



STAFF REPORT

DATE: 8/20/2019

REGULAR

ITEM #: 15

TO: City Council

FROM: Ken Roberts, Planning Director

AGENDA ITEM: **Conditional Use Permit – Carmelite Hermitage of the Blessed Virgin Mary**

REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The City has received an application for a conditional use permit (CUP) to allow the construction of a place of worship (chapel) on the property of the Carmelite Hermitage at 8249 Demontreville Trail. This site within a Public and Quasi-Public Open Space zoning district. Places of worship (such as churches and chapels) are conditional uses in the Public and Quasi-Public Open Space zoning district.

On June 24, 2019, the Planning Commission held a public hearing about this request. The Commission reviewed the staff report and took testimony from several persons (for and against) the CUP for the chapel. The Planning Commission closed the public hearing for the CUP and took no action on the proposal to allow the applicant and the City to review the question and alternatives about access and direct access for the proposed chapel.

On August 12, 2019, the Planning Commission considered a variance request about “direct access” for the proposed chapel and they continued their discussion about the CUP for the proposed chapel. The Planning Commission recommended approval of both the variance request and the CUP for the chapel, subject to conditions of approval as outlined in the staff reports.

ISSUE(S) BEFORE THE CITY COUNCIL:

The City Council is being asked to consider the request for the conditional use permit (CUP) and the variance request for the proposed chapel at the Carmelite Hermitage at 8249 Demontreville Trail.

PROPOSAL DETAILS/ANALYSIS:

Applicants: Carmelite Hermitage of the Blessed Virgin Mary, 8249 Demontreville Trail,
Lake Elmo, MN 55042

Property Owners: Discalced Carmelite Nuns of St. Paul, 8251 Demontreville Trail, Lake Elmo, MN 55042

Location: ALL OF GOVERNMENT LOT 4, IN SECTION 9, TOWNSHIP 29 NORTH, RANGE 21 WEST, ACCORDING TO THE GOVERNMENT SURVEY CONTAINING 59.4 ACRES OF LAND. ALSO, THE SOUTH 30.6 ACRES OF GOVERNMENT LOT 4 IN SECTION 4, AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4, ALL IN TOWNSHIP 029 RANGE 021, ACCORDING THE GOVERNMENT SURVEY, BEING THE SOUTH 688 FEET THEREOF. PID# 09.029.21.12.0002

Request: Conditional Use Permit for a place of worship and religious institution

Existing Land Use: Hermitage – A retreat for monks with a community building and garage, cloistered living area with courtyards

Existing Zoning: PF – Public and Quasi-Public Open Space

Surrounding Land Use / Zoning: North – Properties owned by Discalced Carmelite Nuns (8251 Demontreville Trail) and Jesuit Retreat House (8243 Demontreville Trail);
 South – Single-family homes (Rural Residential);
 East – Single-family homes (Rural Residential);
 West – Lake Demontreville

Comprehensive Plan Guidance: 2030 – Public/Park
 2040 – Institutional. As noted the in the 2040 Comprehensive Plan, this land use category identifies land that is used for schools, religious institutions, City Hall, municipal buildings, libraries and other institutional uses.

History: In December 1991, the City approved a variance (regarding code requirement for having frontage on a public road) and a master plan for the Carmelite Hermitage of the Blessed Virgin Mary. This master plan included a phasing plan showing four parts or phases and included a court, guest house /library, chapel, cloister, hermitage, community building and workshop. The variance noted that the applicant has a private recorded easement that allows access to the north from their site to Demontreville Trail North (across the adjoining properties).
 In October 2007, the City approved an amendment to the approved master plan to allow an additional accessory building (1,512 square feet) on their site.

Deadline(s) for Action: Application Complete – 5-24-2019
 60 Day Deadline – 7-23-2019
 Extension Letter Mailed – July 3, 2019
 120 Day Deadline – September 21, 2019

Applicable Regulations: §154.210 – Off-Street Parking
Article XIV: Public and Semi-Public Districts

Request. A place of worship in Lake Elmo is a conditional use in the Public and Quasi-Public Open Space district. The City approved the Master Plan for the Carmelite Hermitage in 1991 as previously mentioned in this report, but a conditional use permit was never obtained, as the use was considered permitted at that time. The City adopted the Public and Quasi-Public Open Space ordinance in September of 2000, and this ordinance required conditional use permits for places of worship and set forth certain standards for such a use as well as other district requirements that are in place today.

Because the property does not have a conditional use permit as is required by the Zoning Code, the existing use is considered legal non-conforming. The City’s ordinance states that the lawful use of a building or structure may continue, but that the continuation of the non-conforming use does not include expansion. Since the applicant is requesting expansion of the non-conforming use (by adding a chapel), the City must approve a conditional use permit for the entire property in order for the applicant to add the chapel and to bring the property in to compliance with current zoning requirements. (Note: Conditional use permits run with or are applicable to a specific property, not with a particular owner or person).

Use on Proposed Site. The proposed chapel would be to the west of the existing buildings and south of the existing driveway into the site. As shown on the plans, the chapel would be about 8,520 square feet in area with a height of 41 feet, four inches. The applicant noted in their project description that the chapel would be used for liturgical services and for personal prayer and would have seating for 42 guests in addition to the seating for the 12 members of their community.

They also state that since their community members live in a Hermitage and since their way of life is relatively secluded, they do not generate a significant amount of vehicle traffic. They are anticipating an average of 10-15 visitors a day to their site. They have two part-time employees to help maintain the grounds and buildings. The Hermitage is open to the public between 7:30 AM and 4:30 PM. They are not planning to hold regular church or public worship services in the chapel.

Setback and Impervious Surface Requirements. The following table outlines how the proposed use adheres to the setback and impervious surface requirements of the Public and Quasi-Public Open Space District.

Public and Quasi Public Open Space Zoning Standards		
Standard	Required	Proposed
Maximum Parcel Area	20 acres	90 acres
Lot Width – Minimum (at ROW)	100 feet	Approximately 1793 feet
Lot Depth – Minimum	150 feet	Approximately 2015 feet
Maximum Height	50 feet	Approximately 41 feet
Maximum Impervious Coverage	15%	1.2%
Front Yard Setback – Building	100 feet	Approximately 1000 feet
Interior Side Yard Setback – Building	100 feet	Approximately 900 feet
Rear Yard Setback - Building	100 feet	Approximately 1000 feet
Parking Lot Setback	100 foot	Approximately 200 feet

Standards for Places of Worship within the Public and Quasi-Public Zoning District. The following outlines standards for places of worship as outlined in the Public and Quasi-Public zoning district.

- a. Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial;
 - *Staff Comment.* The City approved a variance for the access to this site in 1991. There is an existing driveway that connects the property to Demontreville Trail that is in an access easement that has been in place since 1904. The City has classified Demontreville Trail as a major collector street. The question and standard about direct access for the chapel is covered in a separate staff report.
- b. No use may exceed 235 gallons wastewater generation per day per net acre of land;
 - *Staff Comment.* It is unknown how much wastewater is generated, but it is assumed there is no more than 235 gallons being generated per net acre on a 90 acre site.
- c. No on-site sewer system shall be designed to handle more than 5,000 gallons per day;
 - *Staff Comment.* The proposed drainfield is 15,000 square feet in area and according to the SSTS design report dated May 8, 2019 is designed to handle 350 gallons of waste a day.
- d. Exterior athletic fields shall not include spectator seating, public address facilities or lighting;
 - *Staff Comment.* There are no exterior athletic fields.
- e. No freestanding broadcast or telecast antennas are permitted. No broadcast dish or antenna shall extend more than 6 feet above or beyond the principal structure.
 - *Staff Comment.* There are no broadcast or telecast antennas, existing or proposed.

Parking Lot Requirements.

The project plans show a new 18-vehicle parking lot to the west of the entrance driveway and to the northwest of the proposed chapel.

- *Maneuvering Area.* There is sufficient space in and around the parking lot so vehicles do not need to back in to the public street.
- *Surfacing and Drainage.* The majority of the parking lot would have curbing and would be paved with a durable surface. Stormwater drainage would be directed to the northeast to a new infiltration basin on the site.
- *Marking of Parking Spaces.* The Code requires parking areas with five or more spaces to be marked with painted lines at least four inches wide. The plans for the parking lot show striping to meet this requirement.
- *Curbing.* Open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb or barrier of normal height. The proposed parking lot meets this requirement.
- *Accessible Parking.* The proposed number of parking spaces is 18 and of these, one would be handicap-accessible, which meets the Americans with Disabilities Act (ADA) requirements.
- *Number of Parking Spaces.* The City's parking requirements requires one space per six seats. There are 54 seats within the chapel so the Code would only require 9 parking spaces for the chapel. The applicant has proposed 18 parking spaces thus meeting this requirement.

Parking Lot Landscaping and Screening Standards

- *Perimeter Parking Lot Landscaping.* The proposed parking lot is located in the center of the property – well away from the street right-of-way and from any property lines. The existing trees on the site provide adequate screening and landscaping around the proposed parking lot.

Landscape Plans. The applicant has submitted surveys and project plans showing the existing landscaping and wooded areas on the property. Since the site has extensive areas of trees and the since the proposed chapel would not be removing any existing trees, staff does not recommend that the City review or require additional landscaping on the property.

Septic Drainfield. The existing drainfield is to the south of the existing building and the proposed chapel will not affect the existing drainfield. The project plans show a new drainfield to the south of the proposed chapel. This new drainfield will require a permit from the Washington County Public Health and Environment Department before installation.

Architectural Standards within the Public and Quasi-Public Open Space. The exterior design of the chapel is subject to the Performance Standards set forth in Section 154.600(F) of the Zoning Code. The proposed chapel would be constructed with a mix of brick, limestone, marble and have a green shingled roof. These materials meet the requirements for exterior materials as listed in the zoning code and the overall design meets or exceeds all the design standards set in Section 156.600 of the Zoning Code.

Fire Chief Review. I have attached the Fire Chief’s review comments (dated June 5, 2019) for your consideration. Staff is recommending that the applicant meet all the requirements of the Fire Chief before the City issues a building permit for the chapel.

City Engineer Review. The City Engineer’s review memo (dated June 17, 2019) is attached to this report. His comments are primarily about stormwater management for the project. He noted:

- The project will require a Valley Branch Watershed District (VBWD).
- The storm water facilities for this development should remain privately owned and maintained.
- The storm water facility 100-year HWL must be fully contained within the subject property and easement must be provided to protect the 100-year HWL flood area.
- The applicant shall provide drainage and utility easement over storm water BMP including the 100-year HWL and pond maintenance access road and access bench.

Recommendation Findings. Staff recommends the following findings for the proposed chapel:

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

Recommended Conditions of Approval. The Planning Commission and City staff recommend the following conditions of approval for the proposed chapel:

- 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.

FISCAL IMPACT:

None

OPTIONS:

The City Council may:

- Approve the Conditional Use Permit with recommended findings and conditions of approval.
- Approve the Conditional Use Permit with amended findings and conditions of approval.
- Deny the Conditional Use Permit, citing findings for denial.

RECOMMENDATION:

Staff and the Planning Commission are recommending approval of the Conditional Use Permit for the Carmelite Hermitage of the Blessed Virgin Mary including the proposed chapel for the property located 8249 Demontreville Road:

“Move to adopt Resolution 2019-059 approving the conditional use permit for the Carmelite Hermitage including the proposed chapel for the property located at 8249 Demontreville Road with recommended findings and conditions of approval as drafted by Staff.”

ATTACHMENTS:

- Application Narrative dated May 24, 2019
- 4 City Maps and Project Plans
- Site Survey
- Certificate of Survey

- Engineering Project Plans (6 sheets)
- Architectural Plans (4 sheets)
- City Engineer Review Memo dated June 17, 2019
- Fire Chief Review memo dated June 5, 2019
- Neighbor comments (Falzone) dated June 16, 2019
- Bryan Huntington letter (Larkin-Hoffman) dated 8-7-2019
- Eric Lipman letter dated 8-9-2019
- Resolution 2019 - 059

Land Use Application – 5-24- 2019

Property Location

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.

Detailed Reason for the Request

In December of 1991, the City of Lake Elmo approved the master plan of the Carmelite Hermitage of the Blessed Virgin Mary (aka Carmel of the Blessed Virgin Mary). The master plan included a phasing plan of four parts. Phase 1, consisting of a community building and garage was constructed in 1991/92. Phase 2, consisting of a central court yard with covered walkways (cloister) was constructed in 2001/2002. Phase 3 consists of a chapel and is the building we would now like to construct. Phase 4 will consist of a guest building and library. We hope to commence Phase 4 around 2022. We request City approval of a conditional use permit to construct our chapel because it is an essential building of every monastery and will provide needed worship space for the members of the Hermitage and their guests.

Variance Requests

No variances requested.

2a. Contact Information

Owner of Record

Discalced Carmelite Nuns of Saint Paul
8251 Demontreville Trail
Lake Elmo, MN 55042
651-777-3882

Authorized Agent

Reverend John Burns
Carmelite Hermitage of the Blessed Virgin Mary
8249 Demontreville Trail
Lake Elmo, MN 55042
651-779-7351
carmelbvm@gmail.com

Architect

Duncan Stroik
218 West Washington Avenue
Suite 1200
South Bend, IN 46601
574-232-1783
stroik@stroik.com

Civil Engineer

Paul Cherne, P.E.
Pioneer Engineering

2422 Enterprise Drive
Mendota Heights, MN 55120
651-251-0630
pcherne@pioneereng.com

Surveyor

Joel Anez
Landmark Surveying, Inc.
21070 Olinda Trail North
Box 65
Scandia, MN 55073
651-433-3421
inthefield@frontiernet.net

Septic System

Jesse Kloepfner
Steinbrecher Companies, Inc.
Zimmerman, MN 55398
763-843-4114
septic@IssiMN.com

2b. Property Information**Addresses**

Disalced Carmelite Nuns of St. Paul
8251 Demontreville Trail
Lake Elmo, MN 55042

Carmelite Hermitage of the Blessed Virgin Mary
8249 DeMontreville Trail
Lake Elmo, MN 55042

Current Zoning

Public Facility (PF)

Parcel Size

90.109 acres
3,924,760 square feet

PID

0902921120002

Current Legal Description

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.

2c. History of the Property

The property under consideration was homesteaded in the 1800s and remained farm land until 1954. At one time William Jennings was owner of all of Lot 4, Section 9, Township 29, Range 21, and all of Lots 3 and 4 and the West one-half of the Southeast Quarter of Section 4, Township 29, Range 21, West in Washington County, Minnesota.

On 25 August 1904, William Jennings and his wife conveyed to Christian Figge by warranty deed dated that day, Government Lot 4, Section 9, Township 29, Range 21, and also the South 30.6 acres of Lot 4 in Section 4 and of the Southwest Quarter of the Southeast Quarter of Section 4, Township 29, Range 21. As part of said conveyance, William Jennings also granted to Christian Figge a right of way (easement) to Figge's property over Government Lots 3 and 4 in Section 4 as described in a deed recorded in Book 72 of the Book of Deeds, page 80, Washington County, Minnesota. This is the easement from Demontreville Trail across property now owned by the Jesuit Retreat House and to the property under consideration that has existed since 1904.

In 1954, the Discalced Carmelite Nuns of Saint Paul, a non-profit corporation under the laws of the State of Minnesota, were looking for property upon which to build a permanent monastery. They were advised of the property which they now own and entered into negotiations with the current owners.

On 2 February 1954, Phillip C. Mackey and his wife Bernadine R. Mackey conveyed their property, along with its easement, to the Discalced Carmelite Nuns of Saint Paul by warranty deed, dated that day, and filed for record in Washington County, Minnesota, on 4 February 1954. At the time of purchase, said property had been on the market for five years. The Carmelite Nuns built their monastery upon their newly acquired property in 1954/55. They moved into the new monastery in 1955 and have resided there since that time.

In 1983, Rev. John Burns, a Carmelite priest, became chaplain for the Carmelite Nuns in Lake Elmo. After several years, the Carmelite Nuns and Fr. Burns mutually agreed that it would be beneficial to the Carmelite nuns if the Carmelite Fathers and Brothers established their own monastery on the property. This would assure the nuns of future chaplains and allowed the Carmelite Fathers to have a presence in the Twin Cities. In 1987 Carmel of the Blessed Virgin Mary (aka Carmelite Hermitage, Carmelite Hermitage of the Blessed Virgin Mary) was incorporated in the State of Minnesota. Other priests and brothers joined the community over the years.

The Order of Carmelites was founded on Mount Carmel (present State of Israel) sometime before 1200 AD. From there it has spread to six continents. Currently there are about 900 monasteries of nuns with a total membership of 10,000, and 1,000 houses of Carmelite priests and brothers with about a total membership of 6,000. We are part of the Roman Catholic Church.

Our way of life consists of prayer, study, and labor to support ourselves. We also welcome visitors who wish to find a quiet place to refresh their minds and hearts, to reflect and pray, either by themselves or with us, and who may desire to seek guidance for their lives by talking with one of the members of our community. The chapel is the heart of our monastery buildings. Our day is punctuated by liturgical services and times of personal prayer. We live a simple way of life and support ourselves through arts and crafts, organic gardening, maple syrup production, woodworking and self-maintenance of our property and buildings.

2d, i.

The 90 acre tract upon which the new chapel will be built is approximately 60% woodland and 40% prairie and is situated on the east bank of Lake Demontreville. Wildlife is abundant in all areas of the property. We have a personal commitment to live in harmony with our natural surroundings and to employ horticultural practices which do not pollute but rather benefit the environment. We have spent many hours removing buckthorn and diseased trees from our property and planting species of trees and shrubs which are beneficial to wildlife.

The new chapel will be situated just west of the existing buildings of the Hermitage. The land there is almost flat, and construction of the chapel will not require any significant changes to the topography. The hermitage is situated in an open field surrounded by woodlands. The area in the immediate vicinity of the hermitage is planted with lawn, trees, shrubs, and flower beds. Access to the hermitage is provided by a private road from Demontreville Trail. The distance between the hermitage and Demontreville Trail is approximately ½ mile.

Since we live at the Hermitage, and since our way of life is relatively secluded, we leave the Hermitage infrequently, and therefore we do not generate a significant amount of traffic. Visitors to our Hermitage now average 1-2 per day. Additionally, we have regular mail delivery and occasional deliveries by UPS or FedEx. Our new chapel will be open to the public during the day and may generate an increased number of visitors. Because of the remoteness of our property and the fact that we do not advertise, we do not anticipate an increase of visitors beyond an average of 10-15 per day. We do not operate any programs for the public, although we may have a special celebration a few times per year to which guests are invited. We do not anticipate any adverse effects upon the natural areas of our property during or after the construction of the chapel.

2d, ii.

We currently have seven members in our community, and we may eventually grow to a maximum of twelve members. We have two part-time employees who help to maintain our grounds and buildings. The Hermitage opens to the public at 7:30 AM and closes at 4:30 PM. We have a gate which prevents access to the hermitage after-hours.

Our community building provides living and work spaces for the members of the community, including a kitchen, dining room, laundry, shower room, library, infirmary, and mechanical room. To the west of the community building and attached to it lies the cloister. This consists of a quadrangle surrounded by covered walkways which allow passage from one building to another under a roof. The open interior of the cloister is landscaped with flowerbeds and a pool. Off the north and south sides of the cloister are found the bedrooms of the members of the community. The new chapel will be situated just west of the cloister. The chapel will be used for liturgical services and for personal prayer. It has a planned seating capacity of 42 guests, in addition to the members of our community (12 maximum).

2e, i.

Since the parcel of land upon which the chapel will be built is very large and since the chapel will be located in the middle of the parcel, we do not foresee that the chapel will cause any inconvenience or disturbance to the neighborhood or to the City. Our community greatly values silence as an appropriate atmosphere for prayer and personal reflection. None of the activities carried on in the new chapel will create noise. The chapel will be built of durable and noble materials which will enhance the beauty of the neighborhood. The safety of our grounds and buildings is important to us. No toxins or harmful waste products are produced as a result of activities at our monastery, and we are committed to recycling and energy conservation.

2e, ii.

Our parcel of land has always been and continues to be zoned as Public Facility. No change in land use is envisioned in our plans. Since our parcel of land is heavily wooded and borders Lake Demontreville on its west side, we in no way interfere with the development plans of the City of Lake Elmo. The comprehensive plan is for public/park. The rural character of the area will not be changed by the addition of the new chapel building.

2e, iii.

Our property is bordered on the south and east by low density private housing, on the north by the Jesuit Retreat House, and on the west by Lake Demontreville. Woodland separates our buildings from the single-family neighborhoods which border our property to the east and to the south. Woodlands also separate us from the Jesuit Retreat House. There is no direct view of our buildings from any neighboring property. There is no incompatibility between our hermitage and the existing neighborhood. We have excellent relations with our neighbors. Many have told us that they are very grateful to live next to our hermitage both because of the prayerful and religious nature of our life and also because of our extensive woodlands.

The Jesuit Retreat House shares the same prayerful and religious activities as we do. Far from being incompatible, our institutions belong to the same church and share a common way of life. The one priest who is resident at the Jesuit Retreat House opposes our new chapel because of a fear that it will increase traffic on the roadway which passes through Jesuit property to reach our hermitage. We have told him that we will work with him to minimize any disturbance to the retreats which take place from Thursday evening through Sunday evening most weeks. Since we do not advertise in any way nor offer programs for the public, we do not anticipate large crowds coming to our hermitage. Visitors will be intermittent and will usually arrive in a single car. By contrast, there may be fifty or more cars which come to and leave from the Jesuit Retreat House at the beginning or end of the weekly retreat. Trucks make food deliveries during the week and a laundry truck comes each week to replace sheets and towels. The Retreat House employs far more people than our Hermitage, and this also adds to the traffic in the area.

2e, iv.

Our project conforms to Article 7 of the Zoning Code, including general requirements for parking as regards dimensions and number of parking spaces.

2e, v.

The project is not in a flood plain. The project is in a shoreland district. The project meets the setback and lot area requirements of the ordinance. Demontreville Lake is a recreational development lake. The project is a permitted use in the shoreland district

	Ordinance	Proposed
Setback County Road	50	2750'
Setback Public Street	20	1025'
Setback OHW	200	980'
Setback top of bluff	30	220'
Setback OHW- Septic	75	810'
Maximum impervious coverage	15%	1.2%

--	--	--

2e, vi.

The new chapel will be constructed of the same materials as the existing buildings of the hermitage (brick and stone). The monastery of the Carmelite nuns is also a brick structure. The main building complex of the Jesuit Retreat House is a limestone structure. No change in the character of the area will result from the construction of our chapel. The nearest land uses are also religious.

2e, vii.

The chapel will be isolated from neighbors and will not create a hazard or nuisance to existing or future neighboring structures.

2e, viii.

The project will be served adequately by existing public services and will not create any additional demand for public services. The site utilizes an onsite well and onsite septic system. In 1991 officials from the Lake Elmo Fire Department visited our Hermitage to determine whether our site presented any difficulties of access for the fire department. Fire Chief Dick Sachs stated in writing that our site did not pose any problems to his department. (See attached letter.)

2e, xi.

The project will not create a need for additional public services or facilities. No detriment to the economic welfare of the community will result from the construction of our chapel.

2e, x.

The chapel will be used for religious purposes by the residents of the Hermitage. Guests and visitors will have access to the chapel at suitable hours of the day. The chapel has a planned seating of 42 persons, but we do not anticipate having nearly this many people at our services on a daily basis. At the present time, we have no more than 0 to 10 visitors a day. Most days the number is 0 to 2. The new chapel will not produce noise, smoke, fumes, glare, or odors, and the increase of traffic on account of the chapel will be minimal.

2e, xi.

The site is accessed via a collector street (Demontreville Trail) and a private drive. The additional traffic generated by the chapel is estimated to be 8 average daily trips on most days of the year and 30 average daily trips on a few occasions in a calendar year. Most trips will occur during non-peak hours.

2e, xii.

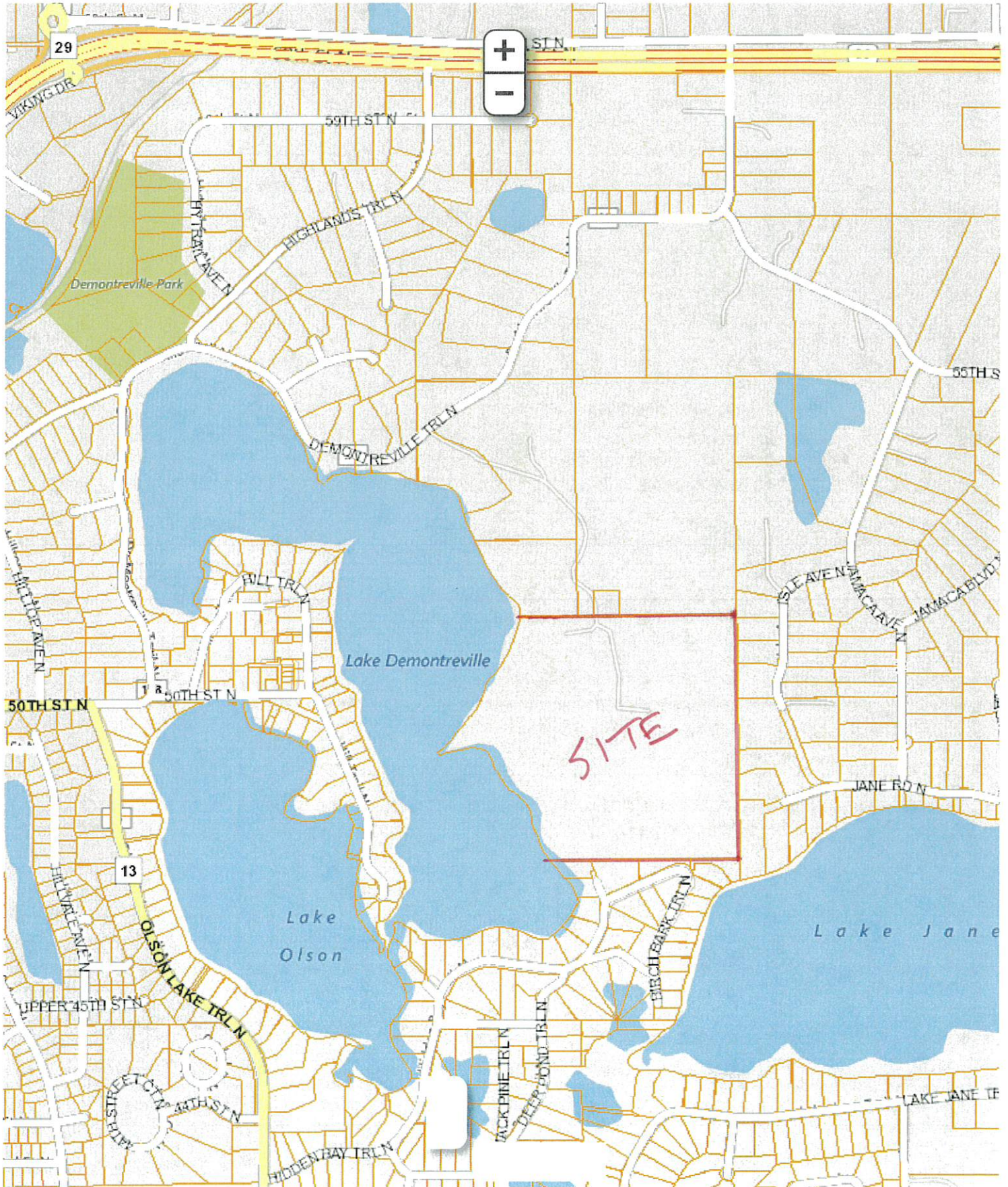
The new chapel will be built in an open field and will result in very minimal tree removal (8-10 evergreens which we ourselves had planted). No wetlands will be impacted. The chapel will be located 980' feet from Lake Demontreville. The final phase of our monastery building program will consist of a building for visitors and guests as well as some rooms for community workshops and library.

Landscaping Plan

Because the area around the chapel will be further developed with a guest building, workshops and a small library, we do not plan extensive landscaping around the chapel. Lawn grasses, some foundations shrubs, and a few flower beds will be planted and mulched with wood chips. Mr. Ken Roberts thought that, under these circumstances, it would not be necessary to submit a separate landscaping plan.



Property Viewer





Property Viewer





Property Viewer





Property Viewer

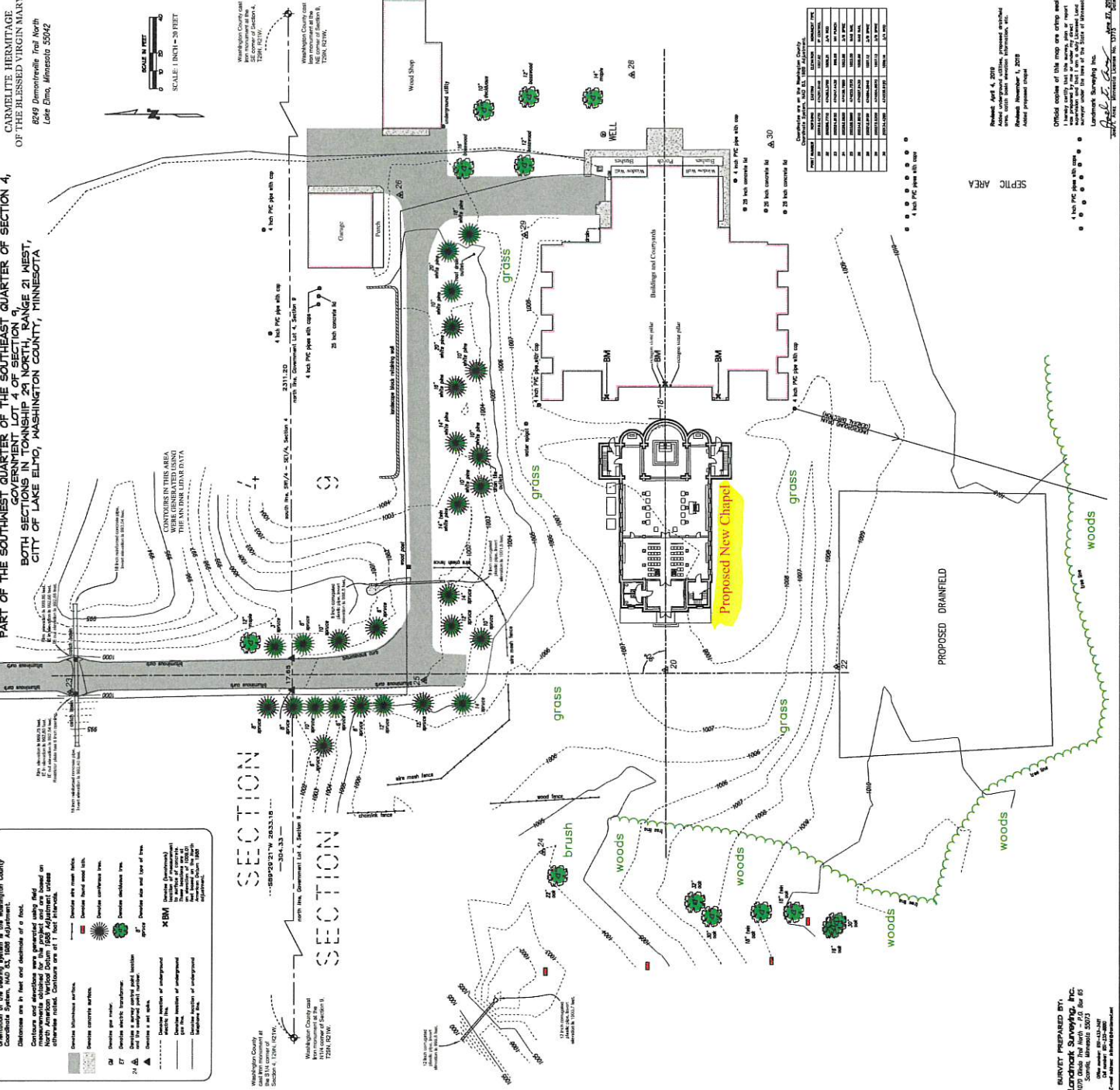


CERTIFICATE OF SURVEY

TOPOGRAPHIC SURVEY
 PREPARED FOR:
 CARMELITE HERMITAGE
 OF THE BLESSED VIRGIN MARY
 8249 Demonville Trail North
 Lake Elmo, Minnesota 55042



PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4,
 GOVERNMENT LOT 4 OF SECTION 9,
 BOTH SECTIONS IN TOWNSHIP 24 NORTH, RANGE 21 WEST,
 CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA



LEGEND

Orientation of the bench system in the Washington County
 Coordinate System, NAD 83, 1988 Adjustment.
 Distances are in feet and decimals of a foot.

Contours and elevations were interpolated using a Red
 North American Vertical Datum 1985 Adjustment unless
 otherwise noted. Contour interval of 1 foot.

[Symbol]	Denotes benchmark
[Symbol]	Denotes utility artifact
[Symbol]	Denotes wire fence
[Symbol]	Denotes road used for
[Symbol]	Denotes wood shed
[Symbol]	Denotes utility line
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site
[Symbol]	Denotes site

XBM Denotes (Benchmark)
 Denotes a bench mark of an adjacent survey.
 Denotes a bench mark of an adjacent survey.
 Denotes a bench mark of an adjacent survey.
 Denotes a bench mark of an adjacent survey.

Contributions by the Washington County
 Coordinate System, NAD 83, 1988 Adjustment

Station	Point	Height	Notes
1	2311.20	1000.00	4" dia PVC pipe with top
2	2311.20	1000.00	4" dia PVC pipe with top
3	2311.20	1000.00	4" dia PVC pipe with top
4	2311.20	1000.00	4" dia PVC pipe with top
5	2311.20	1000.00	4" dia PVC pipe with top
6	2311.20	1000.00	4" dia PVC pipe with top
7	2311.20	1000.00	4" dia PVC pipe with top
8	2311.20	1000.00	4" dia PVC pipe with top
9	2311.20	1000.00	4" dia PVC pipe with top
10	2311.20	1000.00	4" dia PVC pipe with top
11	2311.20	1000.00	4" dia PVC pipe with top
12	2311.20	1000.00	4" dia PVC pipe with top
13	2311.20	1000.00	4" dia PVC pipe with top
14	2311.20	1000.00	4" dia PVC pipe with top
15	2311.20	1000.00	4" dia PVC pipe with top
16	2311.20	1000.00	4" dia PVC pipe with top
17	2311.20	1000.00	4" dia PVC pipe with top
18	2311.20	1000.00	4" dia PVC pipe with top
19	2311.20	1000.00	4" dia PVC pipe with top
20	2311.20	1000.00	4" dia PVC pipe with top

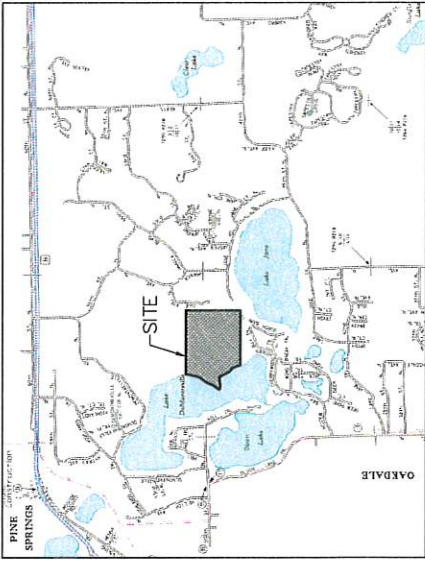
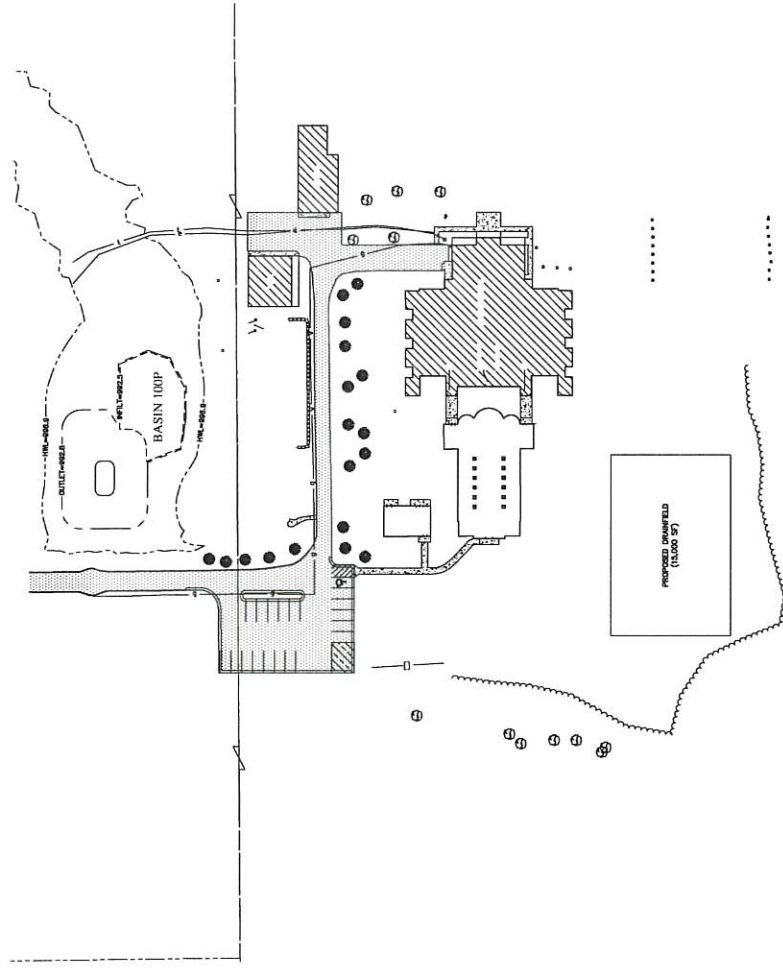
Revised: April 4, 2019
 Revised: November 1, 2018
 As per previous change

Official copies of this map are crimp sealed,
 having clearly and legibly shown the name of the surveyor,
 the date of the survey, and the location of the survey
 monument and this map is not to be used as evidence
 in any legal proceeding without the seal of the surveyor.

Landmark Surveying Inc.
 2075 2nd Ave North - 715 2nd St S
 Sorens, Minnesota 55073
 Tel: 612-961-2542
 Fax: 612-961-2542

SURVEY PREPARED BY:
Landmark Surveying, Inc.
 2075 2nd Ave North - 715 2nd St S
 Sorens, Minnesota 55073
 Tel: 612-961-2542
 Fax: 612-961-2542

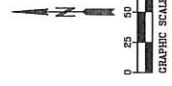
CARMELITE HERMITAGE CHAPEL CONDITIONAL USE CONSTRUCTION PLAN SET LAKE ELMO, MINNESOTA



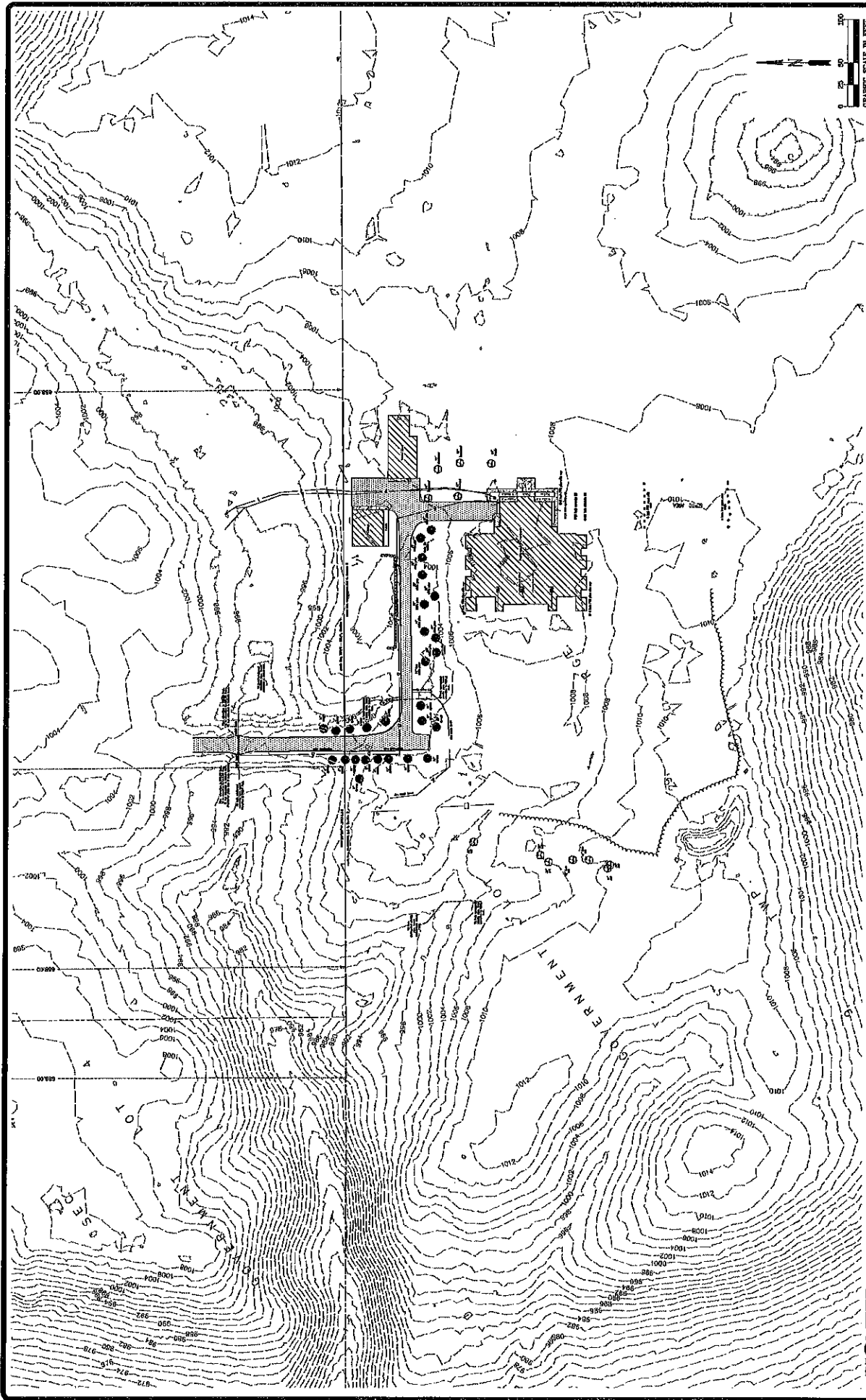
LOCATION MAP

SHEET INDEX

- COVER SHEET 1.10
- LEGEND SHEET 1.20
- EXISTING CONDITIONS 2.10
- OVERALL SETBACK PLAN 3.10
- UTILITY PLAN 3.20
- PLANTING PLAN 4.10
- GRAZING PLAN 5.10
- EROSION CONTROL PLAN 5.20
- SEEDING PLAN 5.30
- DETAILS 6.10-6.13



<p> PIONEER engineering 5232 Interstate 49 Mendota Heights, MN 55120 (612) 681-1914 Fax: (612) 681-1988 www.pioneereng.com </p>	<p> I hereby certify that the plans were prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota. </p> <p style="text-align: right;"> Date: 08/11/14 Signature: <i>[Signature]</i> Title: Professional Engineer </p>	<p>COVER</p>	<p> CARMELITE HERMITAGE 1501 DEBENTURE TRAIL NORTH LAKE ELMO, MN 55022 </p>	<p>1.10 OF 13</p>
--	---	--------------	---	-------------------



GRAPHIC SCALE IN FEET
 0 50 100
 2.10 of 13
 CARMELITE HERMITAGE CHAPEL
 LAKE ELMO, MINNESOTA

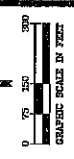
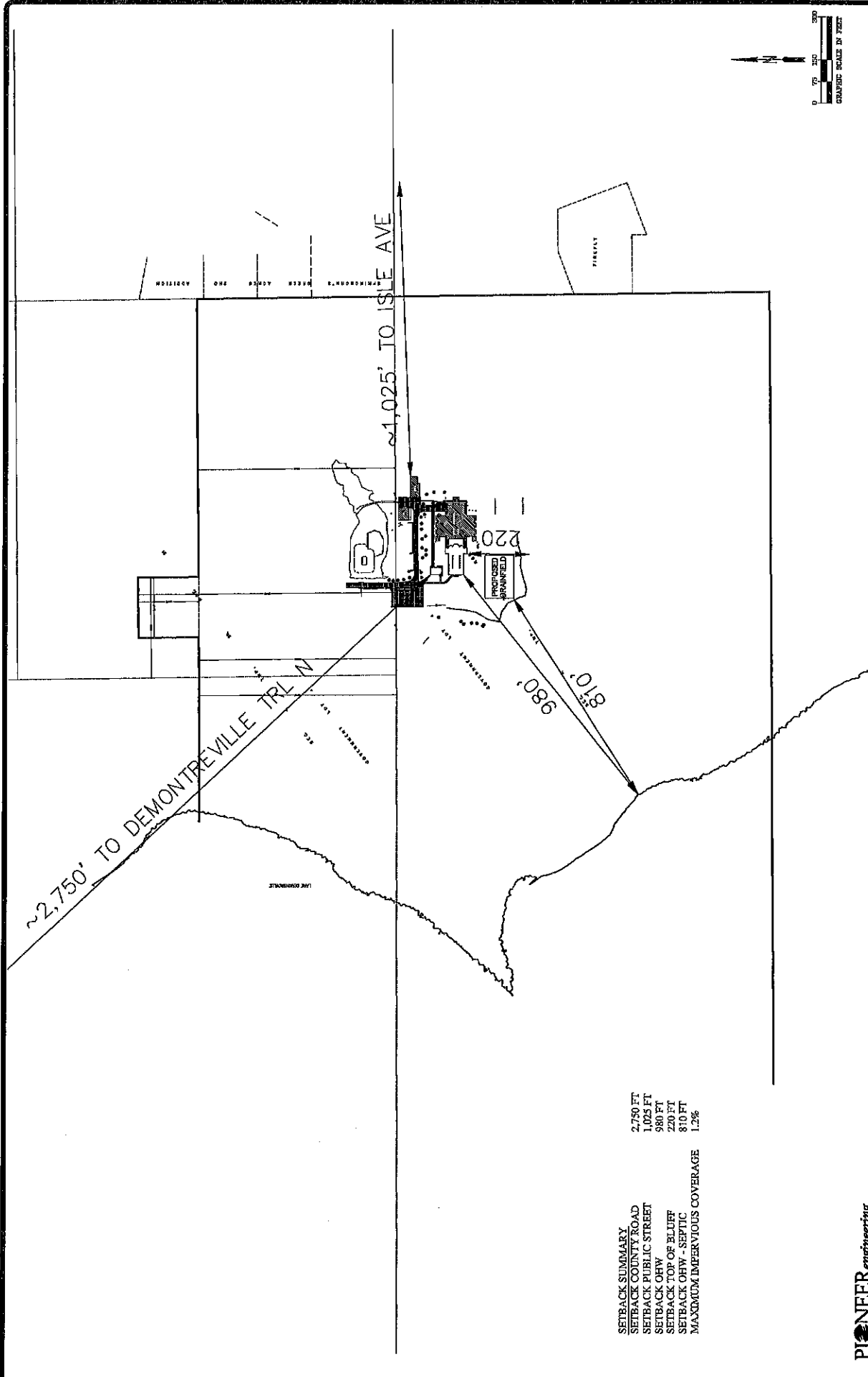
CARMELITE HERMITAGE
 609 LAKE ELMO AVENUE NORTH
 LAKE ELMO, MN 55049

EXISTING CONDITIONS

DATE: 08/11/10
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 DATE: 08/11/10

PIONEER engineering
 2407 Blountville Drive
 Mendota Heights, MN 55120
 612.771.8888
 www.pioneereng.com

PIONEER engineering
 2407 Blountville Drive
 Mendota Heights, MN 55120
 612.771.8888
 www.pioneereng.com

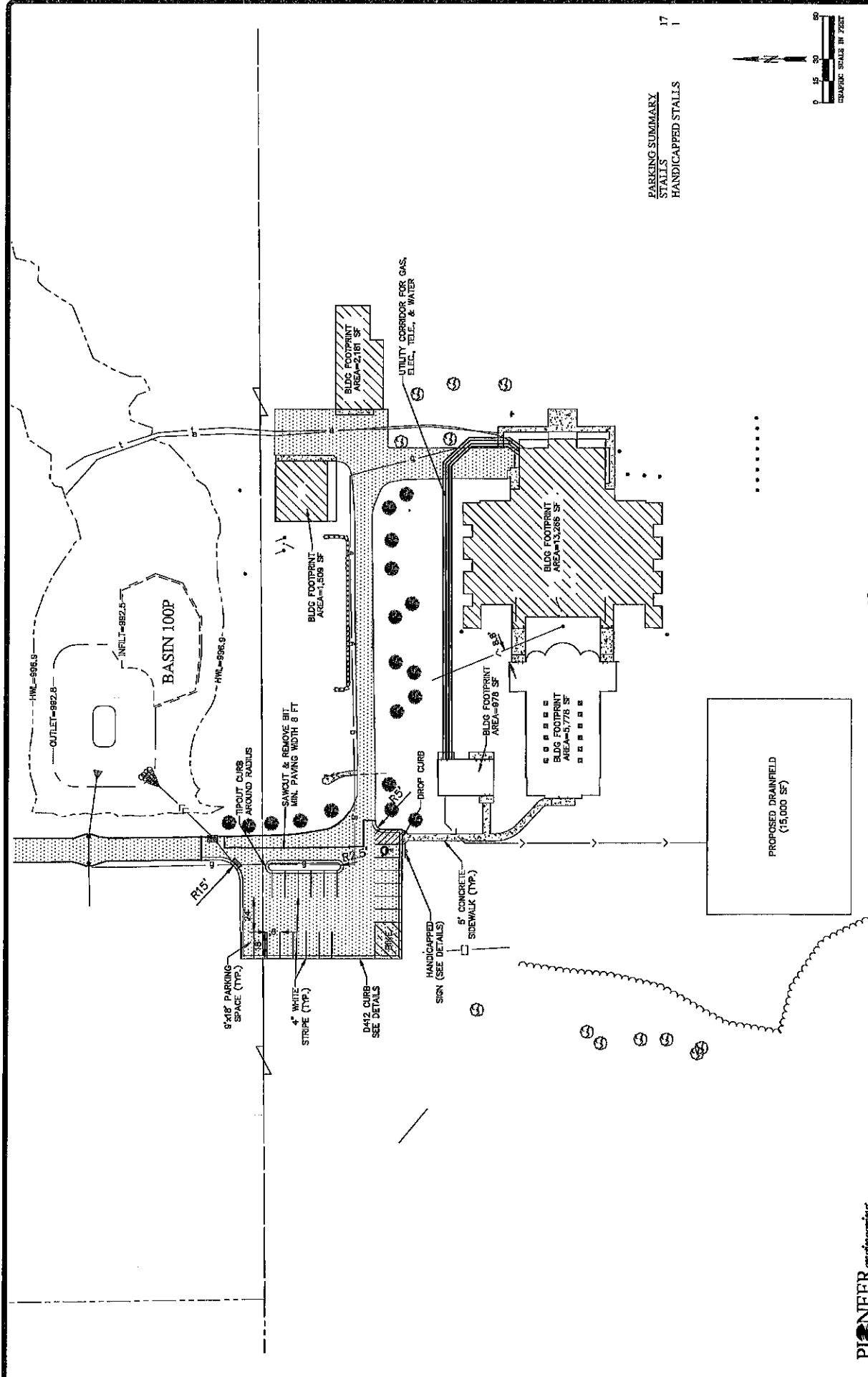


SETBACK SUMMARY
 SETBACK COUNTY ROAD 2,750 FT
 SETBACK PUBLIC STREET 1,025 FT
 SETBACK OHW 980 FT
 SETBACK TOP OF BLUFF 220 FT
 SETBACK OHW - SEPTIC 810 FT
 MAXIMUM IMPERVIOUS COVERAGE 1.2%

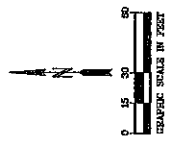
PIONEER engineering
 2422 Enterprise Drive
 Newton Heights, NJ 07852
 (908) 521-3448
 www.pioneereng.com

PROJECT INFORMATION: CARMELITE HERMITAGE CHAPEL, LAKE ELMO, MINNESOTA
 DATE: 3.10.13
 DRAWING NO.: 20130301
 SHEET NO.: 001
 PROJECT NO.: 20130301

OVERALL SETBACK PLAN



PARKING SUMMARY
 STALLS 17
 HANDICAPPED STALLS 1



3.20.13

CARMELITE HERMITAGE CHAPEL
 LANE BLDG, MINNESOTA

CARMELITE HERMITAGE
 599 BROADWAY, ST. PAUL, MN 55101
 651.224.1100

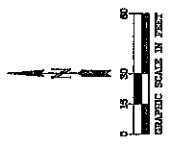
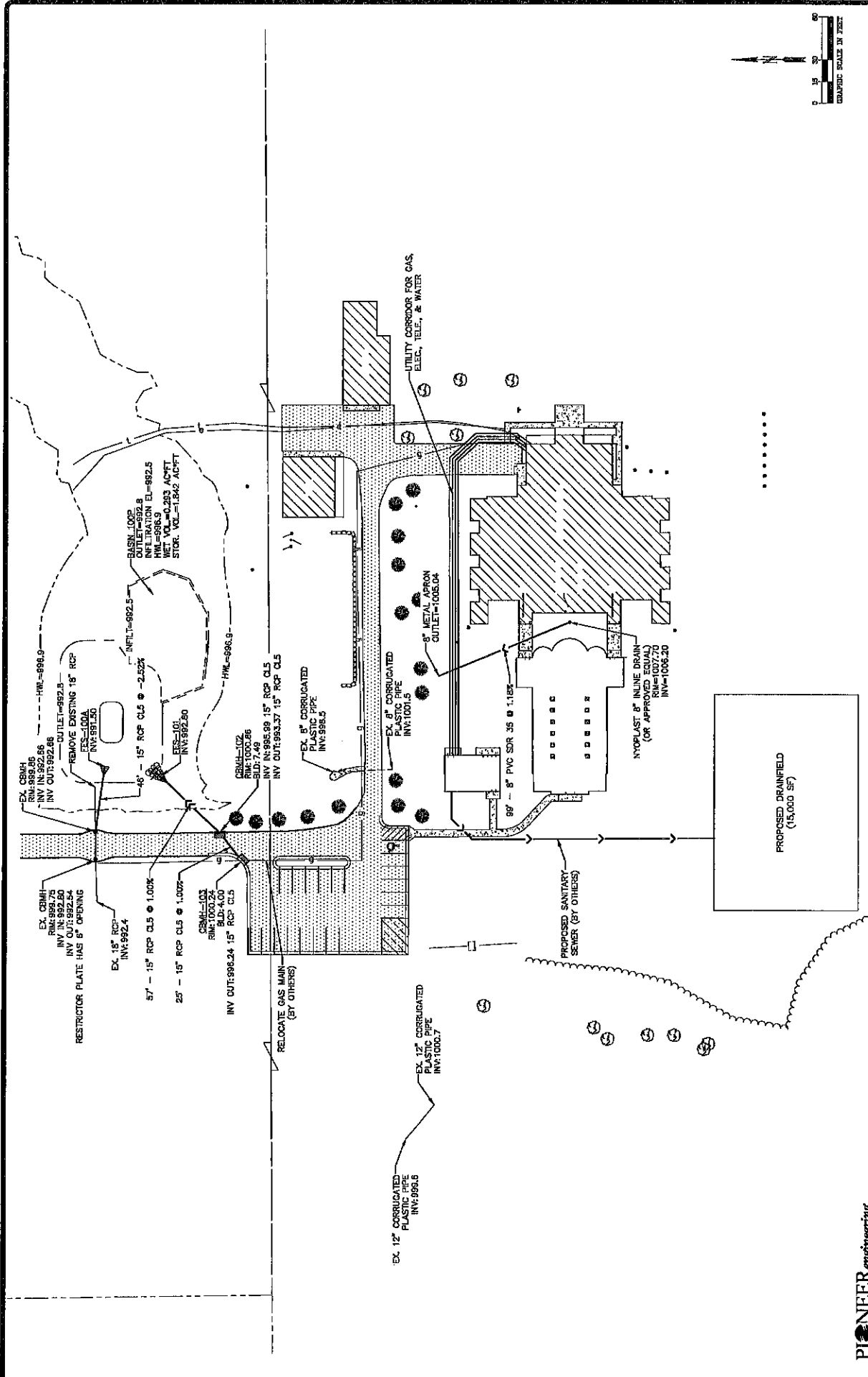
SITE PLAN

PROPOSED DRAINFIELD
 (15,000 SF)

DATE: 10/28/13
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO.: 13-0001

PIONEER engineering
 2422 Elmwood Drive
 St. Paul, MN 55120
 (612) 461-0188
 www.pioneereng.com

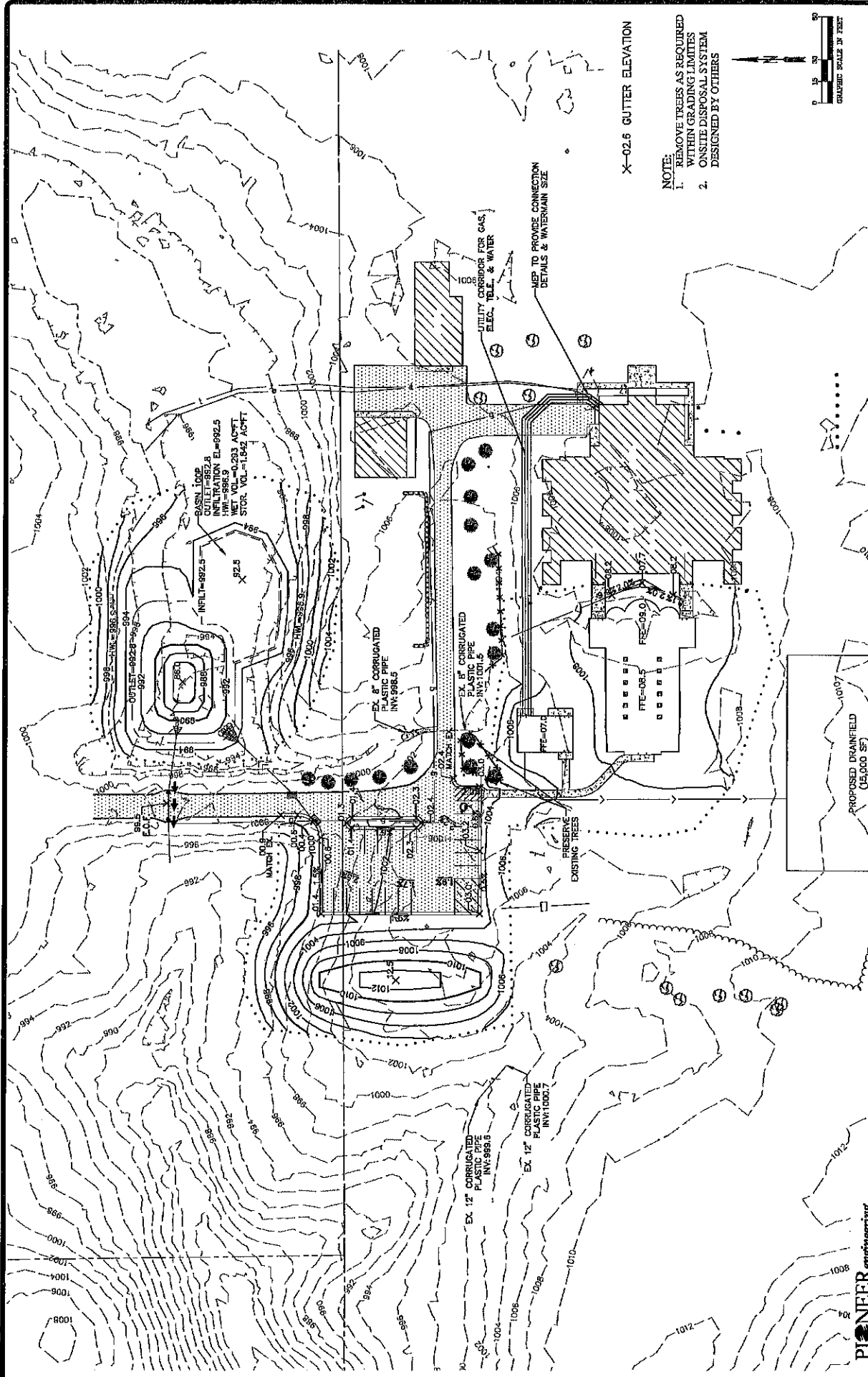
© 2013 Pioneer Engineering, Inc.



PIONEER engineering
 2402 Des Moines Drive
 Mendota Heights, MN 55120
 (612) 441-1014
 www.pioneereng.com

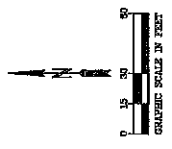
Project No. 15000
 Date: 02/20/15
 Revision:

Rev	Description	Date
01	ISSUE FOR PERMIT	02/20/15
02	ISSUE FOR PERMIT	02/20/15



X-02.6 GUTTER ELEVATION

- NOTE:
1. REMOVE TREES AS REQUIRED WITHIN GRADING LIMITS
 2. ONSITE DISPOSAL SYSTEM DESIGNED BY OTHERS



PIONEER engineering 2422 Dempster Drive Mendota Heights, MN 55120 (612) 941-8148 www.pioneereng.com	Date: 03/22/2011 Drawn: JLC Checked: JLC	Project: CARMELITE HERMITAGE CHAPEL 258 DEMPSTER DR LAKE ELMO, MN 55043	5.10 of 13
	Revision:	GRADING PLAN	CARMELITE HERMITAGE CHAPEL LAKE ELMO, MINNESOTA

PROPOSED DRAINFIELD (14,000 SF)

PRESERVE EXISTING TREES

EX. 12" CORRUGATED PLASTIC PIPE INV: 999.5

EX. 8" CORRUGATED PLASTIC PIPE INV: 998.5

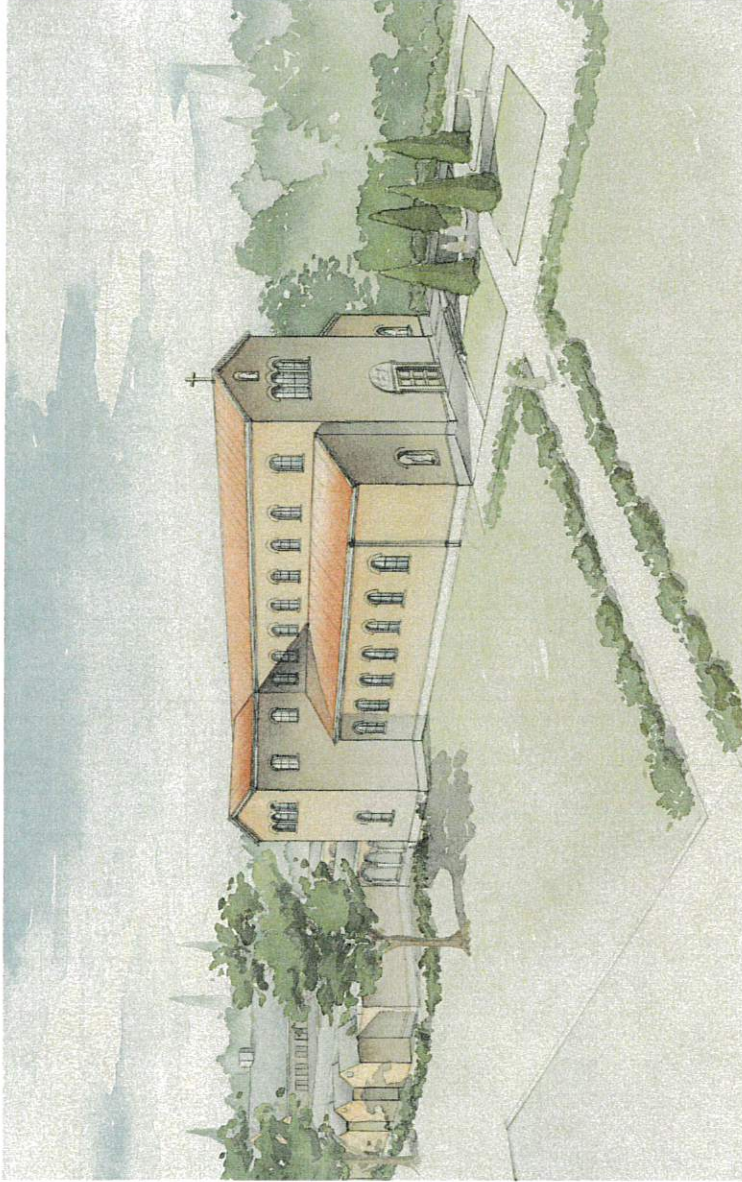
EX. 8" CORRUGATED PLASTIC PIPE INV: 998.5

BASEIN LOOP
 OUTLET=992.8
 INLET=992.5
 HW=986.9
 NET VOL=0.293 ACFT
 STOR. VOL=1.942 ACFT

UTILITY CROSSINGS FOR GAS, ELEC., TILE & WATER

MEP TO PROVIDE CONNECTION DETAILS & WATERMAIN SIZE

CARMELITE CHAPEL
CARMELITE HERMITAGE
OF THE BLESSED VIRGIN MARY
 8249 DE MONTREVILLE TRAIL
 LAKE ELMO, MINNESOTA 55042-9545



OWNERS

CARMELITE HERITAGE OF THE
 BLESSED VIRGIN MARY
 CONTACT: REV. JOHN BURNS O.CARL
 8249 DE MONTREVILLE TRAIL
 LAKE ELMO, MN 55045
 PHONE: 652/779-7351

STRUCTURAL ENGINEER

LKL ENGINEERS
 CONTACT: MARK KENNEDY
 275 NORTH HOLLAND-STYVANIA ROAD
 TOLEDO, OH 44045
 PHONE: 419/574-0195

M.E.P. ENGINEER

ASSOCIATED CONSULTING
 ENGINEERING, INC.
 CONTACT: KELLY LOEBENSLAGER
 3500X PALMS SOUTH PARKWAY, SUITE 4039
 PHONE: 485/315-1728

CIVIL ENGINEER/EA

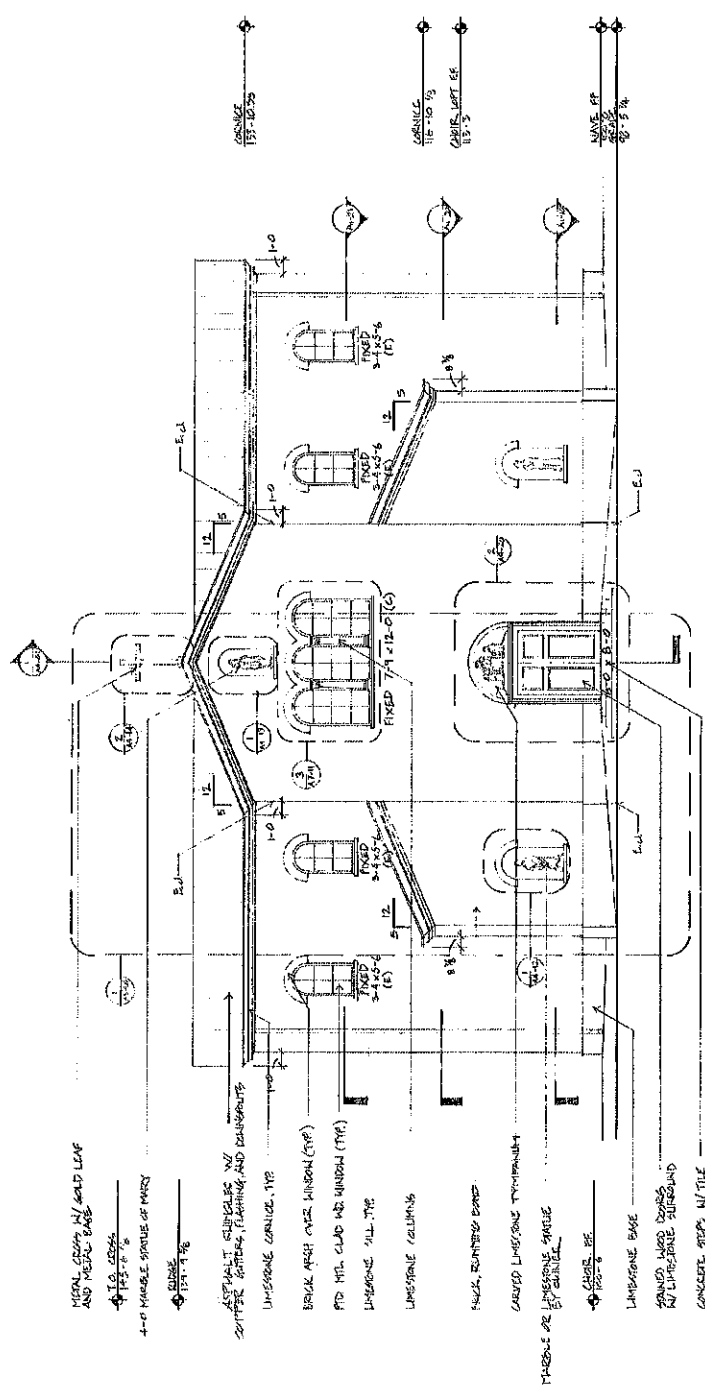
PIONEER ENGINEERING
 CONTACT: PAUL OBERNE
 2825 AVENUE UNIV. DRIVE
 MESA, AZ 85204
 PHONE: 480/448-2914

DUNCAN G. STROIK ARCHITECT LLC
 218 WEST WASHINGTON STREET, SUITE 1200
 SOUTH BEND, INDIANA 46601
 574/232-1783; FAX: 574/232-1792

EXTERIOR PERSPECTIVE

DATE 12-19-2014	DATE 08-23-12	DATE 08-23-12
REVISION		REVISION
		T0-001

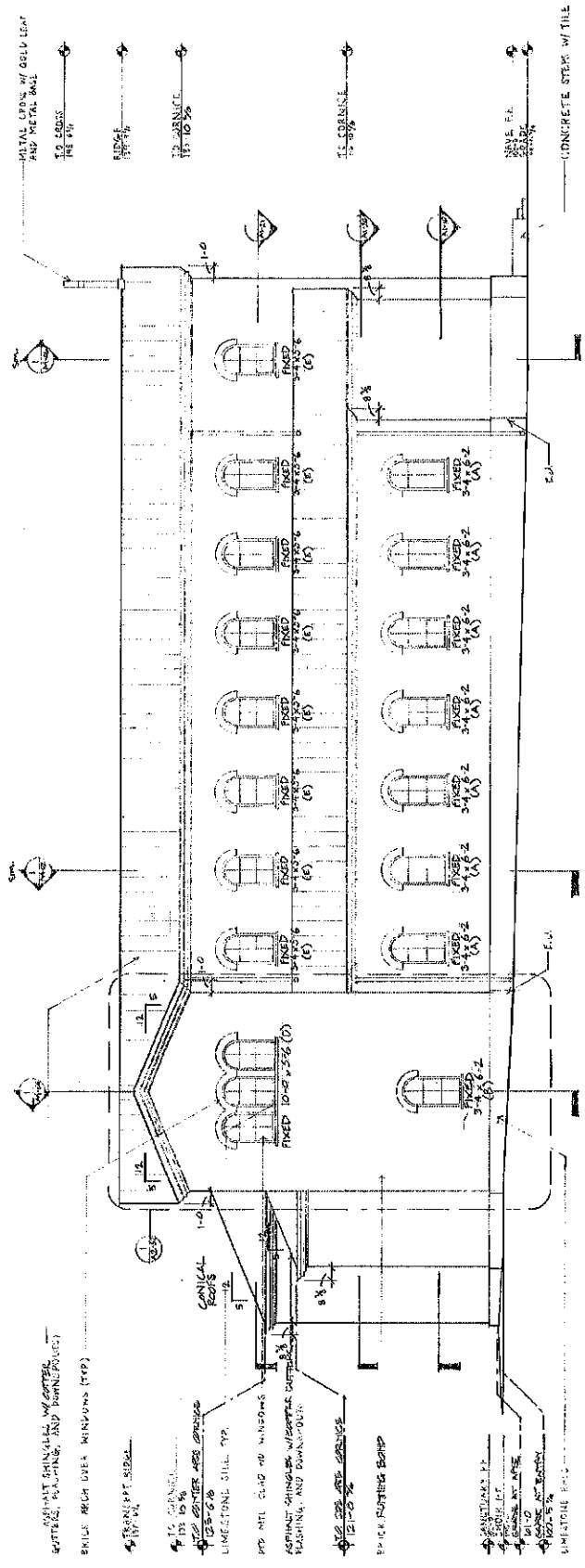
CARMELITE CHAPEL
 LAKE ELMO, MINNESOTA
 DUNCAN G. STROIK ARCHITECT
 218 WEST WASHINGTON STREET, SUITE 1200
 SOUTH BEND, INDIANA 46601
 574/232-1783; 574/232-1792 FAX
 © 2014 DUNCAN G. STROIK ARCHITECT LLC



① ELEVATION

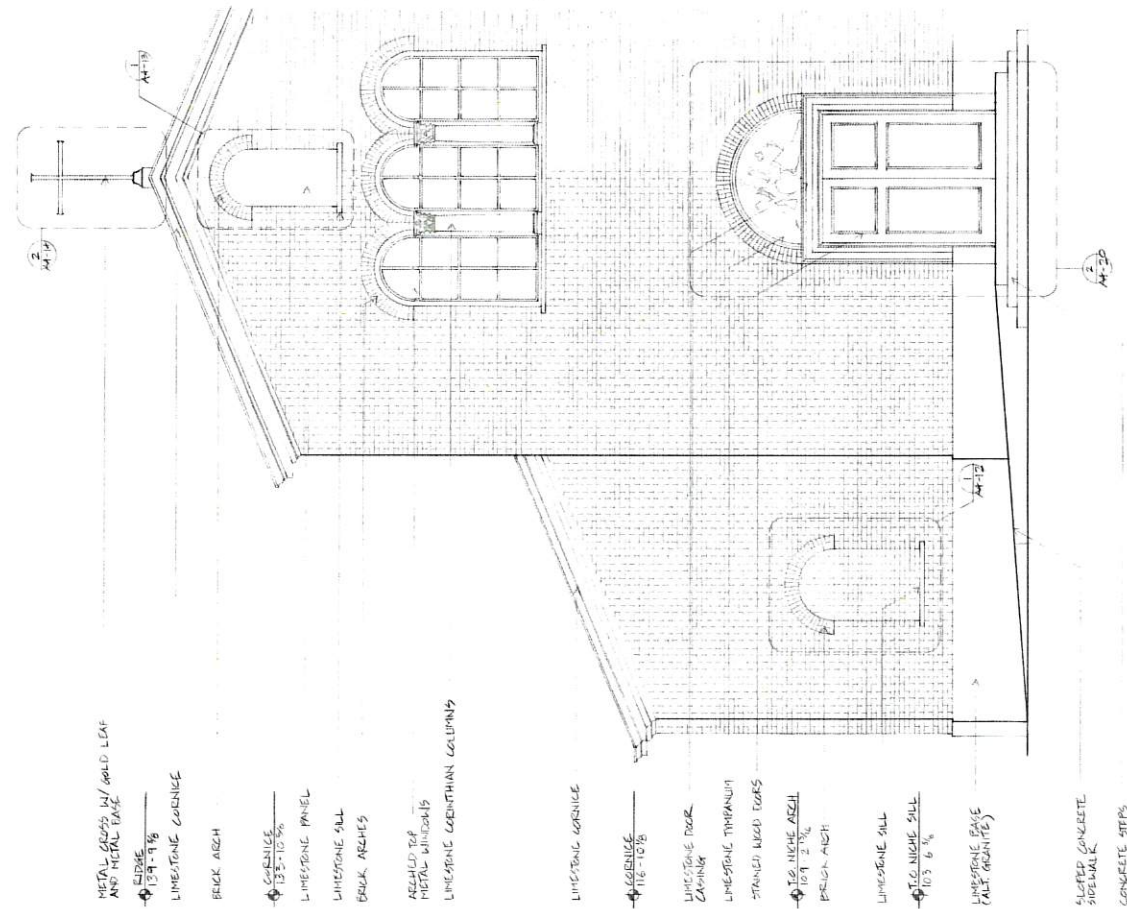
WEST ELEVATION	
DATE	12. APR. 24
BY	DUNCAN, C. STROM, ARCHT
FOR	315 W. WASHINGTON ST. ST. LOUIS, MO.
PROJECT	CARMELITE CHAPEL
SCALE	1/4" = 1'-0"
NO.	100
REV.	100
BY	ASFC

CARMELITE CHAPEL
 315 W. WASHINGTON ST. ST. LOUIS, MO.
 DUNCAN, C. STROM, ARCHT
 12. APR. 24



① ELEVATION

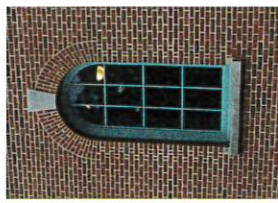
PROJECT		SHEET	
DATE	12 APR 2011	SHEET NO.	A-12-02
DESIGNER	DUNNAN & STRONG ARCHITECT	SCALE	
CLIENT	CARMELITE CHAPEL LAKE ELMO, MINNESOTA	DATE	04/12/11
ARCHITECT	215 SOUTH 1ST AVENUE SUITE 200 MINNEAPOLIS, MN 55402	PROJECT NO.	
OWNER	CARMELITE CHAPEL	PROJECT NAME	
PROJECT ADDRESS	58425 192E TRACYPOLIS LANE	PROJECT NO.	
PROJECT CONTACT	CHARLOTTE@THEMUNNAN.COM	PROJECT NAME	



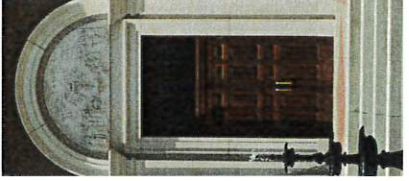
T.O. NICHE ARCH 13'-6" - 2 1/8"
 T.O. NICHE SILL 13'-0" - 10 5/8"
 T.O. BRICK ARCH 12'-1" - 1 1/4"
 F.O. LINENHAT 12'-1" - 4"
 T.O. TYMPANUM 11'-5" - 8"
 T.O. DOOR CANTHARUM 10'-1" - 4"
 T.O. STONE EAVE 10'-2" - 0"
 NAME FF 10'-0" - 0"
 GRADE (VARIES) 9'-6" - 0"



LIMESTONE CORNICES



PAINTED METAL CLAD WOOD WINDOWS, WITH SILLS AND BRICK ARCHES



STAINED WOOD DOORS, LIMESTONE SURROUND AND LIMESTONE TYMPANUM



GAF SLATELINE SHINGLE ROOF EMERALD GREEN



BELDEN BRICK ST. SIMON BLEND



RUSTIC BUFF LIMESTONE BASE



COPPER GUTTERS, FLASHING AND DOWNSPOUTS

DATE		DRAWN BY	
10 MAY 2016	REVISED	CARMELITE CHAPEL	R-1
10 MAY 2016	REVISED	LAKE ELMO, MINNESOTA	
		DUNCAN G. STROCK, ARCHITECT	
		218 W. WASHINGTON ST., SUITE 1700	
		ST. PAUL, MN 55102	
		574/251-1188; 374/252-1791 FAX	
		© 2011 DUNCAN G. STROCK ARCHITECT, LLC	

PHOTO REFERENCE BOARD

MEMORANDUM

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

Date: June 17, 2019

To: Ken Roberts, Planning Director Re: Carmelite Site Improvements
Cc: Chad Isakson, Assistant City Engineer Engineering Site Plan Review
From: Jack Griffin, P.E., City Engineer

A Site Plan engineering review has been completed for the Carmelite Hermitage Chapel Conditional Use Construction Plan set. The site is located at 8249 DeMontreville Trail North in Lake Elmo. The submittal consisted of the following documentation received on May 28, 2019:

- Site Plans prepared by Pioneer Engineering, dated April 26, 2019.
- Stormwater Management Report prepared by Pioneer Engineering, dated April 26, 2019.
- Certificate of Survey prepared by Landmark Surveying, dated June 27, 2018.
- Wetland Delineation Report prepared by MNR, dated May 2, 2019.
- Septic System Plan prepared by Steinbrecher Companies, Inc., dated May 8, 2019.

Engineering review comments are as follows:

STORMWATER MANAGEMENT

- A Valley Branch Watershed District (VBWD) permit will be required. The site plan is subject to a storm water management plan (SWMP) meeting State, VBWD and City rules and regulations.
- The SWMP executive summary must be revised and resubmitted to clarify the required standards for this project (City and VBWD) and to demonstrate compliance with those applicable standards.
 - The total new and recreated impervious surface area must be identified in detail.
 - The applicable standards must reference the VBWD rules and Stormwater Rules for the City of Lake Elmo.
 - The report must state the soil types determined by the soil borings. Assumed infiltration rates must be identified in the report and the report must demonstrate drawdown in 48 hrs.
 - A soil boring location map must be provided and verified that sufficient borings have been taken in accordance with the City Engineering Design Standards Manual.
- Storm water facilities proposed for meeting State and VBWD permitting requirements must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website, dated March 2017.
- Ownership. The storm water facilities constructed for this development should remain privately owned and maintained.
- Stormwater Maintenance and Easement Agreement. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement.
- Maintenance Access. Even as privately owned and maintained facilities, maintenance access roads meeting the City engineering design standards must be provided for all storm water facilities.
- Easements. The storm water facility 100-year HWL must be fully contained within the subject property and easements must be provided to protect the 100-year HWL flood area.

- Sheet 4.10. The sanitary sewer and water services must be identified as to size and material. A plan note should be added to indicate the sanitary sewer and water service lines per state plumbing code requirements.
- Sheet 5.10. Revise grading plan to revise storm water BMP site to meet City of Lake Elmo and MN Storm Water Manual standards and as follows:
 - Provide 10:1 aquatic bench and 10:1 maintenance bench around retention BMP.
 - Provide 3:1 length to width ratio for retention basin.
 - Provide defined rip rap overflow location between retention basin and infiltration basin and define overflow spot elevation.
 - Provide retention basin NWL and ensure minimum 3-feet depth. Show NWL level contour on the plan sheet.
 - Provide 100-year HWL contour for the 996.9 HWL. The 100-year HWL of 996.9 is not shown consistent between Sheets 5.10 and 5.30. Revise plans and use spot elevations has required to demonstrate extent of 100-year HWL.
- Sheet 5.10 Provide drainage and utility easement over storm water BMP including the 100-year HWL and pond maintenance access road and access bench. Access road grade must be less than or equal to 10% to the maintenance bench.
- Sheet 5.10. Remove plan note that states “Remove Trees as required within grading limits”. All trees to be removed must be surveyed and shown on the plans. Tree removal may be subject to replacement per City ordinances.
- Sheet 5.20. The rock construction entrance must be positioned for all grading activity on site; not just for basin 100P.
- The site plans must be updated to show the proposed on-site SSTS design. The Septic System Plan prepared by Steinbrecher Companies is not consistent with the site improvements plans.
- The plans must call out detailed site protection from construction activities for the proposed on-site wastewater treatment system and for the proposed storm water infiltration basin.
- No construction may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City’s engineering department.

Station #1
3510 Laverne Ave. No.
Lake Elmo, MN 55042
651-770-5006



Station #2
4259 Jamaca Ave. No.
Lake Elmo, MN. 55042
651-779-8882

LAKE ELMO FIRE DEPARTMENT

June 5, 2019

Review of plans for a Conditional Use Permit for construction of the Carmelite Chapel. There was an initial review done in February of 2019, by our then Building Official Mike Bent with regard to the requirement of sprinklers. It was determined that none were required. If the building as presented then is consistent with the current proposal, that determination still stands.

The following items need to be addressed:

- Must meet all applicable codes in the 2015 MN State Fire Code. These requirements also include Appendix D, FIRE APPARATUS ACCESS ROADS.
- With this building not requiring sprinklers, special attention to the following:
 - 503.1.1 “.....shall extend to within 150 feet of all portions of the facility...”
 - Appendix D, Section D105 must be addressed regarding the height of the building (couldn't determine on my plans) and if this section is applicable.
- Will there be any fire hydrants brought into the site?
- Location of Lockbox approved by Fire Chief
- Location of alarm annunciator panel approved by Fire Chief.
- Provide basic overhead view foot print plan of the building, non-architectural, showing rooms, access, utility locations, etc.

Greg Malmquist, Fire Chief

“Proudly Serving Neighbors & Friends”

From: [falzonezone](#)
To: [Ken Roberts](#)
Subject: Lake Elmo Planning Commission
Date: Sunday, June 16, 2019 9:11:31 PM

Caution: This email originated outside our organization; please use caution.

To the Planning Commission of the City of Lake Elmo:

Regarding the proposed "Chapel" at the Carmelite Hermitage of the Blessed Virgin Mary, I speak on behalf of my family at 5124 Isle Avenue North, Lake Elmo, to say that we absolutely support the construction of a new chapel. However, a few years ago, it was mentioned that this new building would require adding a roadway through our street for new access to the Chapel. I am writing to share that we vehemently oppose the construction of a roadway through Isle Avenue.

We have shared a property line with the Carmelites for just over 20 years, and they have been phenomenal neighbors. My family supports their devoted and faith-filled lifestyle, so we are completely in favor of building the Chapel. We want them to do that! However, we feel they should maintain access where it has always been – along DeMontreville Trail. Adding a roadway through Isle Avenue would disrupt the quiet, residential neighborhood that drew us here originally.

When adding a roadway through Isle Avenue was discussed a few years ago, I was informed by sources affiliated with the city that Isle Avenue was not constructed to withstand consistent vehicular traffic – its weight capacity simply is not enough. Even though the Chapel will not draw many visitors, its weight rating would still need to be adequate, and our street just was not built that way.

We love the city of Lake Elmo. It is where our kids grew up, it's where most of our family lives, and it's where we are blessed to call home. Our street has been the place where all of the neighborhood kids grew up playing with each other, where we have gone for countless family bike rides and walks, and where we can take a deep breath from the fast-paced reality of our professional lives.

Isle Avenue is a sanctuary for many of us – not just for my family. It is a safe place. It is a quiet place. It is a lightly-traveled dead end. Because of what this neighborhood means to us, we sincerely ask that you consider maintaining the existing access for the new Chapel.

That said, we wish the Carmelites all the best in the construction of their Chapel. It will be a great addition for their lives, and we are excited for them!

Thank you for considering!

Craig Falzone and family
5124 Isle Avenue North
Lake Elmo, MN 55042

Sent from my T-Mobile 4G LTE Device



Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

August 7, 2019

Ken Roberts, Planning Director
City of Lake Elmo
3800 Laverne Avenue North

VIA E-MAIL AND
U.S. MAIL
(kr Roberts@lakeelmo.org)

Re: Jesuit Retreat House Response to Notice of Hearing dated July 31, 2019
CUP Applications Filed May 24, 2019
Variance Application Filed July 12, 2019

Dear Mr. Roberts:

This letter is offered on behalf of the Jesuit Retreat House in response to a Public Hearing Notice (the "Notice") dated July 31, 2019 relating to the variance application of the Carmelite Hermitage of the Blessed Virgin Mary (the "Hermits") dated July 12, 2019 and the continued conditional use permit ("CUP") application dated May 24, 2019. The variance and CUP applications will come before the City Planning Commission on Monday, August 12, 2019 at 7:00 p.m. The Hermits request a variance from the City Code requirement that a house of worship must have "direct access . . . to a public street classified by the Comprehensive Plan as major collector or arterial." *See* City Code § 154.600(B)(2)(a).

1. The CUP Record.

Jesuit Retreat House has previously offered substantial evidence and argument in opposition to the Hermits' CUP application for the proposed house of worship, including letters dated June 20, 2019 and June 24, 2019. We respectfully request that all evidence, testimony, and argument offered in the matter of the CUP application referenced above be expressly incorporated herein and made a part of the record. This correspondence contains Jesuit Retreat House's objections to the Hermits' variance application. Jesuit Retreat House reserves the right to offer additional evidence and argument until the final decision on these applications.

2. The Variance Application.

The Hermits bear the burden of proof to demonstrate practical difficulties sufficient to justify a deviation from a direct access requirement for a house of worship in the PF District. The variance application fails to support or adequately address four vital variance criteria. First, the Hermits have offered no evidence that there are truly unique circumstances relating to the Carmelite Property. Second, any hardship to the Hermits is self-imposed because the Hermits have known for decades that they would need direct access to a major collector or arterial street to construct a public chapel, but they failed or refused to take action to secure that access. Third,

any hardship stems from the Hermits' economic concerns, which are not a proper consideration in these proceedings. Fourth, while the Hermits concede that traffic associated with the proposed public chapel would alter the status quo, they wholly ignore the detrimental effects that grant of the variance would have on the Jesuit Retreat House. Moreover, by seeking a variance from an access requirement, the Hermits are impermissibly requesting a use variance, which is forbidden by City Code and State law. Jesuit Retreat House respectfully requests that both Hermits' land use applications before the City be denied.

3. Criteria Governing Variance Application.

To grant the variance application, the Planning Commission must find that the application satisfies the City Code, as well as state law. The variance application does neither. Pursuant to City Code § 154.109(A)(1):

A request for a variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. All requests for variances shall be reviewed in accordance with the required findings listed in § 154.109.F.

The City Code defines "practical difficulties" to mean "that the property owner proposes to use the property in a reasonable manner not permitted by an official control." City Code § 154.109(F)(1)(a). The "unique circumstances" must "be due to circumstances that are unique to the property in question and that were not created by the land owner/applicant." City Code § 154.109(F)(2). The proposed variance must not "alter the essential character of the locality." City Code § 154.109(F)(3). "Locality" is defined as, among other things, all property within 350 feet of the subject property and all parcels abutting the subject parcel. City Code § 154.109(F)(3)(a).

Minnesota law defines "practical difficulties" to include: (1) "the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance"; (2) "the plight of the landowner is due to circumstances unique to the property not created by the landowner"; and (3) "the variance, if granted, will not alter the essential character of the locality." Minn. Stat. § 462.357, subd. 6. "Economic considerations alone do not constitute practical difficulties." *Id.*

4. The Hermits Failed to Demonstrate Practical Difficulties Warranting a Variance.

The variance application fails to satisfy four essential variance criteria: first, the Hermits have proven no relevant unique circumstances relating to the property; second, the Hermits' alleged hardship is self-inflicted; third, the variance application is impermissibly motivated by the Hermits' desire to avoid the expense associated with procuring an alternate vehicle access; and fourth, the proposed use would alter the essential character of an abutting legal parcel owned by Jesuit Retreat House. These deficiencies are discussed further below.

a. *There are no circumstances unique to the property.*

The Hermits argue that “[t]he circumstances of [the] property are quite unique in that the property has never bordered a public road since it was divided from the property to the north in 1904.” See Hermit Variance Land Use Application (“Application”) ¶ 2.f. This assertion lacks all candor. The Carmelites own *three parcels* that abut Hidden Bay Trail N. Specifically, the Carmelites own parcels with the following Parcel ID numbers: 0902921240001; 0902921130021; and 0902921130020. Images from the Washington County property viewing website tool (<http://maps.co.washington.mn.us/propertyviewer/>) showing the boundaries of these parcels and their abutting position to Hidden Bay Trail are enclosed. The Carmelites acquired these properties nearly ten years ago. The Carmelites are not landlocked and, contrary to the Hermits’ assertion, do border a public road.

If a landowner asserts that its lot is somehow distinct from neighboring properties, it must prove that the lot is genuinely different from neighboring parcels. See, e.g., *Continental Prop. Grp. v. City of Wayzata*, No. A15-1550, 2016 WL 1551693, at *1 (Minn. Ct. App. April 18, 2016) (rejecting developer’s uniqueness argument where other properties were subject to the same zoning ordinances). The Carmelite property is a mostly flat rectangular parcel of 30 acres with no wetlands, easements or other development constraints. There is nothing unique about the Carmelite Property. The Hermits have not met their burden of proof to show that there is any unique circumstance about the Carmelite property.

Even if the Carmelites were landlocked (which they are not), the lack of access makes the Hermits’ property a poor location for a church open to the public. Moreover, it appears that there are a number of landlocked parcels in close proximity to the Carmelite Property to the west, across Lake Demontreville. Furthermore, whether the Carmelite Property has bordered a public road since 1904 is an irrelevant fact, because the direct access requirement from which the Hermits seek a variance concerns only whether the connecting road is a major collector or arterial street. Hermits offer no evidence concerning the uniqueness of a property not being bordered by a collector or arterial street. The obvious purpose of such a requirement is that houses of worship draw traffic and the City has made a legislative policy decision that houses of worship must have direct access to public streets designed to handle anticipated traffic in order to minimize disruption to neighboring property owners and users.

b. *Any hardship is self-imposed.*

The Hermits contend that denial of the variance would be a “serious hardship in that we would be unable to complete our monastery as planned and as approved by the City of Lake Elmo in 1991.” Application ¶ 2.f. The notion that the Hermits have any legitimate reliance interests weighing in favor of the application is unfounded and refuted by the record. When in the 1990s the Hermits began establishing themselves on the Carmelite Property, they knew that there was a direct access requirement. Indeed, the Hermits sought a variance from that requirement when they proceeded with construction of Phase 1 of the Hermits’ 4 phase development plan. Phase 1 involved construction of a common area, kitchen, and living space.

The Hermits argue that, because the City granted the 1991 variance, the Hermits should not be required to obtain another variance for the Public Chapel. See Application ¶ 2.e. Yet the 1991

variance approval placed weight upon the fact that “The building proposed to be constructed will house up to 14 additional people, but due to the nature of this religious community, there will be less than the normal amount of traffic.” The 1991 variance clearly was not considering traffic effects associated with a public chapel of unknown size and occupancy to be constructed three decades in the future. Again, at that time, the Hermits were only proceeding with construction of Phase 1—improvements that accommodated a small group of hermits living quiet, insular lives.

Although the City granted the variance, in doing so it adopted a condition that: “[a]ny further expansion on this property shall comply with the then current zoning regulations.” At no time have the Hermits offered explanation as to why this unambiguous City stipulation was not followed, or why it should be ignored now.

In an e-mail from the Lake Elmo City Attorney dated June 24, 2019, the city attorney confirmed that the 1991 variance has no bearing upon the present variance application:

I know that the Carmelites are trying to argue that the 1991 variance that was approved by the City applied not only to the building that they were constructing at the time, but to other buildings in their master plan. However, from reading the City’s resolution approving the variance, I think that it is very clear that the City was only granting the variance with respect to that building and not other buildings in the master plan.

E-mail of Sarah J. Sonsalla to Ken Roberts dated June 24, 2019 (enclosed). Jesuit Retreat House agrees.

Nor does the City’s 1991 approval of the site plan support the Hermits’ position. On information and belief, the Hermits provided no specific information regarding Phases 2-4 of the development when it sought approval of the site plan. City codes and ordinances required that before construction could proceed on subsequent phases of development (i.e., Phases 2-4), the City would need to review and approve each phase. It is the Hermits’ present desire to construct a public place of worship that triggers the “direct access” requirement. City Code § 154.600(B)(2)(a).

The Hermits have known for three decades that they would need to satisfy the direct access condition to construct a Public Chapel. But they did nothing to resolve this known deficiency, and now assert that their lack of action to resolve the issue is a hardship. Any hardship the Hermits would sustain through denial of the variance application is self-imposed. The variance application should, therefore, be denied. *See* Minn. Stat. § 462.357, subd. 6 (requiring that, for a variance to issue, the “plight of the landowner” must not have been “created by the landowner.”).

c. *The variance application is motivated by economic considerations.*

A variance applicant’s economic considerations are not a proper basis upon which to grant a variance. Minn. Stat. § 462.357, subd. 6. The Hermits object to being required to find alternate access to the Public Chapel because it would allegedly pose an economic hardship for the

Hermits to create such access. This argument is not a legitimate reason to grant a variance under Minnesota law.

“[A]n applicant’s mere desire for a variance, even when motivated by practical or economic reasons, does not constitute a practical difficulty.” § 6:8. Area and use variances—Practical difficulty, 1 Zoning & Plan. Deskbook § 6:8 (2d ed (citations omitted); see *City of Eastlake v. Forest City Enters., Inc.*, 426 U.S. 668, 695 n. 8 (1976) (internal parentheses omitted) (acknowledging that it is hornbook law that “mere diminution of market value or interference with the property owner’s personal plans and desires relative to his property is insufficient to . . . entitle [a landowner] to a variance[.]”) (citing 8 E. McQuillan, *Municipal Corporations* § 25.44, p. 111 (3d ed. 1965)). “Disappointment in the use of property does not constitute exceptional difficulty or unusual hardship[.]” *Frances Erica Lane, Inc. v. Bd. of Zoning Appeals of Town of Stratford*, 88 A.3d 580, 589 (Conn. App. Ct. 2014) (citation omitted; internal emphasis removed).

The Hermits’ economic considerations should form no part of the City’s deliberations on the variance application. Minn. Stat. § 462.357, subd. 6.

d. *The proposed use would impermissibly alter the essential character of the locality.*

A variance application must not “alter the essential character of the locality.” City Code § 154.109(F)(3). The Hermits contend that “[f]ar from altering the essential character of the neighborhood, granting a variance will maintain the essential character of the neighborhood as it has always been since the Carmelite Nuns purchased the property in 1954.” Application ¶ 2.h. However, by the Hermits’ admission, the Hermits currently receive only 1-2 visitors per day. Hermit Land Use Application dated May 24, 2019 § 2d(i). The Hermits project that once the public chapel is open, they will receive between 10 and 15 visitors on most days and up to 30 visitors “on a few occasions in the calendar year.” See *id.* §§ 2d(i), 2e(xi). It is believed that on a typical day, the Discalced Carmelite monastery has fewer than ten visitors. Hence, by the Hermits’ estimation, the amount of traffic to the Carmelite Property will at least *double*.

Traffic associated with the Public Chapel would unacceptably alter the essential character of Jesuit Retreat House. Traffic associated with the Public Chapel will inevitably increase noise, distraction, dust, pollution, and safety issues on the Jesuit Property. These deleterious effects would materially impair Jesuit Retreat House’s operations and continued viability as a retreat center. As expressed in the August 6, 2018 correspondence of Ron Snyder, D.D.S.: “Any increase in traffic on the Jesuit property would seriously undermine the primary purpose of [the] men’s retreat center – solitude. Silence makes Jesuit Retreat House unique in its retreat offerings. If silence is interrupted . . . then the retreat house los[es] its purpose and could very well change its offerings to the committed men within their community.”

The Public Chapel will generate traffic, noise, and related effects that would be detrimental to Jesuit Retreat House and its 3,000 annual retreatants. The effects associated with the proposed use would be incompatible with the silence and solitude of retreat that has existed on the Jesuit Property for approximately 70 years. The Hermits’ variance application acknowledges that

“[b]uilding a driveway to Hidden Bay Trail *would alter the neighborhood*,” a claim that is impossible to reconcile with the Hermits’ assertion that there will be no detrimental effect on the Jesuit Retreat House. Application ¶ 2.h (emphasis added). The variance application must be denied in order to protect the Jesuit Retreat House’s essential, longstanding, and preexisting character as a silent retreat house.

5. The Variance Application Seeks an Unlawful Use Variance.

The City Code and state law forbid “use variances.” The City Code states:

Use Variances Prohibited. A variance shall not be granted for any use that is not a listed permitted or conditional use under this chapter for property in the zone where the property is located.

City Code § 154.109(B). Likewise, Minnesota law mandates that “[t]he board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located.” Minn. Stat. § 462.357, subd. 6.

Rathkopf’s Law of Zoning and Planning explains the difference between a “use” variance and a “non-use” or “area” variance as follows:

With a “use” variance, the owner is allowed to engage in a use of the land prohibited by the zoning ordinance. With a ‘nonuse,’ or ‘area,’ variance, the owner still must comply with the zoning ordinance’s limitations on the use of the land but is allowed to build or maintain physical improvements that deviate from the zoning ordinance’s nonuse limitations.

3 Rathkopf’s The Law of Zoning and Planning § 58:4 (4th ed.). The law holds that variances to modify vehicle access are use variances, not area variances. *See Nuckel v. Borough of Little Ferry Planning Bd.*, 26 A.3d 418, 424 (N.J. 2011).

In the present case, granting the Hermits a variance to modify the access would allow a use at a location that would otherwise not be allowed. The use of the Carmelite property for a house of worship is not a permitted use in this zone. It is only allowed pursuant to a conditional use permit where all of the findings are satisfied based upon facts in the record *CR Investments v. Village of Shoreview*, 304 NW2d 320, 325 (MN S. Ct. 1982). One of the conditions that must be met to obtain a conditional use permit is the requirement that the property have direct access to a major collector or arterial street. Ignoring this condition under the guise of granting a variance is the illegal granting of a use variance—the property cannot be used for this purpose, but for the meeting of the required conditions. Therefore, the granting of this variance is a patently illegal use variance.

Mr. Ken Roberts
August 7, 2019
Page 7

6. Conclusion.

For all the reasons set forth herein and argued previously, Jesuit Retreat House respectfully requests that both of the Hermits' land use applications before the City be denied.

Sincerely,

/s/ Bryan J. Huntington

Bryan J. Huntington, for
Larkin Hoffman

Direct Dial: 952-896-3370

Direct Fax: 952-842-1747

Email: bhuntington@larkinhoffman.com

Enclosures:

1. E-mail of Sarah J. Sonsalla to Ken Roberts dated June 24, 2019
 2. Images from Washington County Property Viewer website
- cc: Timothy J. Keane, Esq. (via e-mail only) (tim.keane@kutakrock.com)
Sarah J. Sonsalla, Esq. (via e-mail only) (ssonsalla@kennedy-graven.com)

4830-2917-6734, v. 1

August 9, 2019

BY ELECTRONIC AND FIRST CLASS MAIL

Members of the Planning Commission
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: Planning Commission Meeting Scheduled for August 12, 2019
Agenda Item 4(a) – Conditional Use Permit for the Carmelite Hermitage

Dear Commission Members:

I live in the Tri-Lakes Area of Lake Elmo and write to you in **support** of the Carmelite Hermitage's request for a Conditional Use Permit and a variance from the direct access requirements of the City's Zoning Code.

The Hermitage's proposal for a chapel is a good one and the Commission should approve the Staff Recommendation for Agenda Item 4(a) as it was written.

I. The Hermitage has the Right to Use the Shared Driveway

A key point to remember when analyzing the Hermitage's request is that the driveway easement between the Hermitage and Demontreville Trail *is a property right that the Carmelites paid money to purchase*. It made the parcel worth buying.

Likewise, as detailed on page 3 of the Staff Report, the driveway easement has been in place for one-hundred and fifteen years and predates the arrival of the Jesuit Retreat House by more than four decades. The Carmelites purchased the Hermitage property knowing that it had the right to access to Demontreville Trail and the Jesuits purchased their Retreat House property knowing that such an easement existed.

The fact that the Jesuits no longer wish to share what is legally a "shared driveway,"¹ is shameful, but irrelevant. The Carmelites have a legal right to use the easement for their own travel to and from Demontreville Trail and to invite their guests to do likewise. The Commission should act to vindicate these rights.

If pressed on this point by the Jesuits, the Commission should ask them to explain why they are entitled to invite an average of 50 guests each and every week to travel across the shared driveway,² but the Carmelites should not be permitted to invite 42

¹ See *generally Minneapolis Athletic Club v. Cohler*, 177 N.W.2d 786, 789 (Minn. 1970).

² See Letter of Timothy J. Keane to Director Ken Roberts, at 2 (June 24, 2019).

guests of their own at any time. There is no good or reasonable answer to that question; the Jesuits know this; and you should too.

II. Granting a Direct Access Variance is Appropriate

While the Hermitage proposal satisfies the direct access requirements of the Zoning Code (because the easement grants direct access from the Hermitage parcel to a collector road),³ issuance of the variance is still useful. A variance removes all doubt.

Further, issuing an access variance is appropriate because the Hermitage's proposed chapel is not designed to be, nor likely to operate, like the "places of worship" contemplated by the Zoning Code. Unlike other churches in Lake Elmo, the proposed chapel is meant to support to the monastic life of the parcel's residents.⁴ In that way, the general "places of worship" provisions of our Code are a poor fit for the special features of this proposal. That mismatch makes granting the variance a good idea.

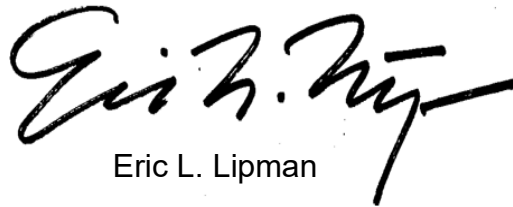
Lastly, the requested variance is closely aligned with the purposes of our Zoning Code. The direct access requirements are intended to:

assure maintenance and preservation of the established rural character of the city by preserving agricultural land, woodlands, corridors, and other significant natural features, and provide buffering between PF and residential or other uses.⁵

In this case, supporting very modest and lawful uses of the existing driveway (as opposed to the burdens associated with carving a new $\frac{3}{4}$ -mile asphalt driveway through precious woodlands) "preserv[es] agricultural land, woodlands, corridors, and other significant natural features, and provide buffering between PF and residential or other uses."⁶ If the Zoning Code could talk, it would tell you to approve the Staff Recommendation.

For all of these reasons, the Commission should approve the Staff Recommendation for Agenda Item 4(a) as it was written.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric L. Lipman", with a stylized flourish at the end.

Eric L. Lipman

³ Lake Elmo City Code § 154.600 (B)(2)(a) (2019).

⁴ See Application, at Section 2e (x) (May 24, 2019).

⁵ Lake Elmo City Code § 154.600 (A) (2019).

⁶ *Id.*

**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