



MAYOR AND COUNCIL COMMUNICATION

DATE: 07/02/2013

REGULAR

ITEM #: 17

AGENDA ITEM: Country Sun Farm and Greenhouses Conditional Use Permit Amendment
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 amend the existing Conditional Use Permit (CUP) related to its Agricultural Entertainment Business to allow for the inclusion of children's inflatable bouncers as part of the fall harvest sales activities conducted on the site. Because this CUP has been amended one other time, Staff is recommending that the City Council adopt a Resolution that amends only those sections of the original resolution pertaining to the current request.

The Planning Commission reviewed the CUP amendment request and recommends that the City Council approve Resolution No. 2013-53 through the following motion:

“Move to approve Resolution No. 2013-53 approving an amendment to the Country Sun Farm and Greenhouses CUP to allow children's inflatable bouncers”

BACKGROUND AND STAFF REPORT:

The City has undertaken several revisions to the zoning requirements for agricultural-related businesses in the past several years, and these regulations have varying degrees of impact on the Country Sun Farm operation, which has been in business in its current location for well over 30 years. Because of this history and subsequent growth and expansion of the business, it will be useful to first review how the City's zoning regulations apply to this site before discussing the current request. In summary, the following aspects of the Country Sun Farm are being regulated by the City of Lake Elmo:

- Agricultural activity and uses that are normally associated with a farm, including growing of crops, care of livestock, and other horticultural activities. All such uses are a permitted activity in the underlying zoning for the site.
- Agricultural sales of produce grown on the premises, including fresh flower and plant material, pumpkins, and other products. For the most part, this activity was in place at the start of the business and prior to many of the current agricultural business regulations. These activities are also considered a permitted use (if the products were grown on the premises).
- Greenhouses. Greenhouses are allowed as a Conditional Use in rural districts, and the Country Sun Farms has previously applied for and received such a permit from the City. It is not always clear in the historical record exactly what uses and activities were associated with Conditional Use Permit for Greenhouses on the site.
- Agricultural entertainment business activities. As part of recent updates to the Zoning Ordinance, the City now regulates certain activities as an agricultural entertainment business, which at one point required a Conditional Use Permit but now is regulated at an Interim Use. The applicant applied for and received approval of a Conditional Use Permit for certain agricultural entertainment activities as defined by the code prior to this change, and this is the permit that would be amended as part of the current request (and still is an active permit).
- Agricultural sales of any products from a permanent facility or grown off the premises. The most recent permit issued to the applicant was needed to allow the sale of agricultural products that are grown off the premises. This permit now regulates all of the agricultural sales that are being conducted in the current sales building and greenhouses and allows for produce to be sold that is grown off-site. This is the permit that the applicant has asked to renew.
- The property owned by Country Sun Farm is either zoned A – Agriculture or RR – Rural Residential.

Given the history of the applicant's site and the various permits that have been issued over the past 30 years, it can be somewhat difficult to fully understand how and under what rules various activities are permitted on the site. Essentially, there are two active permits on the property that regulate everything happening that is not otherwise permitted outright: a Conditional Use Permit that is governed by Resolution No. 2009-047 (and amended previously via Resolution 2012-38) and an Interim Use Permit that is regulated through an Interim Use Permit Agreement. These two permits now cover all of the Agricultural Sales and Agricultural Entertainment Uses on the property.

Please note the primary difference between a Conditional Use Permit (CUP) and an Interim Use Permit (IUP) is that a CUP is attached to the land and may continue indefinitely into the future while an Interim Use Permit is specifically tied to a specific use/user and is limited to a specific period of time.

The proposed CUP amendment being requested would revise Resolution No. 2009-047 and the subsequent Resolution No. 2012-038, which is attached for consideration by the Planning Commission. The specific sections to be amended are found under the heading of "Findings" and numbers 5 and 10. These are the sections that deal with uses that are allowed or not allowed as part of an Agricultural Entertainment Business. The proposed changes would allow children's inflatable bouncers as one of the activities that is specifically allowed under the CUP. Please note that the other sections of the original resolution would not need to be amended and include things like the required review criteria, a description of other site activities, and the conclusions and decisions. Given the relatively minor nature of the requested change, Staff does not find that any other sections need to be updated.

The proposed changes would need to be incorporated into the resolution as follows (the proposed new language is underlined):

FINDINGS

- 5) That the proposed Conditional Use Permit for an Agricultural Entertainment Business would supplant all previous CUP permit 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 that are clearly incidental and subordinate to the agricultural activities taking place on the premises. These activities shall include:
 - i. A ticket booth related to the permitted agricultural entertainment activities
 - ii. A Silly String (aerosol string) play area
 - iii. Gem mining activities intended to provide learning opportunities for children regarding historical mining practices in Minnesota
 - iv. Corn Pit
 - v. Children's inflatable bouncers
- 10) That the following uses on the site are not allowed/permitted, nor conditionally permitted on the site:
- a. Children Activities and Games unless identified under Finding (5.f) above
 - ~~b. Inflatable jump/bounce houses~~
 - ~~e.b.~~ Seasonal Sales of fresh flower and plant material not allowed as a Wayside Stand or permitted under an Interim Use Permit
 - ~~d.c.~~ Seasonal Sales of pumpkins not allowed as a Wayside Stand or permitted under an Interim Use Permit
 - ~~e.d.~~ Seasonal Sales of Christmas trees not allowed as a Wayside Stand or permitted under an Interim Use Permit

In the past, the Country Sun Farm and Greenhouse business has used inflatable bouncers, but ceased using them as part of the City's ongoing review of the operation. Due to the relatively small impact of the bouncers on the overall operation and because they function only as an ancillary activity to the main agricultural sales business, Staff recommended that the Planning Commission recommend approval of the CUP amendment to allow the bouncers as part of the applicant's permit.

PLANNING COMMISSION REPORT:

The Planning Commission conducted a public hearing on the applicant's request for a CUP amendment at its June 24, 2013 meeting. There were no public comments received regarding the application, the Planning Commission unanimously recommended approval of the amendment.

RECOMMENDATION:

Based on the above background information and report, Staff and the Planning Commission recommend that the City Council approve an 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 Resolution No. 2013-53 amending the Conditional Use Permit for Country Sun Farm and Greenhouses to allow children's inflatable bouncers as a permitted activity.”

ATTACHMENT(S):

1. Resolution No. 2013-53
2. Resolution No. 2012-38 (initial amendment)
3. Resolution No. 2009-47 (original resolution)