



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: Justin Fortney, City Planner
Date: August 7, 2023
Item: Resolution – SUP Neighborhood Commercial – 315 Pine Street

Council Action Requested:

Review and take action on the attached resolution granting approval of a Special Use Permit to allow for a Neighborhood Commercial Use consisting of a gathering and small event space at 315 Pine Street.

Approval of the Special Use Permit requires six of seven councilmembers.

Background Information:

The applicant intends to rebuild the structure with a principal residence on the third floor and four vacation rental rooms on the second floor (similar use to the former). These uses are allowed and not under consideration with this application.

The applicant is proposing a social gathering event space for up to 20-25 people on the main level. Please see the attached Planning Commission report for further information.

Financial Impact:

None

Advisory Commission Discussion:

The Planning Commission recommended approval of the application at its July 24, 2023 meeting 5-1 (Teiken opposed) after being tabled for a parking layout plan. Eric Thraen of 651 3rd Street W commented that parking and traffic would likely be an issue and the request should be rejected.

Council Committee Discussion:

None

Attachments:

- Resolution
- Planning Commission staff report – July 24, 2023

**HASTINGS CITY COUNCIL
RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
GRANTING A SPECIAL USE PERMIT TO 3AXAPOB HOLDING LLC. TO
OPERATE A NEIGHBORHOOD COMMERCIAL USE AT 315 PINE STREET**

Council member _____ introduced the following Resolution and moved its adoption:

WHEREAS, Pavel Zakharov with 3AXAPOB Holding LLC., has petitioned for a Special Use Permit to Operate a Neighborhood Commercial Use for a small gathering and event space on the first floor of the property; and

WHEREAS, The property is generally located at 315 Pine Street and legally described on Attachment A; and

WHEREAS, on July 10, 2023, review was conducted before the Planning Commission of the City of Hastings, as required by state law, city charter, and city ordinance; and

WHEREAS, The Planning Commission recommended approval at the July 24, 2023 meeting, subject to the conditions of this resolution; and

WHEREAS, The City Council has reviewed the request and recommendation of the Planning Commission.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF HASTINGS AS FOLLOWS:**

That the City Council hereby approves the Site Plan as presented subject to the following conditions:

- 1) Compliance with applicable Department of Health codes and permits.
- 2) The Heritage Preservation Commission must review and approve any exterior modifications.

- 3) Any interior changes necessary to conduct the business shall comply with all building, electrical, mechanical, health, and fire codes.
- 4) Approval is subject to a one-year Sunset Clause; if progress is not made towards construction of the proposal within one year of City Council approval, the approval is null and void.
- 5) Maximum occupancy of the SUP operation shall be up to 25, as allowed by applicable fire and building codes.
- 6) Hours of the SUP operation shall be between 7:00 am and 10:00 pm
- 7) Parking is to be directed on site or to an alternative site.

Council member _____ moved a second to this resolution and upon being put to a vote it was unanimously adopted by the Council Members present.

Adopted by the Hastings City Council on August 7, 2023, by the following vote:

Ayes:
Nays:
Absent:

ATTEST:

Mary Fasbender, Mayor

Kelly Murtaugh,
City Clerk

(City Seal)

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 7th day of August 2023, as disclosed by the records of the City of Hastings on file and of record in the office.

Kelly Murtaugh, City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (JJF)
101 4th St. E.
Hastings, MN 55033

**ATTACHMENT A
LEGAL DESCRIPTION**

The South 30 feet of Lots 8 and 9 and all of Lots 10 and 11, Block 16, ADDITION NO. 13 to the City of Hastings, according to the recorded plat thereof now on file and of record in the office of the County Recorder within and for Dakota County, Minnesota.



Planning Commission Memorandum

To: Planning Commission
From: Justin Fortney, City Planner
Date: July 24, 2023
Item: Tabled - SUP Neighborhood Commercial – 315 Pine Street

Planning Commission Action Requested: The Planning Commission is asked to review the tabled SUP application and make a recommendation to City Council.

Background Information:

The application review was tabled at the July 10, 2023 meeting for the applicant to provide a parking diagram. The zoning ordinance requires 13 parking spaces on site based on the proposed uses and density. The Commission wanted to see how those vehicles would lay out on the property. The Commission wanted to assure the 13 required spaces could be situated without blocking in other vehicles.

The applicant intends to rebuild the structure with a principal residence on the third floor and four vacation rental rooms on the second floor (similar use to the former). These uses are allowed by right and not under consideration with this application.

The applicant is proposing a social gathering event space for up to 20-25 people on the main floor. This main floor use is allowable under the Neighborhood Commercial land use with approval of a SUP (Special Use Permit).

The Purpose of reviewing a SUP is to determine if the allowed use and related activity occurring on the premises would cause any adverse changes to the residential character of the neighborhood that may be resolved with conditions.

Comprehensive Plan Classification

The 2040 Comprehensive Plan designates the property as Low-Density Residential.

Zoning Classification

The subject property is zoned R-2, Medium Density Residential. Residential, apartment, vacation rental, bed and breakfast, and similar are allowed by right, Neighborhood Commercial is allowed with approval of a Special Use Permit. The proposed social gathering event space would be an allowable use of Neighborhood Commercial.

Adjacent Zoning and Land Use

The following land uses about the property:

Direction	Existing Use	Zoning	Comp Plan
North	Single-Family Res	R-2 M den	Low density Res
East	Single-Family Res	R-2 M den	Low density Res
West	Single-Family Res	R-2 M den	Low density Res
South	Single-Family Res	R-2 M den	Low density Res

Neighborhood Commercial Review

Neighborhood commercial activities are generally more appropriate in locations adjacent to commercial zoning districts or along major roadways. The site is located at Pine Street and 4th Street West, which are both collector roads. The site began as a mansion in 1880 for William Thompson, grain dealer and Lumber miller, became the Raphael’s Hospital in 1929, Bed and breakfast, and most recently a vacation rental with private residence. Along with a history more intense uses, the site has more on-site vehicle parking available than a typical residential property, including an eight-car garage.

Concerns for most residential SUPs include noise, traffic, parking, and hours of operation. The applicants address these possible nuisances in their outline of operation below:

Description of operation: The Thorwood Mansion Guesthouse is perfectly equipped to offer the public a uniquely beautiful space for small gatherings. The lower level contains four large rooms, a kitchenette and a restroom, capable of providing guests with an inspiring space for their meetings, book club, photoshoots or any other intimate gathering. Thorwood Mansion Guesthouse will cater to groups no larger than 25 people for a minimum of one hour.

Typical hours of operation: Hours of operation will be from 10am-9pm.

Parking: Parking is available on the premises

Entertainment: Any Live or Non-live entertainment will be permitted with the approval of City Council so long as it does not generate noise that would unreasonably annoy or interfere with neighboring property owners, occupants or the public.

Noise: No person will be permitted to use or operate any radio receiving set, musical instrument or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby. Our guesthouse aims to be a reputable and dignified establishment in the community.

Parking Off street parking should be available for the proposed uses on the site.
Requirement

- 2- Principal residence (two per single-family or duplex unit)
- 4- Vacation rental rooms (one spacer per room)

7- Conference facilities/ meeting rooms (one space per four persons of capacity)

13 – total required (see attached parking diagram)

The applicant's parking diagram shows 8 angled parking spaces, 2 parallel spaces and 4 garage spaces, for a total of 14 spaces. An unofficial 5th garage space is also listed along with additional room beyond what is needed for maneuvering.

Conditions Reasonable conditions may be imposed that are deemed necessary to protect the health, safety, and general welfare of the public. At a minimum, they should reflect the occupancy limit of the space, City of Hastings quiet hours, and off-street parking requirements for the uses.

Notice Notice was published and sent to property owners within 350-feet of the subject property. No comments have been received at this time. At the July 10, 2023 public hearing, Eric Thraen of 651 3rd Street W commented on past business, Challenged the idea that 16 parking spaces would fit on the property, No parking or traffic study has been completed, and recommended the proposal be rejected.

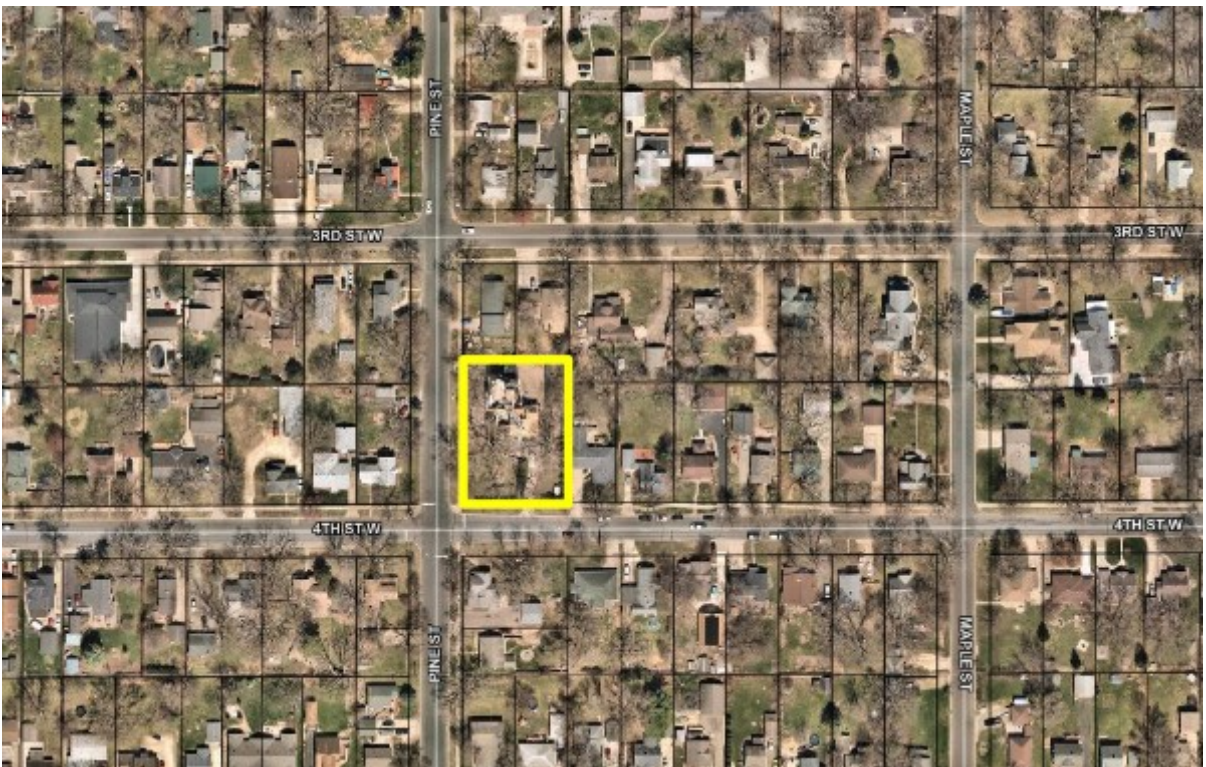
The past business referenced was not related specifically to the applicant or subject property. The applicant has provided a parking diagram of showing that at least the required parking is satisfied. Parking studies are not required as there are minimum parking standards listed in the Zoning Ordinance. Traffic studies are meant to determine if a proposed use would so adversely affect the existing transportation network that roadway and signaling improvements are necessary.

Attachments:

- Parking diagram
- Aerial photos
- Photographs
- Elevation drawings
- First floor floorplan



XI-C-01







SOUTH ELEVATION



WEST ELEVATION