



DATE: October 28, 2019

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Mike Mrosła, Community Development Manager/City Planner
Jane Kansier, AICP, Planning Consultant

SUBJECT: Planning Case #19-014 – Public Hearing Required
Applicant: Mounds View High School
Property Location: 1901 Lake Valentine Road
Request: Interim Use Permit

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

For Council Consideration

Motion to adopt Resolution 2019-035 approving an Interim Use Permit to allow the then temporary use of the building at 1901 Lake Valentine Road for a temporary weight room/fitness center.

Background

Mounds View Public Schools has applied for an Interim Use Permit (IUP) to allow the existing building on the property at 1901 Lake Valentine Road to be temporarily used as the weight room/fitness center for Mounds View High School. This property is zoned R-1, Single Family Residential and is part of the Mounds View High School Planned Unit Development.

Requested Action:

Interim Use Permit

Interim Use Permits are intended to allow uses that may be appropriate in a zoning district on a temporary basis, provided specific conditions are met. The IUP process is dictated by Section 1355.04, Subd. 7, of the City Code. According to this section, the purpose and intent of an IUP is:

1. To allow a use that is presently acceptable, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective zoning district.
2. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

Suggested Findings of Fact:

Staff offers the following findings of fact for consideration:

1. The use is allowed as an interim use in the underlying zoning district and conforms to the zoning regulations;
This site is a PUD with an underlying zoning of R-1. Schools are permitted as a CUP or a PUD in the R-1 district. The proposed interim use is an extension of the existing school.
2. Permission of the interim use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
There are no additional costs to the public. The use will be conducted in an existing building, and minimal improvements have been made. Further, there are no plans for public improvements in this area.
3. The use will not adversely impact nearby properties through nuisance, noise, dust, glare, or unsightliness, and will not otherwise adversely impact the health, safety, and welfare of the community;
The use of this building for this purpose will not create a nuisance or impact the health, safety and welfare of the community. The proposed use is less intensive than the previous use as a bus garage.
4. The use will not adversely impact traffic and parking;
The facility will only be used by students at Mounds View High School during the hours of approximately 7:00 AM to 5:00 PM. No additional parking will be required.
5. The use will not adversely impact implementation of future amendment to the City's Comprehensive Plan;
This site will be designated for Public & Institutional uses. This use is consistent with that designation.
6. The date or event that will terminate the use is identified with certainty;
The Applicant has indicated this use will be discontinued upon completion of the weight room/fitness center in the high school building, or no later than October 1, 2020.
7. The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant, and/or user has no entitlement to an extension of the Interim Use Permit;
Upon approval of the IUP, the applicant will be asked to sign a consent agreement.

8. The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon expiration of the interim use permit;
Upon approval of the IUP, the applicant will be asked to sign a consent agreement.
9. There are no delinquent property taxes, special assessments, interest, or City utility fees due upon the subject parcel;
There are no property taxes or other fees owed.
10. The term of the interim use does not exceed three (3) years;
The interim use will be slightly less than one year from the date of approval. After October 1, 2020, the use of the building is intended for cold storage and vehicle parking.
11. The property has not been a recipient of a previous interim use permit. A property that has received an interim use permit for an interim use listed in [1320.05](#), Land Use Chart, shall not be eligible for another interim use permit of the same use;
No previous interim use permits have been issued on this site.
12. Any special requirements in [Section 1320](#) for a particular interim use are met.
Section 1320 lists no special requirements for this use.

Recommendation:

The Planning Commission reviewed this application at their October 9, 2019 meeting. At that time, they recommended approval of the Mounds View High School application for an Interim Use Permit, based on the suggested findings of fact and subject to the listed conditions, by a 7-0 vote.

Council shall consider:

Adopting a motion approving the Interim Use Permit via the attached resolution.

Motion Language Option

1. Approve with Conditions: Motion to *approve* Planning Case 19-014 for an Interim Use Permit at 1901 Lake Valentine Road, based on the above-listed findings of fact and submitted plans, subject to the following conditions:
 1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to the plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
 2. The area used for the weight room/fitness facility shall not exceed 3,200 square feet and shall be confined to the location shown on the building permit and plans on file at the City.

3. The facility shall be used for school classroom use only and shall not be open to the general public.
 4. Hours of operation for this use are limited to 7:00 AM to 5:00 PM on Monday through Friday. No after-hours use is permitted.
 5. No vehicles of any kind shall be parked or stored within the building while the IUP is in effect.
 6. The Interim Use Permit shall be in effect until 5:00 PM on October 1, 2020.
 7. No extension of the IUP shall be permitted without City Council approval. The Applicant is not entitled to an extension of this permit.
 8. All weight room and classroom equipment must be removed from the facility by 5:00 PM on Friday, October 2, 2020.
 9. Once this IUP expires, any use of the existing building at 1901 Lake Valentine Road (PID 21302334005) other than cold storage will require an amendment to the approved PUD. Any changes made to the building for the storage use will require a building permit.
 10. Any violation of the conditions of this Interim Use Permit may result in revocation of the permit.
2. Approve without Conditions: Motion to *approve* Planning Case 19-014 for an Interim Use Permit at 1901 Lake Valentine Road, based on the above-listed findings of fact and submitted plans.
 3. Denial: Motion to *deny* Planning Case 19-014 for an Interim Use Permit at 1901 Lake Valentine Road, based on the following findings of fact: *the City Council should identify findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
 4. Table: Motion to *table* Planning Case 19-014 for an Interim Use Permit at 1901 Lake Valentine Road, for the following reasons: *the City Council should identify a specific reason and/or information request should be included with a motion to table.*

Budget Impact:

NA

Attachments:

- A. Conditional Use Permit Resolution No. 2019-035