

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

RESOLUTION 2020-004

*A RESOLUTION DENYING A REQUEST BY THE STILLWATER SCHOOL DISTRICT TO AMEND ITS
CONDITIONAL USE PERMIT (RESOLUTION 2018-77) TO OPERATE A SCHOOL DISTRICT
TRANSPORTATION CENTER FOR THE PROPERTY ADDRESSED AS 11530 HUDSON BOULEVARD
NORTH*

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

WHEREAS, Stillwater Area School District, 1875 Greeley Street South, Stillwater, MN 55082 (the “Applicant”) has submitted an application to the City for an amendment to the Applicant’s existing conditional use permit for the Applicant to operate a transportation center (bus terminal) (the “CUP”) located on the property at 11530 Hudson Blvd N (PID# 36.029.21.43.0004) (the “Property”); and

WHEREAS, by Resolution 2018-077, on July 17, 2018, the City Council approved the Applicant’s CUP to operate the transportation center on the Property; and

WHEREAS, one of the conditions in the CUP is that the Property must be connected to City sanitary sewer and water prior to the operation of the bus terminal; and

WHEREAS, the Property is a part of the Four Corners 1st Addition plat that was approved by the City Council in 2018 and a condition of the plat approval was that the developer was to construct sanitary sewer and water facilities in order to bring sanitary sewer and water service to the Property (the “Improvements”); and

WHEREAS, the developer of Four Corners 1st Addition was to complete the Improvements no later than October 31, 2019, but as of this date, construction has not commenced and the City has not received any written assurance from the developer that the Improvements will be constructed any time in the near future; and

WHEREAS, because the Improvements have not been installed and the Applicant has not been able to connect the Property to sanitary sewer and water, the Applicant requested an amendment to its CUP to amend Condition #9 of the CUP in order to allow the Applicant to operate the bus terminal on the Property using the well and septic system (septic tank and temporary toilets) either until the Applicant connects to City sewer and water or until December 31, 2020, whichever comes first; and

WHEREAS, notice of the Applicant’s proposed amendment to its CUP 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 December 9, 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 December 17, 2019; and

WHEREAS, the City Council considered said matter at its December 17, 2019 and January 7, 2020 meeting; and

NOW, THEREFORE, based on the testimony elicited, staff reports, information received, and the record presented, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining an amendment to the 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 Applicant's proposed amendment to Condition #9 of the CUP consists of the following:

"[t]he School District may operate its bus terminal at the property using the well and septic system (septic tank and temporary toilets) either until the School District connects to City sewer and water or until December 31, 2020, whichever comes first. The School District agrees to connect to City sewer and water within 30 days after it becomes available."

- 4) That the proposed amendment to the Applicant's CUP must be denied for the following reasons:
 - a) The developer of Four Corners 1st Addition has had more than one year to construct the sanitary sewer and water facilities that are needed for the Applicant's bus terminal and has not done so. In fact, the developer has not started construction of the project. To date, there has been no written assurances given to the City by the developer of the Four Corners 1st Addition project that the sanitary sewer and water facilities that are needed for the operation of the Applicant's bus terminal will be constructed at any time in the near future.
 - b) Properties that are within a MUSA district are required to connect to City water and sanitary sewer when they are developed. The Property is located within a MUSA district. Since it is not connected to City water and sanitary sewer services, it is in conflict with the requirements of the MUSA district, as outlined by the Comprehensive Plan and the use should not be allowed to continue due to this conflict.
 - c) The building on the Property is sprinklered yet not connected to City water. There is a safety hazard to the occupants of the building if the building is allowed to operate without the sprinkler system functioning, even if it is for a limited amount of time.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lake Elmo City Council hereby denies the request by Applicant for an amendment to the CUP.

Passed and duly adopted this 21st day of January 2020 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk