

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

**RESOLUTION 2018-100**

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY  
FOR PID# 34.029.21.33.0022*

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

**WHEREAS**, Shamsi, LLC, 9568 Hillingdon Road, Woodbury, MN 55125 (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit for a daycare facility for Outlot A of Boulder Ponds 1<sup>st</sup> Addition (PID# 34.029.21.33.0022) (the "Property"); and

**WHEREAS**, a request for approval of the Growing Explorers Final Plat and Planned Unit Development Plans was also submitted by the Applicant for Outlot A of Boulder Ponds 1<sup>st</sup> Addition; 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 August 15, 2018; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated August 15, 2018, and

**WHEREAS**, the City Council considered said matter at its August 21, 2018 meeting; and

**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 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 includes the following components:

- a) A Conditional Use Permit for a day care center to be called Growing Explorers for Lot 1, Block 1, Growing Explorers.
- 4) That the City approved the Applicant's request for the Growing Explorers Final Plat and PUD Plans.
- 5) 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.
- 6) The use or development conforms to the City of Lake Elmo Comprehensive Plan, as the property is zoned for Commercial, and a day care center is a conditional use in the Commercial zoning district.
- 7) The use or development is compatible with the existing neighborhood.
- 8) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.
- 9) That the proposed use is not in a flood plain management or shoreland area.
- 10) 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) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.
- 12) 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) 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) 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, as trips generated to the site will be limited to certain times of the day.
- 15) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

- 16) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Lake Elmo City Council hereby approves the request by Shamsi, LLC for a Conditional Use Permit for a day care center with the following conditions of approval:

- 1) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 2) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 3) 3) Landscape plans must be approved by the City's Landscape Architect prior to recording of the final plat. The landscape plans must meet all city screening requirements including screening of the playground equipment from adjacent properties and the public right-of-way, except that screening on the northern portion of the property does not need to include a masonry wall, fence, or vegetative hedge row.
- 4) A sign permit shall be obtained prior to erection of any sign on the property.
- 5) The proposed building shall meet the Lake Elmo Design Guidelines and Standards.
- 6) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.

Passed and duly adopted this 4<sup>th</sup> day of September 2018 by the City Council of the City of Lake Elmo, Minnesota.



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Mike Pearson, Mayor

ATTEST:



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Julie Johnson, City Clerk