

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

RESOLUTION 2019-059

***A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A CHAPEL OR
PLACE OF WORSHIP FOR A PORTION OF THE PROPERTY LOCATED AT 8249
DEMONTREVILLE TRAIL***

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

WHEREAS, the Carmelite Hermitage (Rev. John Burns), 8249 Demontreville Trail, Lake Elmo, MN 55082 (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit to add a chapel or place of worship for a portion of the property located at 8249 Demontreville Trail (PID# 09.029.21.12.0002) (the "Property"); 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 June 24, 2019; 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 20, 2019, and

WHEREAS, the City Council considered said matter at its August 20, 2019 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 place of worship or a chapel for a portion of the property located at 8249 Demontreville trail, Lake Elmo
- 4) That the Conditional Use Permit for a Carmelites including the proposed chapel will be for the Property legally described as follows:

Legal Description of the Property

All of Government Lot 4 in Section 9, Township 29 north, Range 21 west, City of Lake Elmo, Washington County, Minnesota, according to government survey containing 59.4 acres of land. Also the south 30.6 acres of Government Lot 4 in Section 4, and of the southwest quarter of the southeast quarter of said Section 4, all in Township 29 North, Range 21 West, according to government survey, being the south 688 feet thereof.

- 5) That the Variance application about direct access to a collector or arterial street for the chapel that was proposed by the Applicant would allow the applicant to use the existing driveway to their property as access for the proposed chapel.
- 6) That the City approved the Applicant's request for a Variance about direct access to a collector or arterial street for the chapel by allowing the Applicant to use the existing driveway to their property as access for the proposed chapel.
- 7) 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. *The use of the property for religious facilities, including the proposed chapel, will not be detrimental or in any way endanger the public health, safety, comfort, convenience or welfare of the neighborhood or the City.*
 2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. *The property is guided for Public/Park in the 2030 Comprehensive Plan and Institutional in the proposed 2040 Comprehensive Plan. A place of worship is a conditional use in these land use designations.*
 3. The use or development is compatible with the existing neighborhood. *The use is compatible with the existing neighborhood. The religious facilities in this area were established in the 1950's and Hermitage has been on this site since the 1980's.*
 4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. *The existing and proposed uses meet all specific development standards for such use as listed in Section 154.600 Public and Quasi-Public Open Space.*
 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). *The existing structures and the proposed chapel would be located outside the 0.2% annual chance floodplain and meets shoreland setback requirements.*
 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. *The proposed chapel is compatible in appearance with the existing and intended character of the general vicinity and will not change the essential character of the area.*
 7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. *The existing religious facilities and the proposed chapel are not nor will they will be hazardous or create a nuisance.*

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. *The existing facilities and the proposed chapel are and will be adequately served by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools.*
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. *The existing facilities and the proposed chapel do not and will not create excessive additional requirements at public cost nor will the existing or proposed facilities on the property 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. *The existing and proposed uses will not excessively produce 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. *Vehicular approaches to the property do not and will not create and have not created traffic congestion or interfere with traffic. The number of additional vehicles expected on the property because of the new chapel is minimal and will be limited to certain times and days of the weeks.*
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby approves the request by Rev. John Burns of the Carmelite Hermitage for a Conditional Use Permit for a chapel or place of worship on the property located at 8249 Demontreville Trail with the following conditions of approval:

- 1) The City Council must approve the Variance request to allow the Applicant to use the existing driveway to Demontreville Trail as the access for the proposed chapel.
- 2) The applicant must obtain all other necessary City, State, and other governing body permits and approvals before the commencement of any construction activity on the site. These include, but not limited to, a Valley Branch Watershed District permit, approval of revised plans by the City Engineer, a building permit and an on-site wastewater (septic) permit.
- 3) All items and changes outlined by the City Engineer in the memorandum addressing the Carmelite Chapel Conditional Use Permit and Site Improvements dated June 17, 2019 shall be incorporated into the project plans.
- 4) All items outlined by the Fire Chief in his memo dated June 5, 2019, shall be incorporated into the project plans and before the City issues a building permit for the project.
- 5) The applicant must provide written documentation demonstrating adequate wastewater management facilities exist or are proposed to serve the proposed chapel. This should include either a Washington County inspection compliance report for the existing on-site wastewater system or a wastewater management plan and permit approved by Washington County to serve the proposed chapel.

- 6) The applicant or owner receive a building permit from the City for chapel within 12 months of City Council approval of the conditional use permit.
- 7) If the applicant or owner has not taken action toward starting the chapel or if substantial construction of the chapel has not taken place within 12 months of the City's approval of conditional use permit, the CUP approval shall become void. The applicant or owner may request City Council approval of a time extension to start or implement the conditional use permit.

Passed and duly adopted this 20th day of August 2019 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk