd Erickson, representing Landucci Homes, talked about the trail system and the connection to the Sanctuary Park. They are concerned about connecting the Legends road to the Wedding venue driveway. Erickson stated that they are close to an agreement with the Heckers. He discussed some of the issues with the individual septic systems.

Public Hearing opened at 9:31 pm.

Carolyn Cary, 5701 Linden Ave, the roads in Sanctuary are narrow. They are curvy and have many blindspots. There are a lot of pedestrians and kids and others riding bikes, etc. in the street. The trail system in Sanctuary is shared with Carriage Station and will be shared with Legends. Any additional traffic will affect this trail system. She would like to see a trail connection and cul-de-sac rather than a connected road.

Michelle Chickett, 5711 Linden Ave, she agrees with previous speaker. She would like to refer to the ordinance that talks about the distinct neighborhoods. She thinks a Cul-de-sac is a good compromise. She presented MNDot data regarding the intersection at Manning.

Pamela Chickett, 5711 Linden Ave, she agrees with the previous speakers. She would like their neighborhood to be distinct and separate. She thinks there is more of a safety concern by making that a through street because it places the children in the neighborhood at risk.

Todd Nimmo, 11679 58th Street, he is opposed to Linden Ave going through. He believes that the dangers of running this road through far outweigh the benefits.

Danny Hecker, 11658 50th Street, they are heavily impacted on 2 sides by this development. They are not ok with the buffer setbacks being violated, but they have had some good conversations with Nate regarding options. They would prefer to keep their driveway, but that may not be an option.

Jessica Erickson, 5760 Lily Ave, she is opposed to the connection of Linden Ave for safety reasons. Their neighborhood is safe and peaceful, but increasing the traffic will change the feel of the development.

Mark Cotton, 11797 56th Street, agrees with previous comments.

Ben Backberg, 5693 Linden Ave, his lot is the closest lot that would be impacted by Linden going through. The research from MNdot is that the Manning intersection is one of the worst in the state. Lake Elmo only owns a portion of the road and Stillwater Township owns the rest.

Charles Cadenhear, 12190 Marquess Lane, he is a civil engineer and believes that MNdot will be required to provide access during construction times. He does not feel there is a need for a connection for those 2 developments.

There were 14 written comments received via email today. In effect, they are the same comments previously heard. Wensman read the names into the record and they will be attached to the minutes.

Public Hearing Closed at 10:10 pm.

Williams does not think it is clear in the staff report what the findings are. He would like to propose some findings as follows: 1) that the concept plan is consistent with the Comprehensive plan 2) Concept plan provides acceptable compromise of lot location and design 3) plan meets the density and open space requirements of the open space standards 4) the plan requires relaxation of the OP development standards in the following areas a) buffer encroachment of lots 32, 37 & 38 in the plan dated February 22, 2016 b) buffer encroachment of the entrance road by the Hecker property.

Larson wanted to know if the Cul-de-sac would impact the number of lots in the development. Landucci stated that at the last Planning Commission, they were directed to provide the connection. They could rework the Cul-de-Sac and it would not affect their lots. They are willing to go either way.

Williams is not comfortable with the idea of a Cul-de-Sac being this long. The City code does not allow it to be longer than 600 feet. He feels that it is not uncommon for there to be increased traffic when developments happen around them. There was a paved road planned to be connected when Sanctuary went in and he feels it should go through.

Haggard is torn in regards to the road going through. She believes if there is a connection, the roads in Sanctuary need to be maintained better. She asked about the

Cul-de-sac and if the City Engineer had comments about that. Wensman stated that they are not in favor as they are harder to maintain and snow plow. Lundquist asked about a round about to slow traffic. Erickson stated that roundabouts are typically used at a 4 way intersection, but they could look into that.

Larson stated that there a number of options to use to slow traffic like treads and bump outs.

Williams is suggesting an additional condition to read “to file an agreement with the City, between the developer and the Hecker family for a driveway from the new road and the buffer encroachments”.

Williams is also concerned about the configuration of the open space. There are a lot of long thin outlots that he does not feel meets the spirit of the ordinance. Haggard had the same concern and adding the ghost lots, will take some of the open feeling away. Kreimer is ok with it as shown as these are larger lots which makes it harder to accommodate the open space.

There is concern about the driveway for lot 40 from an access management standpoint. The Heckers are being required to remove their driveway and this lot might be creating the same sort of situation.

M/S/P: Williams/Haggard recommend approval of the Legends concept plan dated 1/25/16, based on the findings of fact as earlier discussed, and with the conditions as listed in the staff report, with the additional one regarding the agreement with the Heckers, **Vote 6-1, motion carried.** Dunn voted no as there are many developments with only one exit and entrance such as the Forest, Tana Ridge and Fields of St. Croix.

M/S/P: Williams/Lundquist, move to amend the motion to include the trail shown in the northwest corner on the concept plan dated 2/22/16 as part of the concept plan, **Vote 7-0, motion carried unanimously.**

Business item - Final Plat –Savona 4th

Wensman started his presentation regarding Savona 4th which is the final phase of the Lennar development. This phase is for 78 single family lots over 20.4 acres. This phase will complete 5th street from Keats to Boulder Ponds. This phase is LDR. The issues to discuss are setbacks, lot fit, landscaping and agreements. The setback issue is that LDR setback is principal building 10 feet and garage 5 feet. If there is living space behind the garage, what do you do? Preliminary Plat report talks about averaging. How should we move forward? Lot fit is that they lost some lots due to ponding and other issues and they are adding back 2 lots in this phase. They seem to still meet the requirements and staff feels it is acceptable. They would like to use the boulders from their development

for landscaping. The City engineer wants to review to ensure there is no problem getting to storm ponds. There are a number of agreements that need to be resolved.

Paul Tabone, Lennar, explained the phasing of the trail. He spoke about the lot fit and the setback issue. Lennar would like to continue with the setbacks that they used in 1st, 2nd and 3rd addition in 4th addition. He touched on adding 2 lots which conforms to the Preliminary Plat. They are working on finalizing the landscape plan. Tabone stated that they are meeting with staff next week to discuss the agreements. He explained some of the issues they are trying to work through.

Kreimer is concerned about the street names. They are not in a good sequence. It was in the Fire Chiefs comments. He would like the street names to be reviewed.

Williams would like 2 minor changes to the draft findings. On the 4th bullet point, he would like to add after requested by the City Landscape Architect the words "letter dated 2/10/16." On the last bullet after requested by the City Engineer the words "letter dated 2/15/16."

M/S/P: Williams/Larson, move to recommend approval of the Final Plat for Savona 4th addition with draft findings and conditions of approval included in staff report and as amended, **Vote 6-0, motion carried unanimously.** (Haggard left meeting early).

M/S/F: Williams/Larson, move that the Planning Commission endorse using aerially spaced boulders in erosion control structures pursuant to the landscape architect approval, **Vote 1-5, motion fails.**

M/S/P: Kreimer/Dunn, move that the Planning Commission endorse using boulders in erosion control structures pursuant to the landscape architect approval, **Vote 6-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move that the Planning Commission endorse the 7.5 foot average setback for Savona 4th addition and that in no case should living space be closer than 7.5 feet and also that the code be changed to increase the lot width and change the setbacks for future developments, **Vote 6-0, motion carried unanimously.**

Commission discussed increasing lot size and lot width from 65-70 and being strict with setbacks to 10 feet.

Council Updates – February 16, 2016 Meeting

1. Commercial Wedding Ceremony Ordinance – Passed.
2. Commercial Wedding IUP – Passed.
3. ZTA Senior Living – Passed.
4. Arbor Glen – Rezoning & Conditional Use Permit – Passed.
5. Appointment of Kristina Lundquist as 2nd Alternate.

Staff Updates

1. Upcoming Meetings
 - a. March 14, 2016
 - b. March 28, 2016

Commission Concerns

Lundquist is concerned about people driving on the walking path on 55th street. She would like to either see the road opened back up or to see it clearly marked as a trail.

Dunn wants us to stay on top the transportation issues so that people have safe access to highway 5 and highway 36.

Meeting adjourned at 12:27 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



PLANNING COMMISSION
DATE: 2/22/2016
AGENDA ITEM: 4C – PUBLIC HEARING
CASE #2016-04

City of Lake Elmo Planning Department
Interim Use Permit Request: Commercial Wedding Ceremony Venue

To: **Planning Commission**
From: **Stephen Wensman, City Planner**
Meeting Date: **February 22, 2016**
Applicant: **Carol Palmquist**
Owner: **Carol Palmquist**
Zoning: **A - Agriculture**

Suggested Order of Business

- Introduction..... Planning Staff
- Report by Staff..... Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing..... Chair
- Continue the Public Hearing to the February 8, 2016 meeting date..... Chair
- Discussion by the Commission Chair & Commission Members

Introductory Information

Requested Permit: The applicant is requesting approval of a 10 year Interim Use Permit to establish a commercial wedding ceremony venue on an Agricultural property located at 12202 55th St. N.

Application Summary: The requested interim use would allow a commercial wedding ceremony venue to be established on a 10.26 acre agricultural property located at 12202 55th St. N with the PID: 06.029.20.23.0006

The application details include the following:

Type of business: Commercial wedding ceremony venue.

On-Site Activity: wedding ceremonies in a vineyard with turf parking.

Employees: 3-4 part time (estimated).

Proposed number of guests: Up to 200.

Use Frequency: 4 times per week, maximum, from May through October with a maximum 3 hour duration for any single ceremony.

Hours of operation: 10 am – 10 pm.

Attachments: **Commercial Wedding Ceremony Venue Ordinance.**
Applications submittal: Written Statement, Proposal letter, Site Plan.
Building Official Memo dated 2/3/16.
Fire Chief Memo dated 2/3/16

Findings & General Site Overview

Site Data: *Lot Size:* 10.26 acres
Existing Use: Residential/Agricultural
Existing Zoning: Agricultural
Property Identification Number (PID): 06.029.20.23.0006

The proposed commercial wedding venue site is part of a 120 acre farm originally homesteaded by George Schindler. The site was farmed continuously until 1981 when it was subdivided and sold. In 1983, the Palmers purchased 10.26 acres of the farm, constructed a house and planted a small vineyard.

Proposal Review: The applicant is requesting a 10 year Interim Use Permit. Over the years, many people have asked the Palmers to hold wedding events on their property. Carol Palmer was the inspiration for the Commercial Wedding Venue Ordinance.

Minimum Criteria:

Under the ordinance, commercial wedding ceremony venues are an interim accessory use in the Agriculture zoning district on parcels 10 acres and greater. The site has the capacity to accommodate the use without altering its rural characteristics and will not affect the health, safety and welfare of the community. The proposed ceremonies will be held adjacent to the vineyard in an open field with good drainage. The open field will also accommodate the proposed parking that has easy access off of 55th Street N. 55th Street North is only accessible from Manning Avenue, so the impact on local roads and neighbors is minimal.

Adjacent Land Uses:

The proposal is an agricultural property of 10.26 acres in size which is surrounded by residential homes on three sides and commercial on the east. To assist in the evaluation of the proposal, staff has provided the approximate distance between the proposed field area for the venue to adjacent residential homes.

North: residential home approximately 800 ft. away.

South: residential homes, nearest approximately 450 ft. away.

West: residential home, approximately 500 ft. away.

East: commercial businesses.

Noise:

The owner will comply with the City's noise ordinance. The applicant will be purchasing a sound system for the venue and has the ability to cap the sound level. The applicant will enforce noise restrictions with the contractual agreement with customers and through use of posted signs. An existing stand of 20-40 foot Norway Pine trees surrounding the property will also provide a natural sound barrier.

Access/Traffic:

The applicant proposes utilizing the existing gravel field entrance off of 55th Street N to access the venue. The proposed parking area is on the open grass field parallel to 55th Street. The proximity to 55th Street will provide adequate emergency vehicle access. City Staff recommends that the access from 55th Street be at least 18' wide and designed to a 7 ton standard to accommodate emergency service vehicles to northerly extent of the parking area.

The applicant proposes to employ an attendant for each venue to direct traffic and to organize entering and exiting traffic. Temporary signs will also be used to guide traffic and to caution the 55th Street N trail users. 55th Street N is only accessible from Manning Avenue to the east, so there will be minimal impact on local streets or traffic.

Parking:

The performance standards for commercial wedding venues require parking to be 100' from residential property lines. The grass field parking easily meets this criterion.

On February 16, 2016, the Commercial Wedding Ceremony Venue ordinance was amended exempting such venues from the commercial parking lot surfacing and curbing requirements. The turf parking complies with the code requirements.

There are no accessible facilities proposed and none required by City Code.

Sanitary Facilities:

The applicant is proposing to use rented sanitation facilities (port-a-potties). According to Building Code, assembly for 200 guests would require 4 sanitary facilities of which one is required to be handicap accessible with an accessible path.

Lighting:

No site lighting has been proposed, but the applicant has stated that they will comply with city lighting regulations.

Buffering:

An existing 20-40 foot stand of Norway Pines surround field on the east and west sides buffering the use from adjacent residential properties.

Temporary Tents:

The applicant may utilize temporary tents with venues. The MN State Fire and Building Code have specific requirements for such structures. The City Fire Chief and Building Official have provided review comments (attached) which are recommended conditions of approval.

Required Findings:

In order for the City Council to approve the interim use permit, six findings must be met. Staff has listed each of the findings with comments in bold italics:

- 1) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations. ***In conformance with 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 dead-end street accessible from a Manning. The impact to the neighborhood will be negligible.***
- 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:

Conditions:

Based on a review of the applicable code sections, Staff is recommending that the Planning Commission recommend approval of the interim use permit based on the following:

- 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 access driveway be 18' wide and designed to a 7 ton standard to accommodate emergency service vehicles to the northerly extent of the parking area.
- 3) That accessible parking be provided and signed as handicapped parking with an accessible path connecting the sanitary facilities and the public assembly area.
- 4) That the applicant maintains compliance with all applicable City Code standards for the duration of the interim use.
- 5) That the applicant enters into a consent agreement with the City in accordance with Section 154.107 of the City Code.
- 6) 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.
- 7) The applicant/owner shall comply with Minnesota 1300.0190 for temporary structures and uses. Building permit and inspection will be required.
 - Temporary structure installer is required to submit a complete plan from the manufacture for installation including tie down instructions that conform to the 90 MPH wind loading in the Minnesota State Building Code.
- 8) Applicant must comply with all applicable requirements of the MN State Fire Code:
 - Chapter 24, "Tents, Canopies and other Membrane Structures of the 2007 Minnesota Fire Code.
 - Section 503, "fire Apparatus Access Roads", of the 2007 Fire Code.
 - Section 906, "Portable Fire Extinguishers", of the 2007 Fire Code.
- 9) That the applicant/owner maintain a contract to supply and maintain (4) temporary sanitary facilities while in operation and that at least one temporary sanitary facility be handicapped accessible and placed on an accessible route.

Motion

10) Any Portable power/ generators/ Heaters or other like equipment shall be placed/installed in accordance with the manufacture installation instructions and the applicable codes.

Staff recommends the Planning Commission recommend approval with the following motion:

“Motion to recommend approval of the interim use permit for a commercial wedding ceremony venue to be located at 12205 55th Street North with 11 conditions”.



To: Stephan Wensman, Planning Director

From: Rick Chase, Building Official

Date: 2/03/2016

Subject: Interim Use permit application (Wedding Ceremonies temporary structure).

Applicant: Carol Palmquist

Land Use Review comments request dated 1/29/16

Cursory Review Scope: This review was completed with the following information food and alcohol not served, temporary structure will be put in place each week an event is scheduled.

1. Based on the occupant load of 200 the required portable sanitary facilities is four. The sanitary facilities are required to be placed on an accessible route and one is required to be handicap accessible.
2. Temporary Accessible parking and signage is required.
3. The permit applicant/owner is required to comply with Minnesota 1300.0190 for temporary structures and uses. Building permit and inspection will be required. (See Attachment)
4. The applicant owner is required to comply with egress requirements in accordance with the Minnesota State Building Code.
5. Portable power/ generators/ Heaters or other like equipment will be placed/installed in accordance with the manufacture installation instructions and the applicable codes.
6. Temporary structure installer is required to submit a complete plan from the manufacture for installation including tie down instructions that conform to the 90 MPH wind loading in the Minnesota State Building Code.

Sincerely,

*Rick Chase
Department Of Building Safety
City of Lake Elmo*

Station #1
3510 Laverne Ave. No.
Lake Elmo, MN 55042
651-770-5006



Station #2
4259 Jamaca Ave. No.
Lake Elmo, MN. 55042
651-779-8882

LAKE ELMO FIRE DEPARTMENT

February 3, 2016

Following is my review related to the: "INTERIM USE PERMIT APPLICATION: Carol Palmquist is requesting an Interim Use Permit to operate a commercial wedding ceremony venue at 11202 55th Street N."

More specifically, items listed under "EVENT SPECIFICATIONS":

A. The number of guests would be set at a maximum of 200 persons

H. Temporary tents or canopies to be used in association with the events would be erected no more than one day prior to the event and would be removed no more than 72 hours following the event.

L Off-street parking plan will be indicated on Site Plan. Parking Plan will be incorporated within the client contractual agreement.

COMMENTS:

- Applicant must be in compliance with Chapter 24, "TENTS, CANOPIES AND OTHER MEMBRANE STRUCTURES" of the 2007 MINNESOTA FIRE CODE
- Applicant must be in compliance with SECTION 503, "FIRE APPARATUS ACCESS ROADS" of the 2007 MINNESOTA FIRE CODE
- Applicant must be in compliance with SECTION 906, "PORTABLE FIRE EXTINGUISHERS" of the 2007 MINNESOTA FIRE CODE
- All applicable requirements of the MN State Fire Code.

Applicant will be required to provide a submittal that addresses all code concerns related to the MN Fire Code.

Sincerely,

Greg Malmquist, Fire Chief

"Proudly Serving Neighbors & Friends"

I.U.P.

1. Land Use Form: Complete

2. Written statements:

a. Owner of Record

Carol A. Palmquist
12202 55th Street North
Lake Elmo Minnesota 55042
(651)439-0428

a. Surveyor:

Barry Stack
9090 Fairy Falls Road
Stillwater, Minnesota 55082
(651)439-5630

a. Designer:

Carol Palmquist

b. Address:

12202 55th Street North
Lake Elmo, MN 55042
Zoned Agricultural
10.07 Acres, more or less
PID: 06.029.20.23.0006

Legal Description: That Part of the SW $\frac{1}{4}$ - $\frac{1}{4}$ DES AS FOLL COM @SW COR SD 14-14 THN NO1

c. History:

Property was originally part of a 120A parcel homesteaded in 1854 by German immigrant, George Schindler and farmed by same. Schindler family offspring continued dairy and crop farming until 1964 when the Farm was sold. The agricultural tradition continued until 1981 when the Farm was divided and sold. The original homestead on 24 A, including the barn and granary continued to be used agriculturally. In 1983, 10.04 A more or less were split off the 24 A. I am the owner of the now 10.07 A more or less, on which, in 1989, I began planting grape vines. Both properties continue in the Agricultural tradition.

d. Proposed Use:

- i. Proposal Letter: See Attachment 2.d.i
-ii. Consent Agreement: See Attachment 2.d

e. Justification of Use:

- i. Ordinance No. 08-107. Commercial Wedding Ceremony Venues allowable in RT, A and RR
- ii. Precautionary measures to mitigate disturbance to neighboring property owners.

1. Noise

- a. Owner will purchase sound system for venue use. This enables the owner to control the volume and limit the sound decibel to 115dB.
- b. Owner will enforce noise regulation in the contractual agreement with the client.
- c. Owner has in place, mature 20-40' Norway pine trees surrounding venue area which act as a natural sound barrier.

2. Traffic:

- a. Owner will employ and staff a minimum of 1 attendant per each event to direct

traffic. This will control and organize the flow of vehicles as they enter, park and exit the venue.

- b. Owner will post temporary signs indicating driveway, as well as signs to mitigate speed and encourage caution for pedestrians/pets on the Lake Elmo walking trail and to enforce noise regulation.

3. Unsightliness:

- a. Portable, rented sanitation facilities will be discreetly placed.
- b. The entire venue area will remain grass, including parking area. There will be no Blacktop, gravel or other impervious surfaces in the vineyard or field (venue area).

iii. The use is compatible with the comprehensive plan and supports:

1. Preservation of rural lands
2. Enhancement of community's rural sense of place

iv. Not applicable - Primary residence

- v. There are no delinquent property taxes, special assessments, interest, or City utility fees due. (see Washington County records).

- vi. Applicant is requesting Interim Use Permit expiration date of 2025.

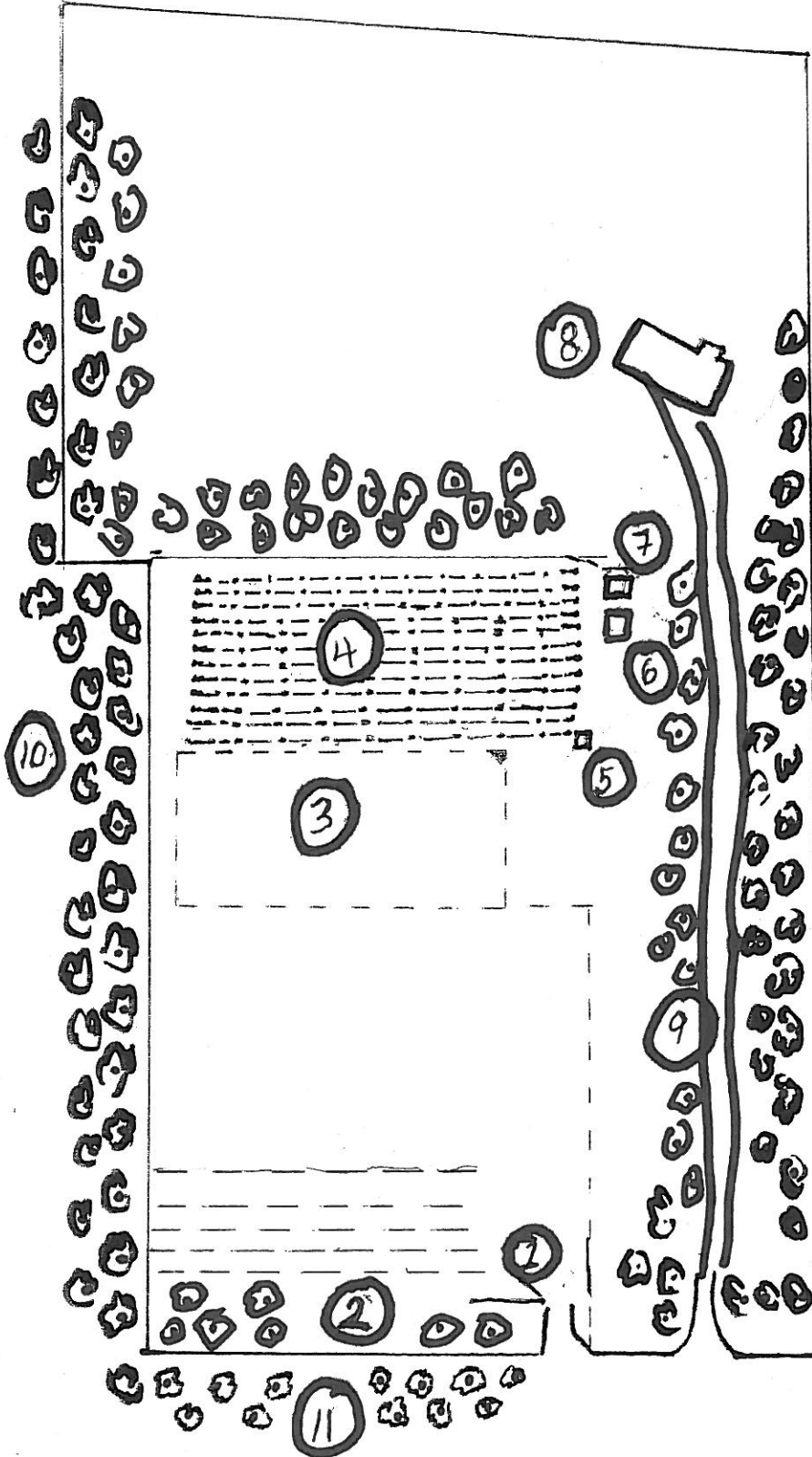
F. Attachments:

1. Verification of ownership
2. Address labels
3. To-scale site plan
4. Proposal letter (2.d.i)
5. Consent Agreement (2.d.ii)

CAROL PALMQUIST

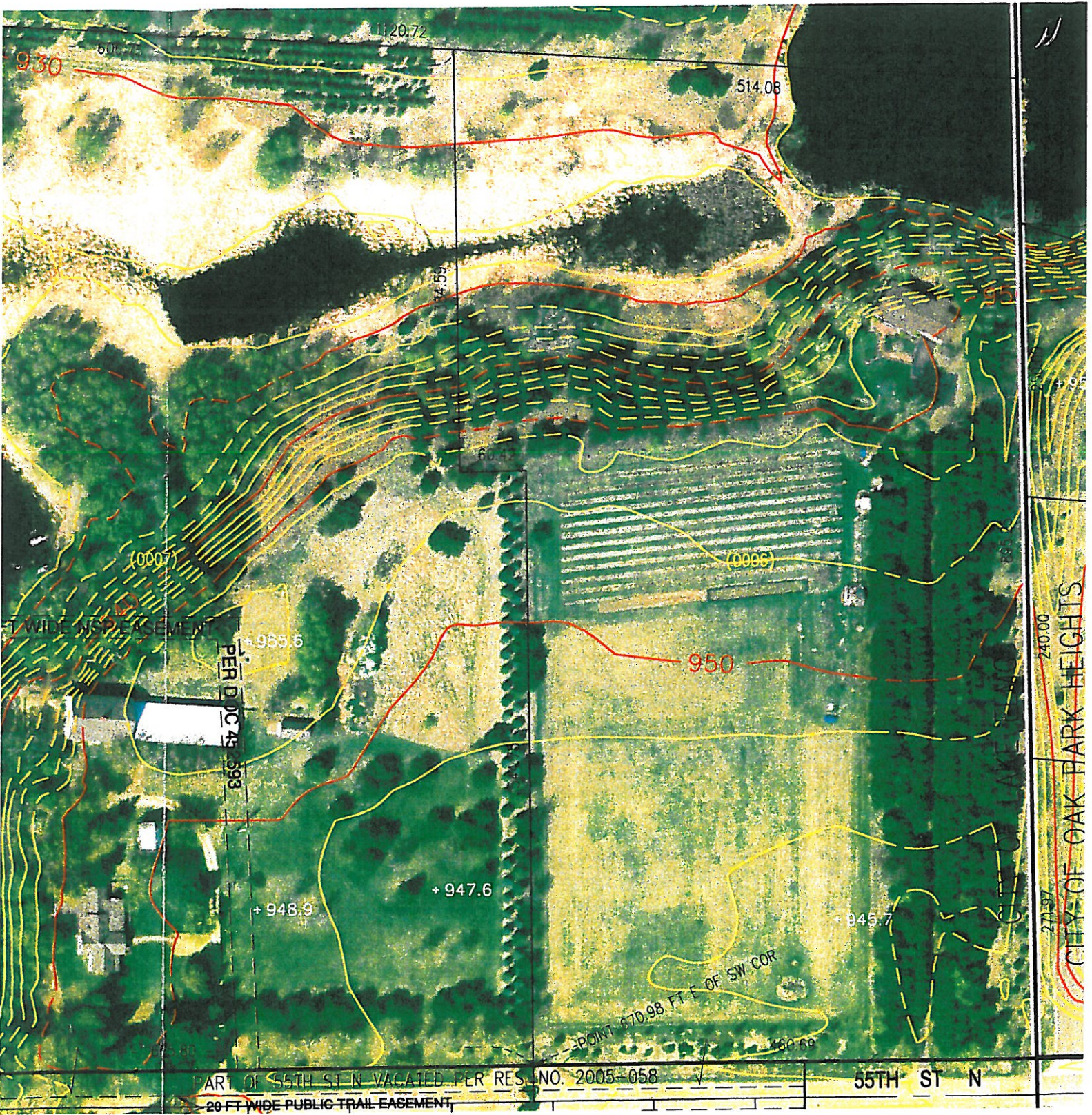
INTERIM USE PERMIT APPLICATION

Event Site Plan



LEGEND

- 1. Gate event access 20 ft
 - 2. Parking area 1.65 A
 - 3. Event area .47 A
 - 4. Vineyard .75 A
 - 5. Teahouse 64 sq ft
(for grandchildren use)
 - 6. Screen house 100 sq ft
 - 7. Garden shed 150 sq ft
 - 8. Residence 1344 sq ft
 - 9. Residence Driveway 734 ft length
 - 10. Screening trees > 30-40' Norway Pines
 - 11. Screening trees
- Total Event Area 2.53 A
Scale 1"=120'



LEGEND

- DNR PROTECTED WATERS
- DNR PROTECTED WETLAND
- DNR PROTECTED WATERCOURSE
- MUNICIPAL BOUNDARY
- PARK BOUNDARY

CONTOUR LEGEND

- 10 FOOT INTERVAL CONTOUR
- 2 FOOT INTERVAL CONTOUR
- DEPRESSION
- DASHED CONTOURS INDICATE QUESTIONABLE ACCURACY DUE TO GROUND VEGETATION
- SPOT ELEVATION

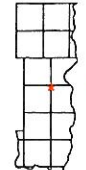


SCALE: 1 inch = 120 feet

SECTION-TOWNSHIP-RANGE INDEX

| | | |
|---------|---------|---------|
| 3603021 | 3103020 | 3203020 |
| 0102921 | 0602920 | 0502920 |
| 1202921 | 0702920 | 0802920 |

COUNTY VICINITY MAP



* = LOCATION OF THIS MAP

SECTION VI

| | |
|----|----|
| 22 | 21 |
| 23 | 24 |
| 32 | 31 |
| 33 | 34 |

ENT LIVED