



MAYOR AND COUNCIL COMMUNICATION

DATE: 07/02/2013

CONSENT

ITEM #: 10

AGENDA ITEM: Country Sun Farm and Greenhouses Interim Use Permit Renewal
SUBMITTED BY: Kyle Klatt, Planning Director
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/Presentation.....Staff
- 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:

The City Council is being asked to consider a request from Country Sun Farm and Greenhouses, 11211 60th Street North, to renew the Interim Use Permit related to its Agricultural Sales Business. As per the City Code, Staff sent out notices of the interim use permit renewal to all property owners within 350 feet of the request, and because there were no comments received within the specified time period, the applicant’s request for renewal may be acted upon by the Council without an entirely new application. Staff has amended the original consent agreement related to the interim use to incorporate a time extension and is asking that the Council authorize the Mayor to execute the updated agreement.

Although a Planning Commission review was not required in this instance, the Commission did discuss the renewal request at its June 24, 2013 meeting and made a recommendation to the City Council concerning the renewal.

Staff and the Planning Commission recommend that the City Council approve the Interim Use Permit renewal request from Country Sun Farm and Greenhouses by taking the following action:

“Move to approve a renewal of the Interim Use Permit for the Country Sun Farm and Greenhouses and to authorize execution of a revised Consent Agreement to reflect and extended time period for the Interim Use”

BACKGROUND AND STAFF REPORT:

There are a several conditions that were attached to the City’s original IUP review, which are documented as part of the attached consent agreement. The ones that warrant further consideration deal with: trip

generation, traffic management plan, master inventory of buildings and traffic count study. All other conditions have not been an issue over the past two years.

As an update to the other conditions, please note the following:

- **Trip Generation/Traffic Counts:** The interim use agreement establishes a maximum number of vehicle trips to the site that is partly based on limiting vehicle trips to no more than would be expected should the property develop for residential use. The applicant was also required to prepare a traffic count study for the business (including both daily and peak traffic counts) that was to be included with a request for renewal. In order to comply with this provision, the applicant purchased a traffic counting device that was used to log vehicle trips to the site throughout the 2012 fall season. The resulting data shows that for the majority of the days in October of 2012, the applicant was under the maximum daily traffic allowed (two times the base rate of 18 vehicle trips per 40 acres of land or 675 trips), but exceeded this amount on at least two of the days. The applicant is nowhere near the annual limit imposed by the interim use agreement. The peak number of trips was 947 trips in a day, with most being around or below the 700 number. Because the peak number only occurred on the two weekend days prior to Halloween (and may have been influenced by rainy days on the preceding weekend days) Staff does not recommend that the peak traffic counts be used to reject the renewal request, and instead would recommend that the applicant continue monitor trips to the site as requested by the City. Please also note that the traffic management plan is intended to help minimize the problems created by these periods of peak demand.
- **Traffic Management Plan.** The applicant prepared a plan for managing traffic that was presented to MnDOT last year, but was never formally permitted by the State. The primary component of this plan was a sign within the TH36 right-of-way that would warn drivers of slower traffic ahead. The applicant has stated that they will again submit a permit for review by MnDOT, and City Staff will work with the applicant to ensure that this plan is implemented.
- **Master Inventory of Buildings and Activities.** The applicant has submitted a map documenting the use of all buildings on the property and the location of all other activities taking place on the site. Staff has converted this information into a GIS file that may be used in the future to help document compliance with City regulations.

Staff is not aware of any other issues that have arisen in the past two years concerning the ongoing operation of the Country Sun Farm and Greenhouses sales business and recommended that the Planning Commission recommend renewal of the interim use. The applicant has requested an extension of 20 years for the interim use. Staff recommended that the interim use extension be granted for no more than five years due partly to its location along Highway 36 and the ongoing planning work that continues for the corridor. The Planning Commission recommended a 10-year renewal interval.

PLANNING COMMISSION REPORT:

The Planning Commission reviewed the request to renew the Interim Use Permit for the Country Sun Farm and Greenhouses at its June 24, 2013 meeting. The Commission did not find that the terms and conditions of the Interim Use warranted any further revisions, but did recommend that the IUP be extended for a period of 10 years instead of the 20 years as requested by the applicant.

RECOMMENDATION:

Based on the above background information and report, Staff and the Planning Commission recommend that the City Council approve the request to renew the Interim Use Permit for the Country Sun Farm and Greenhouses for a period of 10 years by taking the following action:

amendment to the Country Sun Farm and Greenhouses Conditional Use Permit to allow children's inflatable bouncers as one of the permitted activities on the site through the following motion:

“Move to approve a renewal of the Interim Use Permit for the Country Sun Farm and Greenhouses and to authorize execution of a revised Consent Agreement to reflect and extended time period for the Interim Use”

ATTACHMENT(S):

1. Consent Agreement – Interim Use Permit (Revised)
2. Building Site Inventory