

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

RESOLUTION NO. 2013-107

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PUBLIC SCHOOL
BUILDING WITHIN THE EAGLE POINT BUSINESS PARK*

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

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 (the “City”) for a Conditional Use Permit to allow the construction of a new public school serving disabled students in grades kindergarten through eighth grade within the Eagle Point Business Park; 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 November 25, 2013; and

WHEREAS, the Lake Elmo Planning Commission submitted its report and recommendation concerning the Conditional Use Permit request to the City Council as part of a Staff Memorandum dated December 3, 2013; and

WHEREAS, the City Council considered said matter at its December 3, 2013 and December 17, 2013 meetings.

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 (CUP) 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 the proposed Conditional Use Permit is to allow the construction of a new public school serving disabled students in grades kindergarten through eighth grade within the Eagle Point Business Park as more fully described in application materials submitted to the City.
- 4) That the proposed Conditional Use Permit will be located on property legally described as Outlot A of Eagle Point Business Park Seventh Addition according to the plat thereof filed of record in the office of the Register of Titles in and for Washington County, Minnesota.

- 5) That a public school is designated as a Conditional Use within the BP – Business Park Zoning District in Section 154.551 of the Zoning Ordinance; and
- 6) That 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.
- 7) That the proposed use conforms to the City of Lake Elmo Comprehensive Plan.
- 8) That the proposed use is compatible with the existing neighborhood.
- 9) That the proposed use meets all specific development standards for such use listed in Article 7 of the Zoning Ordinance.
- 10) That 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.
- 11) That the proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring uses.
- 12) That 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.
- 13) That 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.
- 14) That 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.
- 15) That vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- 16) That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Conditional Use Permit is granted subject to the following conditions:

- 1) The applicant shall submit final development plans and a final plat consistent with the City's Planned Unit Development and Subdivision requirements prior to the issuance of a building permit and prior to the commencement of any grading activity on the site.
- 2) The applicant shall secure any required permits from the South Washington Watershed District prior to commencing any grading or construction activity on the site.

- 3) The final development plans shall include detailed landscape plans that conform to the Lake Elmo Zoning Ordinance and Eagle Point Business Park PUD Standards.
- 4) The applicant shall submit detailed architectural plans at the time of the final development plan review by the City. These plans shall conform to the City's Design Guidelines and Standards Manual and the Eagle Point Business Park Design Guidelines.
- 5) The final development plans shall include a signage plan.
- 6) The applicant shall pay a fee in lieu of park land dedication as determined by the City prior to the final plat being released for recording.
- 7) The final plat shall include all easements for drainage and utility and other purposes as required by the City Engineer.
- 8) The applicant shall enter into a service agreement with the City prior to issuance of a building permit for the site.
- 9) The Conditional Use Permit shall be valid for a period of 24 months. The permit shall become void if an application for a final development plan is not submitted within 24 months of the date on which the conditional use permit was granted by the City Council.
- 10) The applicant shall work with the City and neighboring property owners to develop an amicable resolution to the traffic and access spacing concerns that were voiced during the public hearing by a business owner within the Eagle Point Business Park.

Passed and duly adopted this 17th day of December by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk