

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

RESOLUTION NO. 2016-10

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR ARBOR GLEN SENIOR LIVING FACILITY LOCATED ON LOT 1, BLOCK 1, BROOKMAN 3RD ADDITION.

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

WHEREAS, Arbor Glen LLC, has submitted an application for a conditional use permit to operate a congregate housing facility with services on Lot1, Block 1, Brookman 3rd Addition; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on the matter on December 14, 2015 which was continued to January 25, 2016; and

WHEREAS, the Lake Elmo Planning Commission has submitted its recommendation of approval to the City Council; and

WHEREAS, the City Council considered the said matter at its February 16, 2016 meeting; and

NOW, THEREFORE, based on the testimony elicited and the information received, the City Council makes 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.
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan.
3. The use or development is compatible with the existing neighborhood.
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.
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 Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).

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.
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.
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.
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.
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.
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

BE IT RESOLVED THAT the City Council does hereby approve the conditional use permit with the following conditions:

13. That the applicant comply with the conditions/comments in the City Engineer's memo dated December 7, 2015.
14. That applicant comply with the conditions of the Valley Branch Watershed District permit 2015-27, dated December 28, 2015.
15. The developer must submit the drainage report and calculations to Washington County for review of any downstream impacts to the county drainage system. Along with the drainage calculations, provide written conclusions that the volume and rate of stormwater run-off into the county right-of-way will not increase as part of the project.
16. That the applicant revised the landscape plan removing the landscape fabric from under the mulch and substitute the Canadian Hemlocks with hardier conifer species.
17. That the monument sign near the driveway entrance be relocated to be 15' away from the driveway intersection.
18. That all signs comply with the City's sign regulations and that no signs shall be installed or constructed without prior approval of a sign permit.

19. That proper State of MN licensing be maintained for the memory care and assisted living facilities.
20. That the 25 foot right-of-way easement be granted for CSAH 17/Lake Elmo Avenue in order for the proposed trail to be in the public right-of-way easement.
21. That the proposed building maintain a minimum 10 foot setback from the future CSAH 17/Lake Elmo Avenue right-of-way.
22. That additional sound mitigation measures be installed in the building along CSAH 17/Lake Elmo Ave.
23. That the developer comply with the Lake Elmo Fire Department's memo dated November 20, 2015.
24. The landscaping once accepted by the City shall have a 2-year warranty and that the applicant submit irrigation plans for city approval prior to installation.

This resolution was adopted by the City Council of the City of Lake Elmo on this 16 day of February, 2016.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk