

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

RESOLUTION 2016-092

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN ADDITIONAL
ACCESSORY STRUCTURE FOR THE PROPERTY LOCATED AT 5699 KEATS AVENUE
NORTH*

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

WHEREAS, Rod and Diane Sessing, 5699 Keats Avenue North, Lake Elmo, MN 55042, (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit to allow an additional accessory structure at the property located at 5699 Keats Avenue North (the “Property”); and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on October 10, 2016; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated October 18, 2016, 2016; and

WHEREAS, the City Council considered said matter at its October 18, 2016 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That Subd. B of Section 154.406: Accessory Structures, Rural Districts, provides that additional accessory buildings may be considered in Agricultural and Rural Residential zones via a conditional use permit.

- 4) That the proposed Conditional Use Permit is to allow an additional accessory structure in a Rural Residential zoning district, at the property located at 5699 Keats Avenue North.
- 5) That the Conditional Use Permit amendment is granted for the property legally described as follows and commonly known as 5699 Keats Avenue North:

PT NW1/4 BEING THE S 1125FT OF THE W 1100FT OF SD NW1/4 OF SEC 2 EXCEPT THE W 660FT OF THE S 825FT THEREOF-SUBJ TO SUBJ TO EASE OVER W 33FT FOR KEATS AVE EXCEPT: THE SOUTH 400 FEET OF THE EAST 440 FEET OF THE WEST 1100 FEET OF THE NW1/4 OF SEC 2 Section 02 Township 029 Range 021. PID#: 02.029.21.23.0003

- 6) 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 proposed use would not make a major impact on the property. The proposed accessory structure would be located in an area that is of lower grade than the rest of the property and is mostly screened from view from the street and adjacent properties.
- 7) The use or development conforms to the City of Lake Elmo Comprehensive Plan.
The proposal is consistent with the Comprehensive Plan in that the property is guided for Rural Area Development. The Comprehensive Plan proclaims that "existing operating agricultural uses and qualifying alternative uses that preserve the open space within the community shall be supported. These uses shall be encouraged to continue operations and to retain large land holdings that contribute to operating efficiency...the City shall affirmatively establish and pursue specific strategies and seek resources to assist existing agricultural uses in remaining a viable alternative to urbanization for landowners, consistent with the concept of "a right to farm.""
- 8) The use or development is compatible with the existing neighborhood.
The use is compatible with the existing neighborhood, as similar accessory structures exist on some surrounding properties. The additional accessory structure is not expected to make a significant impact on the property.
- 9) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.
There are no specific development standards for additional accessory structures listed in Article 7 of this Chapter. However, Article 5, Section 154.213 sets forth standards for Accessory Buildings and Structures, Generally. Provided conditions are met, the proposed accessory structure meets these standards.
- 10) 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 property is located in an area of minimal flood hazard.
- 11) 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 use of an additional accessory structure is not expected to change the essential character of the area, as the area surrounding the Applicant's property has historically been used for active farming, and the proposed building will be located in such a manner that it will not be directly visible from surrounding properties. Additionally, former farm sites with multiple accessory buildings are not uncommon in this area.

- 12) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.

The proposed parking lot expansion will not be hazardous or create a nuisance, as the parking lot will accommodate an increase in attendance that the existing parking lot does not.

- 13) 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 proposed accessory structure is claimed to be needed to store equipment, produce, and animals. If used as proposed, the additional accessory structure would reduce exterior storage of equipment on the property, possibly reducing a perceived nuisance.

- 14) 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 proposed use is expected to be served adequately by the aforementioned.

- 15) 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 proposed use is not expected to create additional requirements at public cost or be detrimental to economic welfare.

- 16) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

The proposed use will likely create not create traffic congestion or interfere with traffic on surrounding public thoroughfares, provided conditions are met.

- 17) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Conditional Use Permit to allow an additional 2400 square-foot accessory structure on the property located at 5699 Keats Avenue North is granted, subject to the following conditions:

- 1) The accessory structure must obtain all applicable permits, including a Valley Branch Watershed District permit if applicable, building permit, and grading permit if moving more than 50 cubic yards of material per acre.

- 2) The proposed structure shall not adversely affect drainage or cause excessive stormwater runoff to neighboring properties.
- 3) The accessory structure must comply with all other building, zoning and City requirements before a building permit is issued.
- 4) The accessory structure must not be used for storage of hazardous materials.
- 5) If applicable, the property must be in compliance with all Minnesota Pollution Control Agency requirements.
- 6) Agricultural Sales Business operations are not permitted on the property unless an Interim Use Permit is obtained for such a use.
- 7) The property must comply with all standards of Chapter 95: Animals and Chapter 96: Nuisances, of the Zoning Code.
- 8) The property must maintain existing screening provided by trees on the west and south sides of the property.
- 9) All farm equipment must be stored inside after use. Exterior storage shall be kept at a minimum. Exterior storage or inoperable equipment is not allowed.
- 10) The use of the proposed additional accessory structure shall be restricted to agricultural activities only. It must not be used for storage of personal automobiles, home-based business activity, or other non-agricultural equipment.
- 11) Agricultural production must be maintained on the property. The property shall be subject to at least an annual inspection.
- 12) The Conditional Use Permit shall become invalid if the property subdivides or is rezoned to a higher-density zoning classification.

Passed and duly adopted this 18th day of October, 2016 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk