

CITY OF LAKE ELMO

RESOLUTION NO. 2013-103

A RESOLUTION DENYING AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT FOR THE EAGLE POINT BUSINESS PARK TO ALLOW PUBLIC SCHOOLS AS A CONDITIONAL USE

WHEREAS, BWBR Architects, acting on behalf of Northeast Metro 916 Intermediate School District, 2540 County Road F East, White Bear Lake, MN and United Properties, 3600 American Boulevard, Suite 750, Minneapolis, MN (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) to amend the Planned Unit Development (PUD) for Eagle Point Business Park, a copy of which is on file in the Lake Elmo Planning Department; and

WHEREAS, the proposed PUD Amendment is to revise the development standards for the Eagle Point Business Park to allow public schools as a conditional use within the Eagle Point Business Park PUD; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on November 25, 2013 to consider the PUD Amendment; and

WHEREAS, on November 25, 2013 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council deny the PUD Amendment; and

WHEREAS, the Lake Elmo Planning Commission submitted its report and recommendation to the City Council as part of a memorandum from the Planning Department dated December 3, 2013; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the PUD Amendment at its December 3, 2013 meeting.

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

FINDINGS

- 1) That the procedure for processing a PUD Amendment is found in the Lake Elmo City Code, Section 150.800 et seq.
- 2) That all the requirements of said City Code Section 154.800 et seq. related to the PUD Amendment have been met by the Applicant.
- 3) That the proposed PUD Amendment would revise the development standards for the Eagle Point Business Park by revising the list of permitted and conditional uses as follows:

Permitted Uses: Banks, medical clinics, offices, ~~schools (business, professional and private trade)~~, office showrooms.

Conditional Uses: Business services, conference centers, health clubs, hotels and motels, day care centers, limited retail, medical, dental and research labs, recording studios, restaurants and cafeterias, theaters, teleconferencing transmission facilities, veterinary clinics, and hotel, public and private schools.

- 4) That the legal description of the property to which the PUD Amendment will apply is as follows: Outlot A of Eagle Point Business Park 7th Addition according to the plat thereof filed of record in the office of the Register or Titles in and for Washington County, Minnesota.
- 5) That the proposed PUD Amendment:
 - a) Is not consistent with the goals, objectives, and policies of the Comprehensive Plan.
 - b) Is not consistent with the purpose of Section 154.800 et seq. of the City Code.
 - c) Does not comply with the development standards of Section 154.800 et seq. of the City Code.
- 6) That the proposed PUD Amendment will create a negative economic impact to the City by allowing a public school development that is exempt from property tax payments. The current development standards within the business park do not allow public schools, and a service agreement will not allow the City to recuperate the full amount of the lost tax revenue associated with the proposed school development.
- 7) That the proposed PUD Amendment and proposed school development is not compatible with the existing and proposed future uses within the Eagle Point Business Park and that there are more suitable locations available for the proposed school development in other portions of the City.

CONCLUSIONS AND DECISION

1. Based on the foregoing, the Applicant's request for a PUD Amendment is hereby denied.

Passed and duly adopted this 3rd day of December 2013 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk