



STAFF REPORT

DATE: 8/12/2019

REGULAR

ITEM #:

Unfinished Business

TO: Planning Commission

FROM: Ken Roberts, Planning Director

AGENDA ITEM: **Conditional Use Permit – Carmelite Hermitage of the Blessed Virgin Mary**

REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The City has received an application for a conditional use permit (CUP) to allow the construction of a place of worship (chapel) on the property of the Carmelite Hermitage at 8249 Demontreville Trail. This site within a Public and Quasi-Public Open Space zoning district. Places of worship (such as churches and chapels) are conditional uses in the Public and Quasi-Public Open Space zoning district.

On June 24, 2019, the Planning Commission held a public hearing about this request. The Commission reviewed the staff report and took testimony from several persons (for and against) the CUP for the chapel. The Planning Commission closed the public hearing for the CUP and took no action on the proposal to allow the applicant and the City to review the question and alternatives about access and direct access for the proposed chapel.

ISSUE(S) BEFORE PLANNING COMMISSION:

The Planning Commission is being asked to consider the request for the conditional use permit and the variance request about direct access and then make a recommendation to the City Council about these requests for the proposed chapel at the Carmelite Hermitage at 8249 Demontreville Trail.

PROPOSAL DETAILS/ANALYSIS:

Applicants: Carmelite Hermitage of the Blessed Virgin Mary, 8249 Demontreville Trail, Lake Elmo, MN 55042

Property Owners: Discalced Carmelite Nuns of St. Paul, 8251 Demontreville Trail, Lake Elmo, MN 55042

Location: ALL OF GOVERNMENT LOT 4, IN SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST, ACCORDING TO THE GOVERNMENT SURVEY CONTAINING 59.4 ACRES OF LAND. ALSO, THE SOUTH 30.6 ACRES

OF GOVERNMENT LOT 4 IN SECTION 4, AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4, ALL IN TOWNSHIP 029 RANGE 021, ACCORDING THE GOVERNMENT SURVEY, BEING THE SOUTH 688 FEET THEREOF. PID# 09.029.21.12.0002

<i>Request:</i>	Conditional Use Permit for a place of worship and religious institution
<i>Existing Land Use:</i>	Hermitage – A retreat for monks with a community building and garage, cloistered living area with courtyards
<i>Existing Zoning:</i>	PF – Public and Quasi-Public Open Space
<i>Surrounding Land Use / Zoning:</i>	North – Properties owned by Discalced Carmelite Nuns (8251 Demontreville Trail) and Jesuit Retreat House (8243 Demontreville Trail); South – Single-family homes (Rural Residential); East – Single-family homes (Rural Residential); West – Lake Demontreville
<i>Comprehensive Plan Guidance:</i>	2030 – Public/Park 2040 – Institutional. As noted the in the 2040 Comprehensive Plan, this land use category identifies land that is used for schools, religious institutions, City Hall, municipal buildings, libraries and other institutional uses.
<i>History:</i>	In December 1991, the City approved a variance (regarding code requirement for having frontage on a public road) and a master plan for the Carmelite Hermitage of the Blessed Virgin Mary. This master plan included a phasing plan showing four parts or phases and included a court, guest house /library, chapel, cloister, hermitage, community building and workshop. The variance noted that the applicant has a private recorded easement that allows access to the north from their site to Demontreville Trail North (across the adjoining properties). In October 2007, the City approved an amendment to the approved master plan to allow an additional accessory building (1,512 square feet) on their site.
<i>Deadline(s) for Action:</i>	Application Complete – 5-24-2019 60 Day Deadline – 7-23-2019 Extension Letter Mailed – No 120 Day Deadline – N/A
<i>Applicable Regulations:</i>	§154.210 – Off-Street Parking Article XIV: Public and Semi-Public Districts

Request. A place of worship in Lake Elmo is a conditional use in the Public and Quasi-Public Open Space district. The City approved the Master Plan for the Carmelite Hermitage in 1991 as previously mentioned in this report, but a conditional use permit was never obtained, as the use was considered permitted at that

time. The City adopted the Public and Quasi-Public Open Space ordinance in September of 2000, and this ordinance required conditional use permits for places of worship and set forth certain standards for such a use as well as other district requirements that are in place today.

Because the property does not have a conditional use permit as is required by the Zoning Code, the existing use is considered legal non-conforming. The City's ordinance states that the lawful use of a building or structure may continue, but that the continuation of the non-conforming use does not include expansion. Since the applicant is requesting expansion of the non-conforming use (by adding a chapel), the City must approve a conditional use permit for the entire property in order for the applicant to add the chapel and to bring the property in to compliance with current zoning requirements. (Note: Conditional use permits run with or are applicable to a specific property, not with a particular owner or person).

Use on Proposed Site. The proposed chapel would be to the west of the existing buildings and south of the existing driveway into the site. As shown on the plans, the chapel would be about 8,520 square feet in area with a height of 41 feet, four inches. The applicant noted in their project description that the chapel would be used for liturgical services and for personal prayer and would have seating for 42 guests in addition to the seating for the 12 members of their community.

They also state that since their community members live in a Hermitage and since their way of life is relatively secluded, they do not generate a significant amount of vehicle traffic. They are anticipating an average of 10-15 visitors a day to their site. They have two part-time employees to help maintain the grounds and buildings. The Hermitage is open to the public between 7:30 AM and 4:30 PM. They are not planning to hold regular church or public worship services in the chapel.

Setback and Impervious Surface Requirements. The following table outlines how the proposed use adheres to the setback and impervious surface requirements of the Public and Quasi-Public Open Space District.

Public and Quasi Public Open Space Zoning Standards		
Standard	Required	Proposed
Maximum Parcel Area	20 acres	90 acres
Lot Width – Minimum (at ROW)	100 feet	Approximately 1793 feet
Lot Depth – Minimum	150 feet	Approximately 2015 feet
Maximum Height	50 feet	Approximately 41 feet
Maximum Impervious Coverage	15%	1.2%
Front Yard Setback – Building	100 feet	Approximately 1000 feet
Interior Side Yard Setback – Building	100 feet	Approximately 900 feet
Rear Yard Setback - Building	100 feet	Approximately 1000 feet
Parking Lot Setback	100 foot	Approximately 200 feet

Standards for Places of Worship within the Public and Quasi-Public Zoning District. The following outlines standards for places of worship as outlined in the Public and Quasi-Public zoning district.

- a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial;
 - *Staff Comment.* The City approved a variance for the access to this site in 1991. There is an existing driveway that connects the property to Demontreville Trail that is in an access easement that has been in place since 1904. The City has classified Demontreville Trail as a major collector street.

- b. No use may exceed 235 gallons wastewater generation per day per net acre of land;
 - *Staff Comment.* It is unknown how much wastewater is generated, but it is assumed there is no more than 235 gallons being generated per net acre on a 90 acre site.
- c. No on-site sewer system shall be designed to handle more than 5,000 gallons per day;
 - *Staff Comment.* The proposed drainfield is 15,000 square feet in area and according to the SSTS design report dated May 8, 2019 is designed to handle 350 gallons of waste a day.
- d. Exterior athletic fields shall not include spectator seating, public address facilities or lighting;
 - *Staff Comment.* There are no exterior athletic fields.
- e. No freestanding broadcast or telecast antennas are permitted. No broadcast dish or antenna shall extend more than 6 feet above or beyond the principal structure.
 - *Staff Comment.* There are no broadcast or telecast antennas, existing or proposed.

Parking Lot Requirements.

The project plans show a new 18-vehicle parking lot to the west of the entrance driveway and to the northwest of the proposed chapel.

- *Maneuvering Area.* There is sufficient space in and around the parking lot so vehicles do not need to back in to the public street.
- *Surfacing and Drainage.* The majority of the parking lot would have curbing and would be paved with a durable surface. Stormwater drainage would be directed to the northeast to a new infiltration basin on the site.
- *Marking of Parking Spaces.* The Code requires parking areas with five or more spaces to be marked with painted lines at least four inches wide. The plans for the parking lot show striping to meet this requirement.
- *Curbing.* Open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb or barrier of normal height. The proposed parking lot meets this requirement.
- *Accessible Parking.* The proposed number of parking spaces is 18 and of these, one would be handicap –accessible, which meets the Americans with Disabilities Act (ADA) requirements.
- *Number of Parking Spaces.* The City’s parking requirements requires one space per six seats. There are 54 seats within the chapel so the Code would only require 9 parking spaces for the chapel. The applicant has proposed 18 parking spaces thus meeting this requirement.

Parking Lot Landscaping and Screening Standards

- *Perimeter Parking Lot Landscaping.* The proposed parking lot is located in the center of the property – well away from the street right-of-way and from any property lines. The existing trees on the site provide adequate screening and landscaping around the proposed parking lot.

Landscape Plans. The applicant has submitted surveys and project plans showing the existing landscaping and wooded areas on the property. Since the site has extensive areas of trees and the since the proposed chapel would not be removing any existing trees, staff does not recommend that the City review or require additional landscaping on the property.

Septic Drainfield. The existing drainfield is to the south of the existing building and the proposed chapel will not affect the existing drainfield. The project plans show a new drainfield to the south of the proposed chapel. This new drainfield will require a permit from the Washington County Public Health and Environment Department before installation.

Architectural Standards within the Public and Quasi-Public Open Space. The exterior design of the chapel is subject to the Performance Standards set forth in Section 154.600(F) of the Zoning Code. The proposed chapel would be constructed with a mix of brick, limestone, marble and have a green shingled roof. These materials meet the requirements for exterior materials as listed in the zoning code and the overall design meets or exceeds all the design standards set in Section 156.600 of the Zoning Code.

Fire Chief Review. I have attached the Fire Chief's review comments (dated June 5, 2019) for your consideration. Staff is recommending that the applicant meet all the requirements of the Fire Chief before the City issues a building permit for the chapel.

City Engineer Review. The City Engineer's review memo (dated June 17, 2019) is attached to this report. His comments are primarily about stormwater management for the project. He noted:

- The project will require a Valley Branch Watershed District (VBWD).
- The storm water facilities for this development should remain privately owned and maintained.
- The storm water facility 100-year HWL must be fully contained within the subject property and easement must be provided to protect the 100-year HWL flood area.
- The applicant shall provide drainage and utility easement over storm water BMP including the 100-year HWL and pond maintenance access road and access bench.

Recommendation Findings. Staff recommends the following findings:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The use of the property for religious facilities, including the proposed chapel, will not be detrimental or in any way endanger the public health, safety, comfort, convenience or welfare of the neighborhood or the City.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided for Public/Park in the 2030 Comprehensive Plan and Institutional in the proposed 2040 Comprehensive Plan. A place of worship is a conditional use in these land use designations.***
3. The use or development is compatible with the existing neighborhood. ***The use is compatible with the existing neighborhood. The religious facilities in this area were established in the 1950's and Hermitage has been on this site since the 1980's.***
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The existing and proposed uses meet all specific development standards for such use as listed in Section 154.600 Public and Quasi-Public Open Space.***
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management). ***The existing structures and the proposed chapel would be located outside the 0.2% annual chance floodplain and meets shoreland setback requirements.***

6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***The proposed chapel is compatible in appearance with the existing and intended character of the general vicinity and will not change the essential character of the area.***
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The existing religious facilities and the proposed chapel are not nor will they will be hazardous or create a nuisance.***
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The existing facilities and the proposed chapel are and will be adequately served by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools.***
9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***The existing facilities and the proposed chapel do not and will not create excessive additional requirements at public cost nor will the existing or proposed facilities on the property be detrimental to the economic welfare of the community.***
10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The existing and proposed uses will not excessively produce traffic, noise, smoke, fumes, glare or odors.***
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Vehicular approaches to the property do not and will not create and have not created traffic congestion or interfere with traffic. The number of additional vehicles expected on the property because of the new chapel is minimal and will be limited to certain times and days of the weeks.***
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. **N/A**

Recommended Conditions of Approval. If the Planning Commission wishes to recommend approval, staff recommends the following conditions:

- 1) The applicant must obtain all other necessary City, State, and other governing body permits and approvals before the commencement of any construction activity on the site. These include, but not limited to, a Valley Branch Watershed District permit, approval of revised plans by the City Engineer, a building permit and an on-site wastewater (septic) permit.
- 2) All items and changes outlined by the City Engineer in the memorandum addressing the Carmelite Chapel Conditional Use Permit and Site Improvements dated June 17, 2019 shall be incorporated into the project plans.
- 3) All items outlined by the Fire Chief in his memo dated June 5, 2019, shall be incorporated into the project plans and before the City issues a building permit for the project.

- 4) The applicant must provide written documentation demonstrating adequate wastewater management facilities exist or are proposed to serve the proposed chapel. This should include either a Washington County inspection compliance report for the existing on-site wastewater system or a wastewater management plan and permit approved by Washington County to serve the proposed chapel.
- 5) The applicant or owner receive a building permit from the City for chapel within 12 months of City Council approval of the conditional use permit.
- 6) If the applicant or owner has not taken action toward starting the chapel or if substantial construction of the chapel has not taken place within 12 months of the City's approval of conditional use permit, the CUP approval shall become void. The applicant or owner may request City Council approval of a time extension to start or implement the conditional use permit.

FISCAL IMPACT:

None

OPTIONS:

The Planning Commission may:

- Recommend approval of the Conditional Use Permit with recommended findings and conditions of approval.
- Recommend approval of the Conditional Use Permit with amended findings and conditions of approval.
- Recommend denial of the Conditional Use Permit, citing findings for denial.

RECOMMENDATION:

Staff is recommending approval of the Conditional Use Permit for the Carmelite Hermitage of the Blessed Virgin Mary including the proposed chapel for the property located 8249 Demontreville Road:

“Move to recommend approval of the conditional use permit for the Carmelite Hermitage including the proposed chapel for the property located at 8249 Demontreville Road with recommended findings and conditions of approval as drafted by Staff.”

ATTACHMENTS:

- Application Narrative dated May 24, 2019
- 4 City Maps
- Site Survey
- Certificate of Survey
- Engineering Project Plans (2 sheets)
- Architectural Plans (5 sheets)
- May 8, 2019 SSTS Design Report
- City Engineer Review Memo dated June 17, 2019
- Fire Chief Review memo dated June 5, 2019
- Neighbor comments (Falzone) dated June 16, 2019