



## MAYOR AND COUNCIL COMMUNICATION

DATE: 5/3/2016

**REGULAR**

ITEM #: 14 Public Hearing

**MOTION**

**AGENDA ITEM:** Interim Use Permit for a Commercial Wedding Ceremony Venue

**SUBMITTED BY:** Stephen Wensman, Planning Director

**REVIEWED BY:** Emily Becker, City Planner

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### SUGGESTED ORDER OF BUSINESS:

- Introduction ..... Planning Staff
- Report by Staff ..... Planning Staff
- Questions from the Council ..... Mayor & City Council
- Open the Public Hearing ..... Mayor
- Close the Public Hearing ..... Mayor
- Discussion by the Commission ..... Mayor & City Council
- Action by the Commission ..... Mayor & City Council

### 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 55<sup>th</sup> 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 2016-19 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.

Note: Since the Planning Commission meeting, Staff has determined the existing paved residential cannot serve as an emergency access for the Wedding Venue due to being more than 150 feet away from the gathering area. The applicant will need to pave the entrance drive to the field to a 7 ton standard, 18 feet in width to meet the Code requirements as originally written in condition number 2. Also, the conditions related to tent permitting, 7 and 8, are required by the building code regardless of them being a condition or not. The conditions have been included to inform the applicant of the building code provisions.

This item was pulled from the 4/19 City council agenda due to it being advertised in the alternate newspaper. Since then, the City learned it could only have a single local paper to advertise public notices.

**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), however condition two will not meet the need for emergency access. 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 2016-19 granting a 5-year Interim Use Permit for a Commercial Wedding Ceremony Venue with 13 conditions”.**

**ATTACHMENT(S):**

- Commercial Wedding Ceremony Venue Ordinance
- Resolution 2016-19
- 2/22/16 Planning Commission Minutes