

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

Resolution No. 2009-047

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN
AGRICULTURAL ENTERTAINMENT BUSINESS ON 65 ACRES FOR COUNTRY
SUN FARM AND GREENHOUSE**

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Richard and Eileen Bergmann on behalf of Country Sun Farm and Greenhouse (the "Applicants"), 11211 60th Street North, have submitted an application to the City of Lake Elmo (the "City") for an Agricultural Entertainment Business Conditional Use Permit for the entire 67 acres, to clarify existing uses on the site, and to build an overflow parking lot; a copy of which is on file at city hall;

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on November 23, 2009; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated December 1, 2009; and

WHEREAS, the City Council considered said matter at its December 1, 2009, meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the Board of Adjustment makes the following findings:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.018.

- 2) That all the submission requirements of said Section 154.018 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit for an Agricultural Entertainment Business would include the construction of a 39,900 square foot parking lot.
- 4) That the proposed Conditional Use Permit for an Agricultural Entertainment Business would encompass 65 acres (this does not include the approximately two acres of the parcel that falls to the south and east of 11459 60th Street).
- 5) The proposed Conditional Use Permit for an Agricultural Entertainment Business would supplant all previous CUP permits for this property and permit the following uses:
 - a. Corn Maze
 - b. Hay Ride
 - c. Petting Zoo / Farm
 - d. Haunted house
 - e. Seasonal Sales of related Christmas decorations (such as wreaths or other agricultural-type creations)
 - f. Children Activities and Games with an Agricultural component
- 6) That the proposed Agricultural Entertainment Business Conditional Use Permit meets the review criteria for Conditional Use Permits (Section 154.018) and the review criteria for Agricultural Entertainment Businesses (Section 154.033).
 - a. In 2008, the City of Lake Elmo approved Ordinance 08-006 which defined Agricultural Entertainment Business and identified the use as conditionally permitted in the Agricultural and Rural Residential zoning districts.
 - b. The addition of the overflow parking area would take advantage of existing disrupted areas as a result of work done by Northern Natural Gas.
 - c. The CUP for an Agricultural Entertainment Business at this time does not permit the increase of intensity of the uses, but instead clarifies the permissible uses on the site for staff and the property owners.
 - d. The conditions outlined in both Section 154.018 for Conditional Use Permits and Section 154.033 for Agricultural Entertainment Businesses are met.
 - e. The proposed overflow parking areas (both improved and grass) would reduce or eliminate the parking that may take place on State Highway 36 by visitors to the site.
- 7) That the following uses on the site are identified as a permitted use in the Agricultural or Rural Residential Zoning Districts:
 - a. Growing of field crops
 - b. Housing and Care of Livestock
 - c. Growing of Flowers

- 8) That the following uses on the site are identified as an Agricultural Sales Business or a Wayside stand, both of which are allowed/permitted within the Agricultural or Rural Residential Zoning District:
 - a. Seasonal Sales of fresh flower and plant material [if the products are produced on the premises or can meet the definition of "wayside stand"]
 - b. Seasonal Sale of pumpkins [if the products are produced on the premises or can meet the definition of "wayside stand"]
 - c. Seasonal Sale of Christmas trees [if the products are produced on the premises or can meet the definition of "wayside stand"]
- 9) That the following use on the site is identified as incidental to the property and is permitted in all zoning districts.
 - a. Halloween / Holiday decorations
- 10) That the following uses on the site are not allowed/permitted, nor conditionally permitted on the site:
 - a. Children Activities and Games without an Agricultural component
 - b. Seasonal Sales of fresh flower and plant material [if the products are NOT produced on the premises and can NOT meet the definition of "wayside stand"]
 - c. Seasonal Sale of pumpkins [if the products are NOT produced on the premises and can NOT meet the definition of "wayside stand"]
 - d. Seasonal Sale of Christmas trees [if the products are NOT produced on the premises and can NOT meet the definition of "wayside stand"]

CONCLUSIONS AND DECISION


Based on the foregoing, the Applicants' application for a Conditional Use Permit is granted, provided the following conditions are met:

- 1) The Applicants must obtain any required permits from the Valley Branch Watershed District and the Minnesota Department of Transportation.
- 2) The designated parking area shall be 30 feet from all property lines.
- 3) Trash containers must be located inside or screened in an acceptable manner.
- 4) The property owners may allow the discharge of firearms during times and dates that the business is not open to the public. This would allow the property owners to continue utilizing their land for private hunting purposes. The discharge of weapons must be in conformance with Lake Elmo City Code requirements.
- 5) The property owner shall give the city permission to conduct inspections of the property in order to investigate complaints or to provide necessary updates to the city files or City Council.
- 6) No additional structures or facilities related to the operation of agricultural entertainment activities shall be installed or utilized without written approval of the City.
- 7) Prior to the commencement of any further agricultural entertainment activities on the land approved hereunder, the applicant shall furnish a detailed sketch depicting the placement

of structures and activities for review and approval by the City for conformity with the approval.

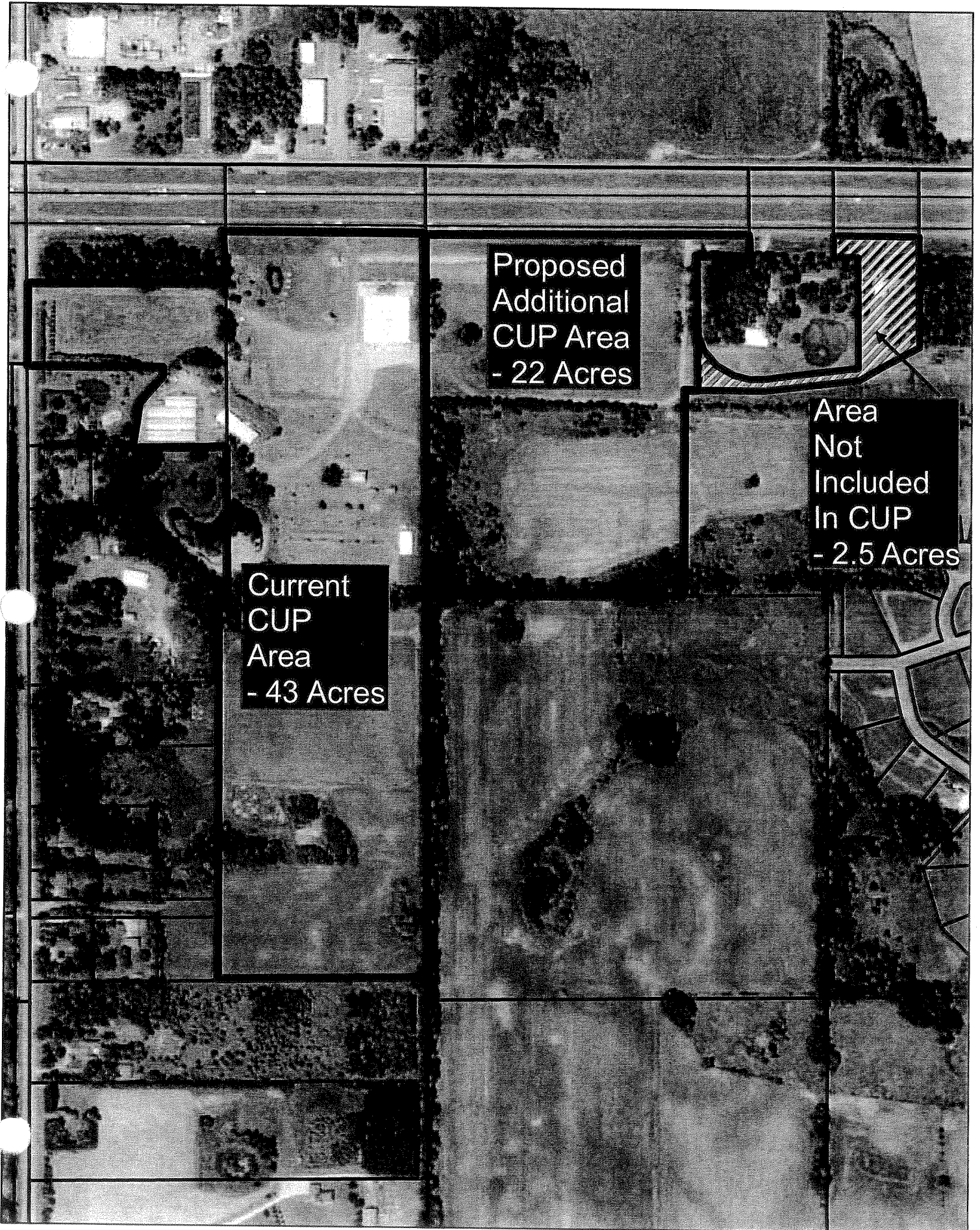
- 8) No activity that is not authorized or permissible on the existing lands shall be expanded or relocated onto the additional land approved for an agricultural entertainment use hereunder.
- 9) If dust complaints are received from the improved parking lot being proposed, the property owner shall implement an acceptable dust abatement technique.

Passed and duly adopted this 1st day of December 2009 by the City Council of the City of Lake Elmo, Minnesota.


Dean A. Johnston, Mayor

ATTEST:


Bruce Messelt, City Administrator



Current
CUP
Area
- 43 Acres

Proposed
Additional
CUP Area
- 22 Acres

Area
Not
Included
In CUP
- 2.5 Acres