



STAFF REPORT

DATE: 11/14/22

REGULAR

ITEM#: 4b – PUBLIC HEARING

MOTION

TO: Planning Commission
FROM: Ben Hetzel, Lake Elmo City Planner
AGENDA ITEM: 8243 Demontreville Trail N Conditional Use Permit

INTRODUCTION:

The Jesuit Retreat House recently submitted a conditional use permit application to amend an existing conditional use permit to allow the construction of a 10 person guest house at 8243 Demontreville Trail N (PID 0402921340004) with a building footprint of 5,555 square feet. Each guest room will have a full bathroom and the guest house is proposed directly northeast of the existing main building. The existing main building houses a dining room, kitchen, chapel, offices and meeting space. The applicant has indicated that the long term goal is to complete the proposed guest house and renovate existing guest homes to decrease the number of guest rooms and increase the number of toilets. As per the applicant, the additional guest house will not increase the capacity of the site long term. Some rooms in existing guest houses will be eliminated, then accounted for in the new guest house.

History

The Jesuit Retreat House property is located on the eastern shore of Lake Demontreville, and the Retreat House owns approximately 103.3 acres that house various facilities. The property is used as a retreat center for men and provides activities such as religious services, counseling, and meals. The use for the property is considered a religious institution.

Religious Institutions means establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

Resolution No. 2011-018 was granted by the City on May 3, 2011 approving a conditional use permit amendment to allow the construction of an earth-sheltered maintenance shop and greenhouse. Prior to 2011, City staff determined that the use predated the City's zoning ordinance at the time and any expansion would require a conditional use permit in order to be permitted onsite. It was determined that the proper procedure would be to review any expansion or alterations on the site as though a conditional use permit was previously granted, therefore the applicant was granted a conditional use permit amendment. The site was found to have a maximum capacity of 73 men based upon the number of rooms available at the time.

ISSUE BEFORE PLANNING COMMISSION:

The Planning Commission is being asked to hold a public hearing, review, and make a recommendation on the requests to approve a conditional use permit amendment to construct a 10 person guest house.

REQUEST DETAILS/ANALYSIS:

<i>Applicants:</i>	Jesuit Retreat House
<i>Property Owner:</i>	Jesuit Retreat House
<i>Location:</i>	8243 Demontreville Trail N
<i>Request:</i>	Conditional Use Permit amendment for the construction of a 10 person guest house.
<i>Site Area:</i>	Subject Parcel is 9.6 Acres. Jesuit Retreat House Owns 103.3 total acres.
<i>Existing Land Use:</i>	Large commercial building under construction
<i>Existing Zoning:</i>	Public Facilities
<i>Surrounding:</i>	Public Facilities
<i>Comprehensive Plan:</i>	Institutional
<i>Deadline for Action:</i>	Application Complete – 10/26/22 60 Day Deadline – 12/26/22 Extension Letter – NA
<i>Regulations:</i>	Article XVI Public and Semi-Public Districts Article XIX Shoreland Management Overlay District

Religious Institutions

According to Article XVI Public and Semi-Public Districts of the Lake Elmo City code, a religious institution shall be evaluated based on the standards and criteria set forth in LEC 105.12.290 for conditional use permits and provided that the specific use standards below are met.

- a) Direct access is provided to a public street classified by the comprehensive plan as a major collector or arterial. ***Demontreville Trail N is classified as a major collector street in the 2040 Comprehensive Plan.***
- b) No use may exceed 235 gallons of wastewater generation per day per net acre of land. ***The maximum allowable wastewater amount generated is 24,275.5 gallons per day. The site currently generates 1,714 gallons per day. An additional guest house will not increase the generated wastewater to the maximum amount. The guest capacity is not intended to increase long term.***
- c) No on-site sewer system shall be designed to handle more than 5,000 gallons per day. ***The proposal indicates that the future guest house will be connected to an existing inactive sewage system known as Keegan System 2. Keegan System 2 has been inactive since 2016. The applicant has indicated that there are a total of four existing sewer systems onsite and none of them exceed 5,000 gallons per day.***

- d) Exterior athletic fields shall not include spectator seating, public address facilities or lighting. ***There are no existing or proposed athletic fields on this site.***
- e) No freestanding broadcast or telecast antennas are permitted. No broadcast dish or antenna shall extend more than six feet above or beyond the principal structure. ***There are no existing or proposed broadcast or telecast antennas on this site.***

Onsite Sewage Treatment Systems

The applicant has indicated that there are four individual septic systems onsite with the following capacities. City staff recommends receiving written confirmation from the sewage treatment system permitting authority the existing system is functional and sized appropriately for the proposed guest house.

- 1) Manresa System: 450 gallons/day
- 2) Regis System: 1,500 gallons/day
- 3) Keegan System 1: 2,100 gallons/day
- 4) Keegan System 2: 1,225 gallons/day

Primary Exterior Surfacing

Exterior surfacing of structures shall be limited to natural brick, stone, or glass within the Public and Semi Public districts according to City code. Primary exterior surface is defined as not less than 70 percent of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. The exterior of the proposed guest house was designed in manner to match the exterior of the existing main building, which is primarily made up natural brick. The proposed building materials are shown below.



Parking

Religious institutions require one space for each permanent and temporary four seats based on the design capacity of the main assembly hall. Additional parking has not been proposed as this proposal does not involve an increase to the capacity of a main assembly hall. The capacity of guests onsite is not increasing long term.

Guest Room Count

Currently, there are six buildings on the property that contain guest rooms. There would be a total of seven upon completion of the proposed guest house. Below shows the current room counts per existing building and post room counts once the new guest house is completed and old guest house renovations are completed.

Building Name	Current Room Count	After Renovations
Manresa	18	16
Regis	17	14
Campion	13	10
Loyola	11	10
Bellarmino	8	7
Xavier	5	6
Total	72	63

+10 rooms for the new guest house, the total would be **73 guest rooms** upon completing existing guest house renovations and new guest house.

REVIEW COMMENTS

City Engineer

The City should consider the potential impacts to the facility's private wastewater drain field system. It is therefore recommended that the city obtain from the applicant written documentation from the drainfield permitting authority that no expansion is necessary.

Fire Department (Memo dated 10/31/22)

1. Roads and drive lanes shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses.
2. An approved signage and marking plan shall be determined for all No Parking and Fire Lane Access.
3. Fire hydrants shall be provided in approved locations.
4. Building address numbers and name shall be plainly visible from the street fronting the property.
5. A Fire Department lock box is required for emergency access to the building at an approved location.
6. The fire sprinkler system shall be installed compliantly with code.
7. Fire department sprinkler connection locations to be approved prior to install.
8. The fire alarm system shall be installed compliantly.
9. The sprinkler system shall be property monitored.
10. Install emergency egress illumination in the means of egress.
11. Install compliant exit signage.

12. Install dry chemical fire extinguishers certified for service and tagged as required.
13. Rooms containing controls for air conditioning systems, roof access, elevator equipment, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department.

Landscape Architect (Memo dated 10/31/22)

1. The applicant has demonstrated that a mitigation for a tree preservation plan is not needed as the overall site is wooded beyond those surveyed on the plan, thus does not exceed to 30% removal and replacement threshold.
2. A landscape plan has been submitted but does not meet all code requirements.

RECOMMENDED CONDITIONAL USE FINDINGS

Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met. 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 proposed use will not endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the City. The existing use has been onsite for over 70 years. An additional guest house is consistent with the continued use.*
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. *The site is already zoned in conformance with the comprehensive plan.*
3. The use or development is compatible with the existing neighborhood. *The proposed use is compatible with the existing neighborhood. Surrounding parcels are owned by the Jesuit Retreat House or used for similar religious purposes.*
4. The proposed use meets all specific development standards for such use listed in the Zoning Code. *The use meets all the specific development standards for a religious institution set forth in LEC 105.12.970(b)(2).*
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 Article XIX (Shoreland Management) and Title 100 (Flood Plain Management). *The proposed use is within a Shoreland Management District and meets all the specific standards in Article XIX.*
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 design of the proposed structure is intended to match the appearance and character of the existing nearby main building.*
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. *The use is not hazardous and will not 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 proposed use will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage structures, and refuse disposal. The proposed structure will be served by a private well and sewer system.***
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 proposed use will not create excessive additional requirements at a public cost.***
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 proposed structure is for an existing established use that will not produce excessive traffic, noise, 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. ***The proposed structure will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. The main access point onto Demontreville Trail N is approximately 0.3 miles away along a private driveway. The long driveway reduces the chances for traffic congestion on public thoroughfares.***
12. The proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance. ***The use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance.***

FISCAL IMPACT:

None

RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant must obtain all other necessary City, State, and other governing body permits and approvals prior to the commencement of any construction activity onsite.
2. All recommendations in the Landscape Architect's memorandum dated 10/31/22 shall be met prior to any construction activity.
3. All conditions in the Fire Chief's memorandum dated 10/31/22 must be met prior to any construction activity.
4. The applicant shall provide the City written documentation from the sewage treatment system permitting authority that the existing drainfield is functional and sized appropriately for the proposed guest house prior to any construction activity.
5. The maximum guest capacity shall be limited to 73 individuals. Any increase in the maximum number of guest shall require approval from the City of Lake Elmo.
6. If the applicant has not taken action toward starting the guest house or if substantial construction of the guest house has not taken place within 12 months of the City's approval of the conditional use permit, the CUP approval shall become void. The applicant may request City Council approval of a time extension to start or implement the conditional use permit.

PUBLIC COMMENT:

A public hearing notice was sent to surrounding property owners on November 2, 2022 and published in the Stillwater Gazette on November 4, 2022. Staff has received any public comments at this time.

OPTIONS:

The Planning Commission may:

- Recommend approval of the requests.
- Recommend approval of the requests with conditions.
- Recommend denial of the requests, citing findings of fact for denial.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the conditional use permit amendment to construct a 10 person guest house at 8243 Demtreville Trail N.

“Motion to recommend approval of the request from the Jesuit Retreat House to amend a conditional use permit to allow the construction of a 10 person guest house at 8243 Demontreville Trail N.”

ATTACHMENTS:

- 1) Land Use Applications
- 2) Written Statements
- 3) Location Map
- 4) Plan Set
- 5) Exterior Building Material Picture
- 6) Existing main building picture
- 7) City Engineer Email Dated October 21, 2022
- 8) Fire Department Memo dated October 31, 2022
- 9) Landscape Architect Memo dated October 31, 2022