



STAFF REPORT

DATE: 01/19/2021

TO: City Council
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Stillwater Area Public Schools - Conditional Use Permit Request (11530 Hudson Boulevard North)**
REVIEWED BY: Kristina Handt, City Administrator
Jared Shepherd, Hoff Barry, P.A.

INTRODUCTION:

Independent School District 834 (Stillwater Area Public Schools), has made an application to the City of Lake Elmo for approval of a conditional use permit (CUP) for the property located at 11530 Hudson Boulevard North. They are requesting City-approval of a CUP for the property so they may operate a school district transportation center (School Bus terminal) on the subject property. Please see the attached maps, project plans and applicant's project narrative for more information about this request.

On December 14, 2020 the Planning Commission held a public hearing about this request. The Planning Commission received the City staff report, asked questions of City staff and the applicant's representative and made a recommendation of approval to the City Council for the requested CUP.

BACKGROUND:

On July 17, 2018, the City Council made several approvals at the request of the Stillwater Public School (IDS #834) for the property located at 11530 Hudson Boulevard North in advance of their potential purchase of the Property. These approvals included:

- A zoning map amendment to rezone a portion of the property from RT (rural transitional) to BP (business park);
- Preliminary and Final plats to subdivide the property located at 11530 Hudson Boulevard North. The plat expanded the site of the proposed school bus terminal from 5 acres to 11 acres to accommodate the School District's buses and employees. The site is one parcel in a larger development known as Four Corners.
- A zoning text amendment to allow "bus terminal" as a conditionally permitted use within the Business Park zoning district;
- A Conditional Use Permit (CUP) for the property with adoption of Resolution 2018-077. (Attached). The Resolution allowed the Stillwater School District to operate a "School District Transportation Center," a school bus terminal from the property at 11530 Hudson Boulevard subject to 13 conditions. Those conditions included the following:

2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all

items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater Transportation Center) dated May 30, 2018 and all other subsequent construction plans memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.

3) The applicant must obtain all necessary City, State, and other governing body permits prior to the commencement of the construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required) parking lot permit, building permits, etc.

...

9) The property shall be connected to sewer and water prior to operation of the bus terminal.

As noted above, at the time of the CUP approval in 2018, the City Council approved the Preliminary and Final Plat to allow the Four Corners development, which included the bus terminal Property.

The Developer of the Four Corners Addition was required to enter into a Developer's Agreement with the City. The Developer and the City negotiated that Agreement, dated October 22, 2018, which required the Developer to build the water and sanitary sewer infrastructure and bring those public utilities to the Property.

On October 23, 2018, Stillwater Area Public Schools ("School District") purchased the property at 11530 Hudson Boulevard ("Property") in Lake Elmo for use as a school bus terminal from the developer, EN Properties, LLC ("Developer").

In 2019, pursuant to the Site Improvement Agreement with the City, dated July 11, 2019, the School District made several improvements to the property including the installation of watermain throughout the site, storm water ponding improvements and expanding and paving the parking area north of the existing building to accommodate additional buses and vehicles on the Property.

The School District used the Property as a school bus terminal from October 2019 until June 2020.

On May 5, 2020, the City Council adopted Resolution 2020-42 denying a proposed amendment to the conditional use permit for the property at 11530 Hudson Boulevard North that would have allowed it to use the facility without public utility connection. At this same meeting the City Council also adopted Resolution 2020-043 revoking the conditional use permit that allowed the use of the property at 11530 Hudson Boulevard as a School District Transportation Center.

The School District stopped using the property as a School Bus Terminal in June 2020.

Recently, on October 6, 2020, the Developer and the City entered into an amendment to the Developer's Agreement that provided revised dates for completion of the project. With the exception of the amendments, the initial Developer's Agreement remains in full force and effect (hereinafter the Developer's Agreement and Amendment are referred to as "the Development Agreements"). Consistent with the Amended Agreement, the developer started the construction and installation of the public utilities along Hudson Boulevard in October 2020 that will serve this property. The contractor

connected the building to the public sanitary sewer on December 23, 2020. To date, the Property remains unconnected to public water.

The Amended Agreement also allows the City, at its discretion, to complete the required public improvements if the Developer defaults under the agreement. If that occurred and the City exercised this option, the City would not be able to complete all the required improvements until 2022.

ISSUE BEFORE THE CITY COUNCIL:

The City Council is being asked to review and consider the CUP request of the Stillwater Area Public Schools that would allow for the establishment and operation of a school bus terminal at the property located 11530 Hudson Boulevard North.

PROPOSAL DETAILS/ANALYSIS:

<i>Applicants:</i>	Stillwater Area Public Schools
<i>Property Owners:</i>	Stillwater Area School District
<i>Location:</i>	11530 Hudson Boulevard North (PID# 36.029.21.43.0004)
<i>Request:</i>	Conditional Use Permit
<i>Existing Land Use:</i>	Vacant Building and parking lot (former School Bus Terminal)
<i>Existing Zoning:</i>	BP – Business Park
<i>Surrounding Land Use / Zoning:</i>	South – Hudson Boulevard, I-94 and Woodbury; West – Outdoor Storage (RT – Rural Development Transitional); East – Vacant land (RT – Rural Development Transitional); North – Vacant land (RT – Rural Development Transitional)
<i>Comprehensive Plan Guidance:</i>	BP – Business Park
<i>Applicable Regulations:</i>	City Code Title III, Chapter 10, City Code Title XV, Chapter 154

CONDITIONAL USE PERMIT:

2018 CUP Application and Previous CUP Approval:

The City Council granted the School District a CUP to operate a School District Transportation Center on July 17, 2018 after rezoning the property to Business Park. This approval was subject to 13 conditions.

2020 CUP Request and Site Analysis

This current CUP request is nearly identical to the request approved by the City for the property in 2018. The School District is not proposing to make any changes or improvements to the site with this current application other than to connect the property to public sanitary sewer and water. They do note in their project narrative the following: “The Planning Commission and City Council can be assured that the School District will not move any operations to the Property until the City grants approvals and gives permission to do so.”

Current Building. The current building was constructed in the 1990's and was used for office space by E&H Earthmovers and also provided bus storage for Stillwater Schools. It was then used by Kenworth Diesel Trucks for sales, repairs and service of diesel trucks and most recently the Stillwater School District purchased the property in 2018 for use as a School Bus Terminal.

Current Conditions:

The School District completed many of the on-site improvements required by the original CUP but the Property is not yet connected to municipal water as was expressly required by the original CUP, but is now connected to sanitary sewer.

The City does not have any responsibility for public utility development to serve the Property. The issue of utility connection is the responsibility of the Developer under the Development Agreements and, as the potential occupant, a responsibility of the School District prior to occupation of the Property.

In his review comments dated November 24, 2020, the City Engineer provides the status of the sanitary sewer and watermain installation in this area. The Developer's contractor started the installation of sanitary sewer and public water for the Four Corners First Addition on October 1, 2020. The contractor installing those public utilities is extending them from west to east along the north side of Hudson Boulevard toward the property at 11530 Hudson Boulevard North. They connected the building to the new sanitary sewer in December 2020, but have not yet connected the Property to City water.

To connect the Property, the new watermain must be installed across the front of the property along Hudson Boulevard to at least the drive entrance of the site to serve this property. This construction will require disturbing part of the driving surface of Hudson Boulevard that will require restoration and reconstruction of the road (new sub-surface, curb and gutter, pavement, trail) during warm weather. The City does not want the contractor disturbing Hudson Boulevard during cold weather months when proper restoration and reconstruction cannot occur until several months later. Consequently, City staff does not expect the contractor to complete all the necessary watermain installation and the improvements to Hudson Boulevard (storm sewer, curb and gutter, turn lane, new pavement, trail) until sometime later in 2021. The completion date for all required Subdivision Improvements is for the Four Corners First Addition is July 31, 2021. This deadline is critical. The City should not allow the School District to start using this property for a School Bus Terminal until all the required improvements are completed, inspected, tested and accepted by the City.

Current Bus Terminal Operation. The School District's current bus terminal operates in Oak Park Heights in the Old Junker Landfill under a lease. That lease runs through June 30, 2021, but the School District must notify their landlord about an extension by the end of February 2021.

Proposed Operation and Jobs Created. School buses serving the Stillwater School District will be parked at this facility when not in use, and routine maintenance will be performed at this facility, including washing and fueling. The existing building will be used for approximately seven office workers (dispatch, payroll, safety manager, etc.); a home base for drivers to check in and out, training, assignments, and mechanical work (repair and maintenance on buses). Approximately 200 people would work at the facility, with morning and afternoon shifts of drivers and attendants. Hours of operation would be from about 6:00 a.m. to 6:00 p.m. during the weekdays with occasional Saturday use for limited

special school district transportation needs. The site has parking for school buses (140 spaces), transportation vans (approximately 20), and employees' personal vehicles (approximately 200).

Why this Location? The location is adjacent to major traffic corridors and routes within this area of the City of Lake Elmo. The School District has proposed this location as opposed to a site located adjacent to lower volume roads so as to create less impact. Peak bus traffic times will be limited to morning hours (7:00 a.m. to 9:00 a.m.) and afternoon (2:00 p.m. to 4:00 p.m.).

Setback and Impervious Surface Requirements. The following table outlines how the proposed use adheres to the setback and impervious surface requirements of the Business Park Zoning District. All of the applicable zoning district requirements have been met. The property to the north is guided for Business Park in the 2040 Comprehensive Plan Land Use Plan so the required setback from residential zones does not apply.

Setback Requirements, Business Park District		
Standard	Required	Proposed
Maximum Height	50 feet	Less than 50 feet
Maximum Impervious Coverage	75%	57%
Front Yard Setback – Building	50 feet	120 feet from existing right-of-way line
Interior Side Yard Setback – Building	30 feet	120 feet from west side and 470 feet from east side
Corner Side Yard Setback – Building	30 feet	N/A
Rear Yard Setback - Building	30 feet	Approximately 445 feet
Residential Zones – Building	150 feet	Approximately 445 feet
Front Yard – Parking	30 feet	Approximately 60 feet from existing right-of-way line
Interior Side Yard – Parking	15 feet	Approximately 45 feet from west side and approximately 130 feet from east side
Corner Side Yard – Parking	30 feet	N/A
Rear Yard - Parking	15 feet	Approximately 32 feet
Minimum Building Floor Size	5,000 square feet	15,498 square feet

General Site Design Considerations, Commercial Districts. The following outlines how the proposed development adheres to the City's General Site Design considerations for the Business Park zoning district.

- *Circulation.*
 - *Internal connections when feasible.* The parcel to the west has an existing access owned by the parcel to the northwest, so it does not make sense to require a connection between the properties. Additionally, the proposed bus facility does not need or want to access an adjacent property.
 - *Curb cuts minimized.* The proposed use will use an existing curb cut.

- *Fencing and Screening.* There is a chain link fence enclosing much of the site including the eastern portion of the parking lot. The applicant planted 129 trees on the site in 2019 to create screening around the parking lot.
- *Lighting Design.* The applicant has provided the City with a photometric plan of the property that shows the exterior lighting meets the requirements of Sections 150.035-150.038 of the City Code.
- *Exterior Storage.* The City Code requires the applicant to provide sufficient berming and screening of the parking lot and that they provide sufficient screening for the fueling area and above ground storage tank from adjacent properties and from the public right-of-way. The Applicant installed berming with trees around the new parking area in 2019 to help screen these areas from adjacent properties. The City should require the property owner to keep the trees and screening in place.

Parking Lot Requirements

- *Surface and Drainage.* The City requires all areas intended to be used for parking spaces for five or more vehicles in commercial zoning districts be paved with a durable surface including, but not limited to, hot asphalt, bituminous, or concrete. Additionally, the City requires parking and storage areas in industrial districts to be surfaced with materials suitable to control dust and drainage. The applicant expanded and paved the parking areas for buses and other vehicles in 2019.
- *Marking of Parking Spaces.* Parking areas containing five or more spaces are required to be marked with painted lines at least four inches wide. The School District completed the marking of the parking spaces in 2020.
- *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 owner installed curbing around the parking areas when they improved the parking lots in 2019.
- *Accessible Parking.* The proposed number of parking spaces is 365, of these, 199 are proposed to be car stalls. The Americans with Disabilities Act (ADA) requires six accessible stalls with one van accessible stall with six accessible stalls. The proposed number of ADA stalls is six, though there does not appear to be a van accessible stall provided.

Landscape Plans. The applicant submitted landscape plans to the City in 2018 that showed the proposed planting of 64 Norway Spruce trees and 65 Colorado Blue Spruce trees on three sides of the new parking area north of the existing building. These plans also showed the existing berms on the site would remain. The applicant updated the proposed landscape and tree planting plans in May 2019 which appears to be the plans they followed when planting trees on the site in 2019. The City did not review the updated plans in 2019 so I recently had the Landscape Design team at Wenck review them. Their review memo dated December 1, 2020 of the May 2019 landscape and tree planting plan shows that:

1. The applicant planted enough trees (129) to meet the minimum code requirements. They did not plant a variety of tree types (coniferous and deciduous trees) to meet code requirements for the composition of trees since they only planted coniferous trees.
2. The landscape plan did not include the standard City form of notes and details.
3. The landscape plan did not include any interior parking lot landscaping to minimize the expansive appearance of parking lots and to provide shaded parking areas.

In summary, the landscape architect ultimately found the landscape and tree planting plan acceptable given the nature of the site and the fact that remedying the number of deciduous trees would impact the appropriate screening required by the Code, and the plan included some notes and details on the (although the notes were not in conformity with City standards). This certification of acceptability is consistent with City Code § 154.258(B) (6), which allows for alternatives to the minimum landscape standards that meet the intent of the City Code.

Parking Lot Screening Standards

- *Perimeter Parking Lot Landscaping.*
 - *Frontage Strip.* There is a strip of landscaping and berming that is well-over 8-feet wide between parking areas and the public street (Hudson Boulevard). The City requires owners and developers to provide such landscape strips and buffers for parking lots with over 100 spaces. There is an existing berm located along Hudson Boulevard that screens the parking lot.
- *Screening.* The City requires screening between properties to provide visual and noise separation of intensive uses from less intensive uses. The property to the west is used as exterior storage, and it is unknown what the use of the property to the east will be. The owner installed Norway Spruce trees and Colorado Spruce trees on a berm around the new parking lot north of the existing building to provide screening from the property to the west and the east to meet this requirement.

Lake Elmo Design Guidelines and Standards. The property is located within the I-94 district, and therefore must adhere to the Lake Elmo Design Guidelines and Standards. As previously indicated, the applicant has proposed to use the existing building for the school bus facility. The building generally adheres to Lake Elmo Design Guidelines and standards in that the building does not have a blank façade, the window and door styles reflect the prevailing architecture style of the structure, there is variety in building façade through a change in materials, high quality and durable materials are used in street facing facades, and the building is constructed of pre-cast concrete. The Applicant is not proposing any changes to the exterior of the existing building.

Storage Tank. There is a provision in the Zoning Code that requires that the City Council permit uses associated with the bulk storage of over 2,000 gallons of gasoline after finding that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The City Code requires the Zoning Administrator to require the installation of diking around the tanks, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The School District installed the new above ground fuel tank that stores 10,000 gallons of fuel on the north side of their building in 2019 with a leak containment area that has 135 percent of the tank capacity, thus meeting City Code requirements.

The Minnesota Pollution Control Agency (MPCA) has a requirement for their Above ground Storage Tank (AST) Program that the applicant fill out an AST Notification of Installation or Change in Status Form informing the MPCA of when the tank has been “closed” from a former location and when it has been moved to a new location. It is a recommended condition of approval that the applicant provide the City with documentation that they completed and submitted the necessary forms as required by the MPCA for the fuel tank.

Bus Washing. The applicant has indicated that the property use will include washing buses. The applicant has indicated that the buses will be washed at the facility’s wash bay and that waste water from the wash bay will run in to an oil separator with all of the shop drains, which will go in to a holding tank,

which is then disposed of by a sewer transport service. The oil separator is then emptied and maintained by a licensed transporter. The applicant indicates that once the septic system is converted to the municipal sewer system that the wastewater will go directly to the treatment plant after passing through the oil separator, and the oil separator will be emptied and maintained by a licensed transporter.

City Engineer Review. The attached Focus Engineering Memorandum, dated November 24, 2020, discusses the School District's compliance with the previous CUP conditions and the status of the public and private improvements serving this site.

As the City Engineer notes in his November 24, 2020 review memo, the public improvements to serve the property (sanitary sewer and watermain) are not yet complete and not ready for use. As noted above, since his Memorandum, the Developer has made the sanitary sewer connection to the building. The City Engineer also notes there are some outstanding completion and acceptance details per the Site Improvement Agreement dated July 11, 2019 that the City should require the owner to complete on the property along with the Hudson Boulevard improvements.

Fire Chief and Building Official Review. The Fire Chief and Building Official note that the building has a sprinkler system but the property is yet not hooked up to City water. The State Fire Marshal's Office conducted a follow-up fire protection inspection of the building on January 12, 2021. The State Inspector noted that most of the previously noted violations had been corrected and that the sprinkler system remains out of service as the automatic water supply is not connected. It is a recommended condition of approval that the property be serviced by City sanitary sewer and water prior to the School District using or operating the bus terminal at the Property, in order for the sprinkler system to be operational

CUP Findings. For the City to approve a CUP, the City is to make a series of findings for approval. The applicant included their project narrative a review and analysis of the City findings for a CUP and how this proposed land use would be consistent with the findings as required in the City Code for a CUP. In summary, the applicant believes this request meets all the findings required by the City Code for approval of the CUP.

The following is staff's review of the City's findings of approval for a CUP and how this request meets or does not meet these 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 School District is proposing to use the building for office space, meeting space and a vehicle maintenance garage. Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that the owner keep the existing berming and landscaping on the site to provide a sufficient screening of the parking lot.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided in the 2040 Comprehensive Plan for Business Park, in which local transit, with certain standards, is a conditional use. The Business Park district is a sewerred zoning district. The Property lies in the South Planning Area for the Metropolitan Urban Service Area (MUSA). Accordingly, connection to municipal sewer and water is a necessary condition. As a facility in the Business Park, the proposed use also will provide 18 jobs per acre.***

3. The use or development is compatible with the existing neighborhood. *The use is compatible with the existing neighborhood, as the property formerly was used as a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped with the exception of an outdoor storage use immediately to the west.*
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. *The proposal complies with the development standards as listed in the Zoning Code. The owner installed a new parking lot, screening, and landscaping to meet City standards, which the City required as a condition of approval in 2018 for the original CUP. The City's Landscape Architect certified the landscaping and screening as installed meets the intent of the City Code.*
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 property is located outside the 0.2% annual chance floodplain.*
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 project is a redevelopment/repurposing of an existing site but will not change the existing character of the area. There are no proposed improvements to the exterior of the building.*
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. *The property is fenced and landscaped to help screen the use from neighboring properties. However, the proposed use will create a significant amount of traffic, at least at some times of the day. The Applicant must provide the City all relevant permits, relating to public safety (i.e. MPCA, Fire Inspections, Building Inspections) prior to occupation and use of the Property.*
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 property is within the Metropolitan Urban Service Area (MUSA) and therefore the City should require that it be provided with City sanitary sewer and water. Currently, the property is not provided with City water, and there are plans to connect the property to these public utilities. The connection to water is especially necessary due to the sprinkler system installed on the Property. It is a recommended condition of approval that the property be connected to City sanitary sewer and water before the applicant uses or occupies the building or property.*
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. *While the proposal will pay sewer and water service charges, benefiting the community, the property owner (Stillwater Area Public Schools) will not pay property taxes.*
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 proposed use will generate a significant number of vehicle trips per day, though this will be limited to certain times of the day (early morning and mid-afternoon). Minimal noise is expected to*

come from the site, except during times of heavy levels of vehicle traffic at specific times within the morning or afternoon.

11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. *Traffic congestion could be created from the significant number of vehicle trips to and from the site. A traffic study completed for the area in 2018 showed that an east bound left turn lane was not warranted at the Stillwater Bus facility driveway. The same study did not review the timing and extent of improvements required for the expected CSAH 15 (Manning Avenue) and Hudson Boulevard intersection realignment and traffic signal improvements. An updated traffic study would be required to determine the exact impact of the traffic from this project on that intersection. Staff is not recommending an additional traffic study, but the City should monitor the impacts as the area develops.*
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. If the City Council wishes to approve this CUP, City staff recommends the following conditions of approval:

- 1) No construction or use of the property as a bus terminal may commence until all items as outlined in the City Engineer review memo regarding the ISD 834 School Bus Terminal (Stillwater Transportation Center) dated November 24, 2020 have been addressed to the satisfaction of the City. This includes the completion, inspection and acceptance by the City of all details per the Site Improvement Agreement dated July 11, 2019 for the site improvements on the property including but not necessarily limited to provision of any and all public utility easements and a stormwater maintenance agreement, and the completion, inspection and acceptance by the City of all public improvements adjacent to the property including public utilities, the reconstruction of Hudson Boulevard and the required off-street trail.
- 2) The applicant must obtain all other necessary City, State, and other governing body permits and approvals before starting any additional construction activity on the parcel and before using or occupying the property as a school bus terminal including but not limited to an approved utility plan, utility connection permits from the City, street construction plans (if required), building permits, MPCA documentation, fire protection or sprinkler permits, etc.
- 3) All exterior lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 4) The above ground storage tank shall have and the owner shall maintain a diking around the tank, suitably sealed to hold a leakage capacity equal to at least 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant also shall submit to the City a copy of an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).
- 5) The City's Landscape Architect certified the plantings and screening as installed meet the intent and purpose of the City Code. As such, the City's Landscape Architect shall begin the required landscape and tree inspections in the spring of 2021 to ensure all required plantings and trees have been provided and to ensure those plantings are in a healthy and acceptable condition before City approval at the end of the 2-year landscape warranty.

- 6) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.
- 7) A sign permit shall be obtained prior to erection of any sign on the property.
- 8) The property shall be connected to City sanitary sewer and water before the operation or use of the property as the school bus terminal. Such utility connections require the contractor to get utility permits for the work and all required inspections and approvals from the City.
- 9) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc. (Completed)
- 10) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City. (Completed)
- 11) That the applicant meet all requirements of the Lake Elmo Fire Chief and the Lake Elmo Building Official with respect to site improvements. Any required permits, improvements or corrections shall be secured and the work completed, inspected and approved by the City before the Applicant or Owner occupies or uses the building or the property.
- 12) That the School District shall not move any operations to the Property or otherwise use, utilize, or occupy the Property until the City expressly grants all requisite approvals and affirmatively gives permission for use of the Property as a School District Transportation Center.

FISCAL IMPACT:

If the City Council approves the CUP with the recommended conditions of approval, the Developer will be responsible at its sole cost for bringing sanitary sewer and water to the property and eventually extending the public utilities to adjacent properties. The City will collect Sewer Accessibility Charges and Water Accessibility Charges and building permit fees for this property and for other properties in the area as they develop.

OPTIONS:

The City Council may approve the CUP as requested by the Stillwater Area Public Schools for the property located at 11530 Hudson Boulevard North as recommended by City staff and the Planning Commission with the adoption of the attached Resolution; or

The City Council may approve the CUP with amended conditions of approval; or

The City Council may vote to table the issue; or

The City Council may deny the CUP as requested by the Stillwater Area Public Schools for the property located 11530 Hudson Boulevard North.

RECOMMENDATION:

City staff and the Planning Commission recommend approval of the Conditional Use Permit (CUP) for a school bus terminal for the property at 11530 Hudson Boulevard North with the following motion:

***“Move to adopt Resolution 2021 – 011, approving a Conditional Use Permit (CUP) as requested by the Stillwater Area Public Schools to allow a school district transportation center at the property located at Lot 1, Block 1, Four Corners Addition (11530 Hudson Boulevard North) subject to the recommended findings and conditions of approval as listed in this staff report.*”**

ATTACHMENTS:

- Exhibit 1 – Location Map
- Exhibit 2 – Property Line Map
- Exhibit 3 – Aerial Photo (June 2020) (Capture 3)
- Exhibit 4 – City Council Resolution 2018 - 77
- Exhibit 5 – Narrative for CUP dated November 6, 2020
- Exhibit 6 – Project Plans dated May 3, 2019 from Larson Engineering
- Exhibit 7 – 2019 Site Improvement Agreement
- Exhibit 8 – 2020 Amended Development Agreement
- Exhibit 9 - State Fire Marshal notice to proceed dated October 1, 2019
- Exhibit 10 - State Fire Marshal Inspection Report dated March 11, 2020
- Exhibit 11 - Lake Elmo Fire Chief comments dated November 17, 2020
- Exhibit 12 - Wenck and Associates Landscape Plan review comments dated December 1, 2020
- Exhibit 13 - Focus Engineering Memorandum dated November 24, 2020
- Exhibit 14 – State Fire Marshal Inspection report dated January 12, 2021
- Exhibit 15 – City Council Resolution 2021 - 011

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

RESOLUTION 2021-011

***A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A SCHOOL
DISTRICT TRANSPORTATION CENTER FOR THE PROPERTY LOCATED AT 11530
HUDSON BOULEVARD NORTH, LAKE ELMO***

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

WHEREAS, Stillwater Area Public Schools (Malinda Lansfeldt), 1875 Greeley Street South, Stillwater, MN 55082 (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit to establish and operate a school district transportation center for the property located at 11530 Hudson Blvd North (PID# 36.029.21.43.0004) (the “Property”); and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on December 14, 2020; and

WHEREAS, notice of said public hearing was published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated January 19, 2021, and

WHEREAS, the City Council considered said matter at its January 19, 2021 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 is for a school district transportation center for the property located at 11530 Hudson Boulevard North.

- 4) That the Conditional Use Permit for a school district transportation center will be for the Property legally described as follows: Lot 1, Block 1 of Four Corners.
- 5) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. ***The School District is proposing to use the building for office space, meeting space and a vehicle maintenance garage. Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that the owner keep the existing berming and landscaping on the site to provide a sufficient screening of the parking lot.***
- 6) The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The property is guided in the 2040 Comprehensive Plan for Business Park, in which local transit, with certain standards, is a conditional use. The proposed use also will provide 18 jobs per acre.***
- 7) The use or development is compatible with the existing neighborhood. ***The use is compatible with the existing neighborhood, as the property formerly was used as a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped with the exception of an outdoor storage use immediately to the west.***
- 8) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. ***The proposal complies with the development standards as listed in the Zoning Code. The owner installed a new parking lot, screening, and landscaping to meet City standards, which the City required as a condition of approval in 2018 for the original CUP.***
- 9) 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 property is located outside the 0.2% annual chance floodplain.***
- 10) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. ***While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, there are no proposed improvements to the exterior of the building.***
- 11) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The property is fenced and landscaped to help screen the use from neighboring properties. However, the proposed use will create a significant amount of traffic, at least at some times of the day.***
- 12) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.

The property is within the Metropolitan Urban Service Area (MUSA) and therefore the City should require that it be provided with City sanitary sewer and water. Currently, the property is not provided with City sanitary sewer and water, and there are plans to connect the property to these public utilities. It is a recommended condition of approval that the property be connected to City sanitary sewer and water before the applicant uses or occupies the building or property.

- 13) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. ***While the proposal will pay sewer and water service charges, benefiting the community, the property owner (Stillwater Area Public Schools) will not pay property taxes.***
- 14) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The proposed use will generate a significant number of vehicle trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during times of heavy levels of vehicle traffic at specific times within the morning or afternoon.***
- 15) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***Traffic congestion could be created from the significant number of vehicle trips to and from the site. A traffic study completed for the area in 2018 showed that an east bound left turn lane was not warranted at the Stillwater Bus facility driveway. The same study did not review the timing and extent of improvements required for the expected CSAH 15 (Manning Avenue) and Hudson Boulevard intersection realignment and traffic signal improvements. An updated traffic study would be required to determine the exact impact of the traffic from this project on that intersection.***
- 16) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. N/A
- 17) That, in accordance with City Code §154.106(E), the Applicant's proposed use of the Property as a School District Transportation Center shall be permissible under the Conditions 1-12 as provided in the decision below, and incorporated herein:

DECISION

NOW, THEREFORE, BE IT FURTHER RESOLVED, and based upon the information received and the above Findings, that the City Council of the City of Lake Elmo hereby approves the request by Stillwater Area Schools for a Conditional Use Permit for a school district transportation center for the property located 11530 Hudson Boulevard North, and grants the same, subject to the following conditions of approval:

- 1) No use of the property as a bus terminal may commence until all items as outlined in the City Engineer review memo regarding the ISD 834 School Bus Terminal (Stillwater

Transportation Center) dated November 24, 2020 have been addressed to the satisfaction of the City. This includes the completion, inspection and acceptance by the City of all details per the Site Improvement Agreement dated July 11, 2019 for the site improvements on the property including but not necessarily limited to provision of any and all public utility easements and a stormwater maintenance agreement and the completion, inspection and acceptance by the City of all public improvements adjacent to the property including public utilities, the reconstruction of Hudson Boulevard and the required off-street trail.

- 2) The applicant must obtain all other necessary City, State, and other governing body permits and approvals before starting any additional construction activity on the parcel and before using or occupying the property as a school bus terminal including but not limited to an approved utility plan, utility connection permits from the City, street construction plans (if required), building permits, MPCA documentation, fire protection or sprinkler permits etc.
- 3) All exterior lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 4) The above ground storage tank shall have and the owner shall maintain a diking around the tank, suitably sealed to hold a leakage capacity equal to at least 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant also shall submit to the City a copy of an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).
- 5) The City's Landscape Architect certified the plantings and screening as installed meet the intent and purpose of the City Code. As such, the City's Landscape Architect shall begin the required landscape and tree inspections in the spring of 2021 to ensure all required plantings and trees have been provided and to ensure those plantings are in a healthy and acceptable condition before City approval at the end of the 2-year landscape warranty.
- 6) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.
- 7) A sign permit shall be obtained prior to erection of any sign on the property.
- 8) The property shall be connected to City sanitary sewer and water before the operation or use of the property as the school bus terminal. Such utility connections require the contractor to get utility permits for the work and all required inspections and approvals from the City.
- 9) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc. (Completed)

- 10) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
(Completed)
- 11) That the applicant meet all requirements of the Lake Elmo Fire Chief and the Lake Elmo Building Official with respect to site improvements. Any required permits, improvements or corrections shall be secured and the work completed, inspected and approved by the City before the Applicant or Owner occupies or uses the building or the property.
- 12) That the School District shall not move any operations to the Property or otherwise use, utilize, or occupy the Property until the City expressly grants all requisite approvals and affirmatively gives permission for use of the Property as a School District Transportation Center.

Passed and duly adopted this 19th day of January 2021 by the City Council of the City of Lake Elmo, Minnesota.

Charles Cadenhead, Mayor

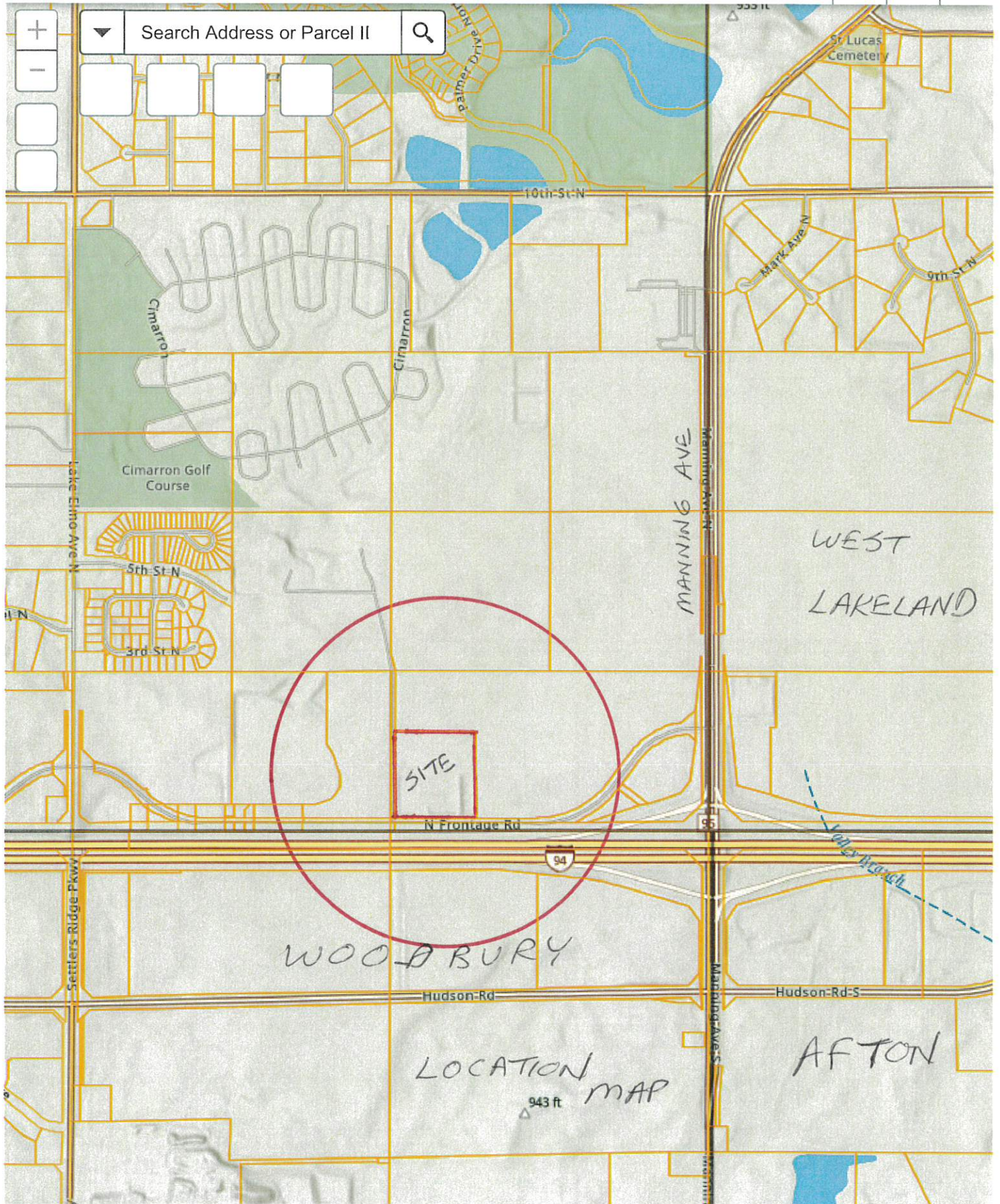
ATTEST:

Julie Johnson, City Clerk

Parcel Viewer - Quick Access

Beta

Washington Co.,



Parcel Viewer - Quick Access

Beta

Washington Co., NY





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

RESOLUTION 2018-077

***A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A SCHOOL DISTRICT
TRANSPORTATION CENTER FOR A PORTION OF THE PROPERTY LOCATED AT 11530
HUDSON BOULEVARD NORTH***

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

WHEREAS, Stillwater Area Schools (Kristen Hoheisel), 1875 Greeley Street South, Stillwater, MN 55082 (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N (PID# 36.029.21.43.0001) (the "Property"); and

WHEREAS, a request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners, with three separate outlots was submitted by Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042; and

WHEREAS, the Applicant also submitted applications to the City for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district; and a Zoning Map Amendment to re-zone Lot 1, Block 1 of Four Corners from Rural Development Transitional to Business Park; 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 4, 2018 and June 18, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated July 17, 2018, and

WHEREAS, the City Council considered said matter at its July 17, 2018 meeting; and

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

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.106.

- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit includes the following components:
 - a) A Conditional Use Permit for a school district transportation center for a portion of the property located at 11530 Hudson Blvd N.
- 4) That the Conditional Use Permit for a school district transportation center will be for the Property legally described as follows: Lot 1, Block 1 of Four Corners.
- 5) That the Zoning Text Amendment that was proposed by the Applicants allows local transit as a conditional use within the Business Park zoning district.
- 6) That the City approved the Applicant's request for a Zoning Text Amendment to allow local transit as a conditional use within the Business Park zoning district.
- 7) That the City approved the Applicant's request for a Preliminary and Final Plat to subdivide the Property in to Lot 1, Block 1 of Four Corners along with three separate outlots.
- 8) That the City approved the Applicant's request for a Zoning Map Amendment to re-zone the Property from Rural Development Transitional to Business Park.
- 9) 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. *Bus traffic is not expected to be detrimental or dangerous, as trips and traffic will be limited to certain times of the day. It is a recommended condition of approval that there be significant berming to provide a sufficient screening of the parking lot.*
- 10) The use or development conforms to the City of Lake Elmo Comprehensive Plan. *The property is guided for Business Park, in which local transit, which meets certain standards, is a conditional use per the Zoning Code. The use also provides a significant number of jobs per acre, which is a desired trait of the Business Park land use designation per the Comprehensive Plan.*
- 11) The use or development is compatible with the existing neighborhood. *The use is compatible with the existing neighborhood, as the existing use is a truck terminal, which is similar in use and design to a bus terminal. The surrounding parcels are mostly vacant and undeveloped.*
- 12) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter. *The proposal complies with the proposed development standards as recommended in the requested Zoning Text Amendment, although it does not comply with many parking lot, screening, and landscape standards, which have been required as a recommended condition of approval.*
- 13) 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 property is located outside the 0.2% annual chance floodplain.*

- 14) 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. *While the proposed project is a redevelopment/repurposing of an existing site and will not change the existing character of the area, operations are not within a building and so would not meet the intended character of the neighborhood.*
- 15) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. *While the proposed use will create a significant amount of traffic, it will be limited to certain times of the day.*
- 16) 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. *There are plans to connect to City sewer and water at the applicant's cost. The use may require the prompt need for the CSAH 15/Hudson Blvd traffic signal, for which the City will be required to share 25% of the cost, and the Hudson Boulevard realignment. It is not yet known if the applicant's stormwater management plan meets all City, State, and Valley Branch Watershed District requirements.*
- 17) 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. *While the use will not pay property taxes, sewer and water service charges will be paid by the applicant.*
- 18) 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 proposed use will generate a significant number of trips per day, though this will be limited to certain times of the day. Minimal noise is expected to come from the site, except during heavy traffic times at specific times within the morning or afternoon.*
- 19) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. *Traffic congestion could be created from the significant number of trips to the site, though these would be limited to certain times of the day.*
- 20) 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 Stillwater Area Schools for a Conditional Use Permit for a school district transportation center with the following conditions of approval:

- 1) The Zoning Text Amendment to allow local transit (school district transportation center) within the Business Park Zoning District must be approved.
- 2) No construction or use of the bus terminal (unless in accordance with the Interim Use Permit approved by the City by Resolution 2014-095) may commence until all items as outlined in the City Engineer review memo regarding the Four Corners Preliminary & Final Plat (Stillwater Transportation Center) dated May 30, 2018 and all other subsequent construction plan memos regarding the Stillwater Transportation Center have been addressed; the Four Corners 1st Addition Final Plat has been recorded.
- 3) The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
- 4) The Applicant shall submit a photometric plan, and all lighting must meet requirements of Sections 150.035-150.038 of the City Code.
- 5) The above ground storage tank shall require development of diking around the tank, suitably sealed to hold a leakage capacity equal to 115% of the tank capacity. The applicant shall demonstrate that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant shall also fill out an Aboveground Storage Tank Notification of Installation or Change in Status Form as required by the Minnesota Pollution Control Agency (MPCA).
- 6) The Applicant shall submit an updated Landscape Plan and Tree Preservation Plan which includes sufficient berming and screening and addresses the comments in this report to be reviewed and approved by the City's Landscape Architect.
- 7) Parking areas shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete; spaces shall be marked with painted lines at least four inches wide; required interior and exterior parking lot screening is required; a bumper curb or barrier of normal bumper height shall be provided; and must provide an adequate number of Americans with Disabilities Act (ADA) accessible stalls.
- 8) A sign permit shall be obtained prior to erection of any sign on the property.
- 9) The property shall be connected to City sewer and water prior to operation of the bus terminal.
- 10) A Traffic Impact Study is required to determine timing and extent of improvements required for the CSAH 15 and Hudson Boulevard intersection realignment and traffic signal improvements as well as to determine if an eastbound left turn lane along Hudson Boulevard is also needed at the site access.
- 11) The applicant shall be required to include a description of the sanitary sewer capacity demands including the number of residential equivalency units (REC) based on the Metropolitan Council Sewer Availability Charge (SAC) determination policy as well as a description of the water capacity demands including average day use, peak day use, and fire suppression demands. Demands must account for all planned uses and connections to

the sewer system including bus wash wastewater as well as include potable drinking water, bus washing operations, etc.

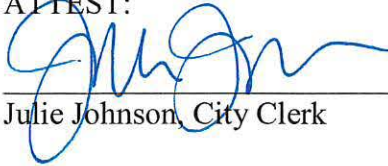
- 12) Applicant shall be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants shall be owned and maintained by the City.
- 13) That the applicant contribute a onetime payment of \$150,000 in recognition of lost tax revenue as well as the City's cost share of the future traffic signal at the intersection of Manning Avenue (CSAH 15) and Hudson Boulevard North.

Passed and duly adopted this 17th day of July 2018 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk

**City of Lake Elmo
Application for Conditional Use Permit
School District Transportation Center
Stillwater Area Public Schools**

November 6, 2020

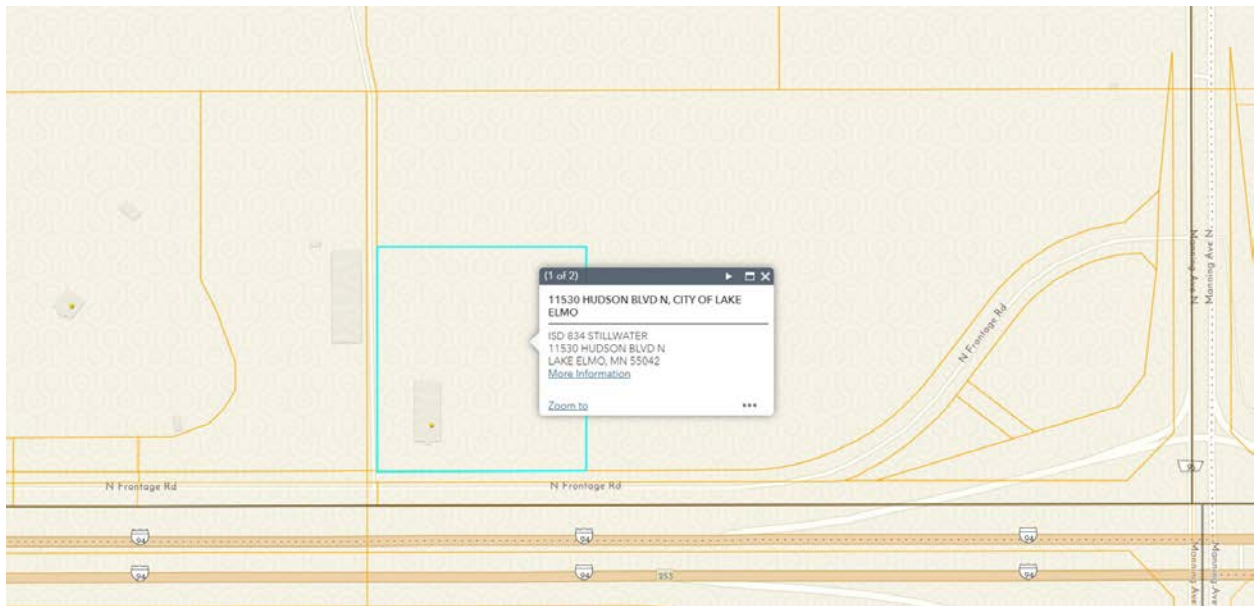
Property Owner:
Stillwater Area Public Schools
1875 Greeley Street South
Stillwater, MN 55082

Contact Information:
Malinda Lansfeldt, Interim Superintendent
Phone: 651-351-8301
Email: lansfeldtm@stillwaterschools.org



Property Information:

Property Address: 11530 Hudson Blvd. N., Lake Elmo
PID: 36.029.21.43.0004
Legal Description: Lot 1, Block 1, Four Corners Addition
Parcel Size: 11 acres (479,160 sq. ft.)



Zoning:

The Property is zoned BP – Business Park

Comprehensive Plan:

The Property is guided BP – Business Park

Use of Surrounding Properties:

The Property is bounded on the South by Hudson Boulevard and I-94:



Immediately to the west is an outdoor storage use:



The areas to the north and east are vacant:



History and Background:

The existing building was constructed in the 1990s and was initially used as office space and vehicle storage for an earth-moving company. The Property was later used for school bus maintenance and terminal, and then by Kenworth Diesel Trucks for truck repairs, sales and service.

The School District acquired the Property in 2018, and following the approval of a CUP in 2018, invested \$2 million in improvements to the Property. These improvements included the installation of a fire suppression system in the building to extend the existing sprinklers from the garage bays to the office area of the building. The fire suppression system has been inspected and reviewed by the State Fire Marshal and the City's Fire Inspectors. The School District is completing the changes

based on the inspection and these items should be completed by the time the CUP application is considered by the City Council.

In addition, as part of the plumbing for the fire suppression system, the School District obtained the required permits and inspections from DOLI and it resulted in no additional work requests. The School District also installed a heat and smoke detection system, which has been inspected by the City's Fire Inspector and Building Inspector. No other improvements have been made to the interior of the building. There are three functioning bathrooms which can immediately be connected to sewer and water upon its availability.

The exterior improvements in 2019 included paving of all parking areas. The final lift was placed on the parking lots in the spring of 2020. The parking lots are now completed and striped. The School District is not aware of any outstanding issues with any of the exterior improvements made to the site, including the fencing, berming and landscaping.

As the Planning Commission and Council are aware, the prior CUP for a bus terminal was revoked in May 2020. The School District subsequently vacated the Property in the summer of 2020, pursuant to direction from the City. The Property is currently unoccupied.

Current Status:

The School District is pleased to report that at the time of submission of this CUP application, the watermain and sanitary sewer are being installed along Hudson Boulevard and are being delivered to the doorstep of the School District Property by EN Properties, LLC, the developer, and it is anticipated that these utilities will be connected to the Property by the end of December 2020. The Property already has the utility stub connections, the City has an easement from the School District for these utilities, and the developer is required to hook the Property up to sewer and water as part of its project.

In the Spring of 2021, storm sewer utilities, storm water drainage facilities, and improvements to Hudson Boulevard will be constructed/completed by the developer. The developer has entered into an Amended Development Agreement with the City that requires completion of the public improvements by July 31, 2021. The City also required an increased letter of credit from the developer so that if the public improvements are not completed, the City has the ability to draw on the developer's letter of credit and complete these public improvements on its behalf. Whether the developer completes the installation of the public utilities or the installation is completed by the City, there is significantly more reassurance than in the past that public utilities are on the horizon. The developer is installing public utilities *right now* and if the developer fails, the City has enhanced security in the form of an increased letter of credit to complete the work, if it so chooses.

The School District is currently operating its bus terminal in the City of Oak Park Heights where it has a lease through June 30, 2021. It is anticipated that all of the developer's improvements will be completed prior to the end of the lease term. However, the School District is making this CUP application now because it must notify the current landlord by the end of February 2021 if a lease extension will be needed. Therefore, there is some degree of urgency to the timing of this CUP application. The Planning Commission and City Council can be assured that the School District

will not move any operations to the Property until the City grants approvals and gives permission to do so.

Requested Use of the Property

The CUP application is ripe for consideration by the Planning Commission and the City Council for a School District Transportation Center to be located at the Property. The use contemplates that the existing building will be used as office space by approximately seven full time office staff/dispatchers during the week, from the hours of 5:30 a.m. – 6:00 p.m. or on occasion for other required school bus operations. Approximately 180 school bus drivers and bus aides will circulate through the site on any given weekday. They will be able to use the meeting room and break room areas within the building when they pick up and drop off their buses or are awaiting the next route. Ten mechanics will occupy the garage area and service bays for bus washing, general maintenance, and minor repairs. 100 long buses and 40 short buses will be stored in the paved parking areas, which can accommodate a total of 140 buses, as well as 20 passenger vehicles.

Findings:

In order to approve a CUP, the City Code requires that a 12-factor test be met:

1. *The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.*

The building will be used as office space, meeting space, and a truck maintenance garage. The site will be used as a School District Transportation Center, which is listed as a conditional use in the BP-Business Park Zoning District. It will generate traffic during specific times of the day, but improvements to Hudson Boulevard, along with the existing right turn lane, are expected to minimize the impact to the neighborhood. In addition, there is significant berming along Hudson Boulevard to screen the parking areas. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.

View of berm on Hudson Boulevard looking West:



View of berm on Hudson Boulevard looking East:



View of berm at western edge of property line:



2. *The use or development conforms to the City of Lake Elmo Comprehensive Plan.*

The land use designation is guided in the Comprehensive Plan as BP-Business Park, which is the appropriate designation for the School District Transportation Center use. It was expected that local transit would be an appropriate use for the Business Park. In addition, the Comprehensive Plan states that one of its desired traits of the Business Park land use designation is to generate a significant number of jobs per acre. With 180 bus drivers, 10 mechanics and 7 dispatchers, this use will generate 18 jobs per acre.

3. *The use or development is compatible with the existing neighborhood.*

The surrounding properties are mostly vacant, with the exception of an outdoor storage use immediately to the west. The nearby drive-in movie theater use generates significant

amounts of traffic; however, the theater's peak traffic is not at the same times as the School District's traffic movements. The movie theater operates during the summer months, which is when the School District is not in full operation, and traffic is only congested for the movie theater at dusk and evening hours, which is after the bus terminal hours of operation.

4. *The proposed use meets all specific development standards for such use listed in Article 7 of the Zoning Code.*
 - *Fencing:* The 2018 site plan required significant screening and berming and has been installed accordingly, as noted in the previous photos.
 - *Off-street parking:* The Property exceeds the parking requirements of one space per 300 square feet of office, plus one space per vehicle kept on premises. There are 140 spaces for buses and 20 spaces for passenger vehicles to accommodate the use.
 - *Building Construction:* The existing building was constructed in the 1990s and no changes to the exterior metal/concrete materials or windows are being requested.
 - *Pavement:* All parking lots and access drives are paved.



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.*

N/A

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 School District Transportation Center use is appropriate for the Business Park zoning district. The Property is located on a frontage road immediately adjacent to an interstate. Access to such significant transportation corridors is why this general area was zoned as a business district with transportation uses—in order to optimize this type of access. The

essential character of the area is not only compatible with this proposed use, it is perfectly suited for, and fits within the existing character of, the general vicinity. The building is well-maintained, and its construction is aesthetically pleasing as it faces Hudson Boulevard and is functional for the maintenance and service of buses. It is compatible with the general construction materials for a BP-Business Park use.

7. *The proposed use will not be hazardous or create a nuisance as defined in the zoning code to existing or future neighboring structures.*

The School District Transportation Center does not create any hazards or nuisances to the neighboring open storage use or vacant properties. Future adjacent uses will be similarly utilized for the permitted or conditional uses within the BP-Business Park zoning designation.

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 public utilities of sewer and water are being installed at the time of this submission and are scheduled to be completed by the end of December 2020. The Property is ready to be connected to sewer and water and upon doing so, will have a fully functioning fire suppression system. When the developer completes the remaining public utilities in the Spring of 2021, including any improvements to Hudson Boulevard, the Property will be adequately served by all essential public facilities. The School District will not utilize the Property, unless authorized by the City, until such public facilities are completed.

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 City will not incur any additional costs for the School District Transportation Center operations.

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 proposed use will generate additional traffic during specific times of the day, however, there is a dedicated right turn lane on Hudson Boulevard which greatly reduces any traffic impact and congestion along this frontage road. The significant berm along the corridor will help mitigate noise from buses that may occur. Because the site is immediately adjacent to the I-94 corridor, which generates significant and constant traffic noise, the minimal bus noises will likely not be noticeable.

The Business Park zoning classification is ideal for the proposed Transportation Center use as it directs surrounding properties toward similar uses that will be mutually compatible. Being surrounded by major roads and the interstate make this an ideal location for a Transportation Center.

11. *Vehicular approaches to the Property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.*

The Business Park Zoning District was intentionally created adjacent to major intersections and thoroughfares in order to provide for this type of Transportation Center use. As stated above, the improvements, and right turn lane on Hudson Boulevard will reduce any potential congestion or interference with the flow of traffic in this area.

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

Located in a predominantly vehicular area, there are no natural or scenic features that will be impacted by the proposed use. The landscaping and berming improvements surrounding the Property enhance the aesthetics of Hudson Boulevard.

Conclusion

The previous challenges with the site resulting in the revocation of the prior CUP, are being resolved. The watermain and sanitary sewer are currently being installed and should be completed by the end of the year. The School District's bus terminal will remain at the current Oak Park Heights location through June 2021, by which time all of the developer's improvements should be completed. The School District will not move any operations to the Property unless the City completes any inspections needed and grants permission to do so.

The Property is the ideal location for the Transportation Center. With its close proximity to the I-94 corridor and site improvements designed specifically for a transportation-oriented use, the use is a great fit. Because the surrounding area is largely undeveloped and due to zoning and comprehensive plan guiding, will likely develop into similar transportation-oriented uses, the overall impact to the community is positive. The School District respectfully requests the City approve a CUP for the Stillwater School District Transportation Center.



REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION

REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT SECTION

REMOVE AND SALVAGE EXISTING GRAVEL SECTION FOR REUSE. DISPOSE OF ALL EXCESS MATERIALS.

- ① REMOVE AND DISPOSE OF EXISTING CONCRETE CURB AND GUTTER.
- ② REMOVE AND DISPOSE OF EXISTING CHAIN LINK FENCE FABRIC POSTS, AND FOOTINGS.
- ③ REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT SECTION.
- ④ SAWCUT, REMOVE, AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION.
- ⑤ REMOVE AND DISPOSE OF EXISTING STORM SEWER.
- ⑥ REMOVE AND DISPOSE EXISTING CONCRETE BOLLARDS.
- ⑦ PROTECT EXISTING ELECTRICAL TRANSFORMER DURING CONSTRUCTION.
- ⑧ PROTECT WELL DURING CONSTRUCTION UNTIL NEW WATER SERVICE CONNECTION IS INSTALLED AND OPERATIONAL. WELL TO BE ABANDONED AFTER WATER SERVICE INSTALLATION.
- ⑨ PROTECT EXISTING SEPTIC SYSTEM TANKS AND DRAINFIELD DURING CONSTRUCTION. ABANDON AND DISPOSE OF ALL COMPONENTS AND ASSOCIATED SOILS PER WASHINGTON COUNTY REQUIREMENTS, AFTER SANITARY SERVICE CONNECTION IS OPERATIONAL.
- ⑩ REMOVE AND DISPOSE EXISTING TREES, STUMPS AND ROOTS.
- ⑪ TREES TO BE REMOVED BY CONTRACTOR FOR FOUR CORNERS STREET & UTILITIES IMPROVEMENTS.
- ⑫ PROTECT EXISTING BOULDER RETAINING WALL DURING CONSTRUCTION.

1. Verify all existing utility locations.
2. It is the responsibility of the Contractor to perform or coordinate all necessary utility demolitions and relocations from existing utility locations to all onsite amenities and buildings. These connections include, but are not limited to, water, sanitary sewer, cable tv, telephone, gas, electric, site lighting, etc.
3. Prior to beginning work, contact Gopher State Onecall (651-454-0002) to locate utilities throughout the area under construction. The Contractor shall retain the services of a private utility locator to locate the private utilities.
4. Sawcut along edges of pavements, sidewalks, and curbs to remain.
5. All construction shall be performed in accordance with state and local standard specifications for construction.
6. Coordinate with Four Corners Plans for any work outside of the property within the road Right-Of-Way.
7. Protect all trees that are to remain during all construction.

Total Lot Size: 478,997 s.f. = 11.00 Acres

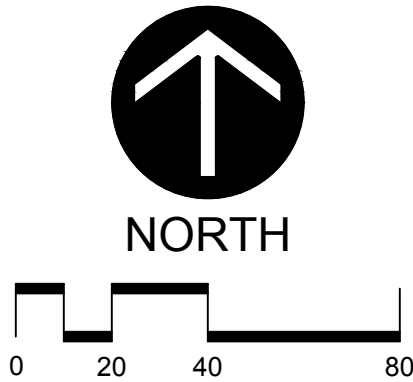
Breakdown:

Existing Building: 15,498 s.f. = 3.23%

Existing Gravel Surfaced Pavement Areas: 91,861 s.f. = 19.18%

Existing Concrete and Bituminous Pavement: 9,022 s.f. = 1.88%

Existing Open Space: 362,616 s.f. = 75.71%



Larson
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White Bear Lake, MN 55110
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www.larsonengr.com

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Client:

Client: **STILLWATER AREA
PUBLIC SCHOOLS**
1875 SOUTH GREELEY STREET
STILLWATER, MINNESOTA 55082

Project Title:

**2019 STILLWATER
BUS FACILITY
IMPROVEMENTS**
STILLWATER AREA PUBLIC SCHOOLS
STILLWATER, MN 55082

I hereby certify that this plan,
specifications or report was 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.

As a Bundle

Greg A. Buchal, P.E.

Date: 04.30.18 Reg. No.: 23793

Rev.	Date	Description
3	10.12.18	City Resubmittal
4	11.06.18	City Resubmittal
5	12.07.18	City Resubmittal
6	03.19.19	Addendum #1
7	04.09.19	City Resubmittal
8	05.03.19	City Comments

Project #: 12196005

Drawn By: KJA

Checked By: GAE

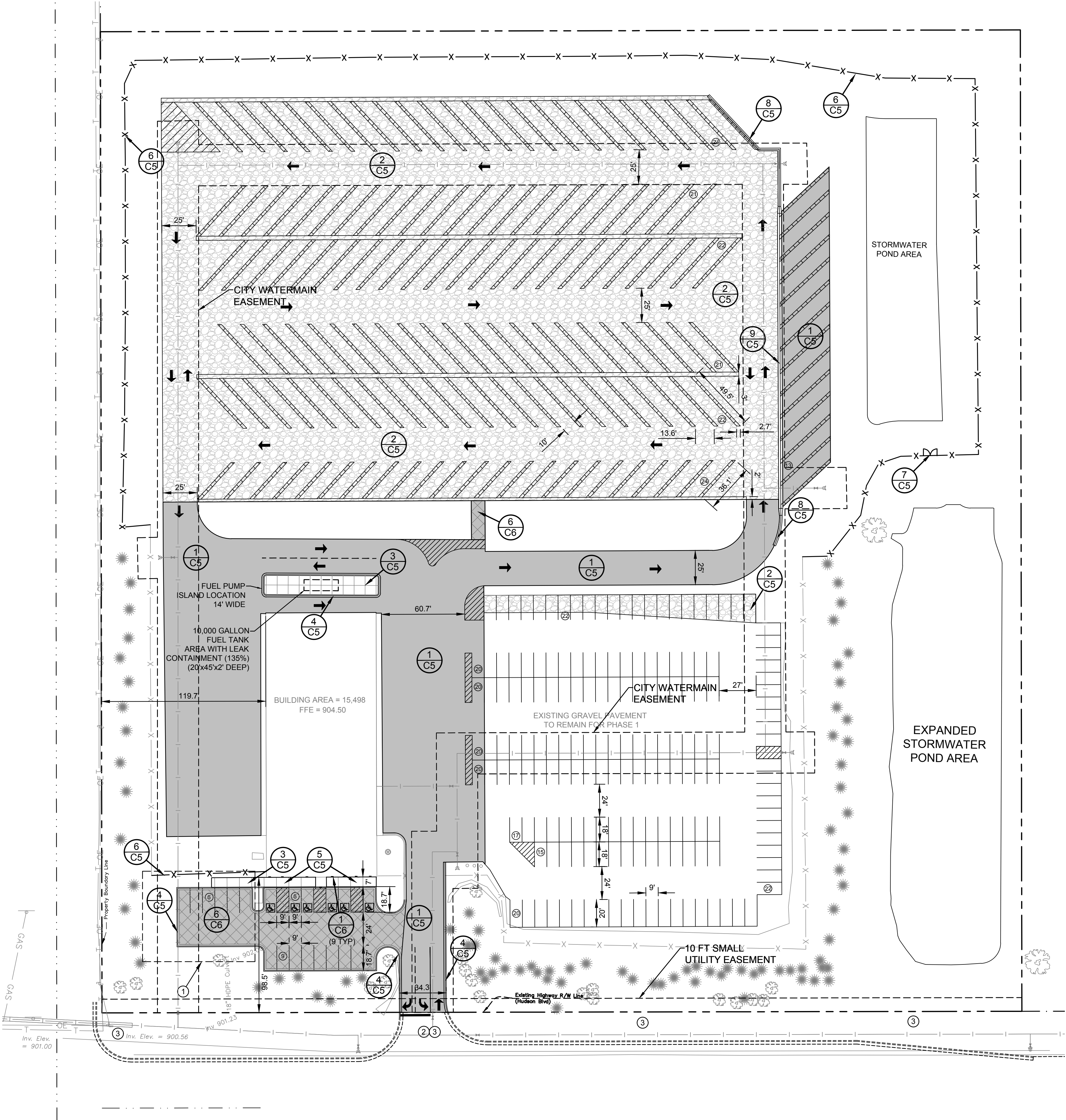
Issue Date: 04.30.18

Sheet Title:

DEMOLITION PLAN

C1

Sheet:



SYMBOL LEGEND

- NEW 6" BITUMINOUS PAVEMENT OVER NEW 8" CRUSHED AGGREGATE BASE OVER 24" GRANULAR BACKFILL SEE DETAIL 1/C5
- NEW 4" BITUMINOUS PAVEMENT OVER NEW 8" CRUSHED AGGREGATE BASE OVER 24" GRANULAR BACKFILL SEE DETAIL 6/C6
- NEW 6" CONCRETE PAVEMENT OVER NEW 6" CRUSHED AGGREGATE BASE SEE DETAIL 3/C5
- NEW 10" AGGREGATE OVER NEW 24" GRANULAR BACKFILL SEE DETAIL 2/C5
- NEW CHAIN LINK FENCE SEE DETAIL 6/C5

WHERE APPLICABLE, DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB OR BACK OF CURB TO END OF STALL LINE.

PARKING STALL COUNT

ADA STALLS REQUIRED = 6
ADA STALLS PROVIDED = 6
AUTOMOBILE STALLS = 177
SCHOOL VAN STALLS = 20
SHORT BUS STALLS = 24
LARGE BUS STALLS = 123
Ⓢ - INDICATES STALL COUNT IN ROW

LOT SIZE

Total Lot Size: 478,997 s.f. = 11.00 Acres

Breakdown:
Proposed Building: 15,498 s.f. = 3.24%
Proposed Gravel Pavement Areas (Phase 1): 182,980 s.f. = 38.20%
Proposed Concrete and Bituminous Pavement (Phase 1): 61,563 s.f. = 12.85%
Proposed Open Space: 218,956 s.f. = 45.71%

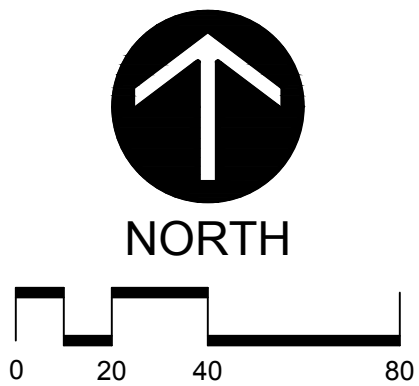
Proposed Total Impervious Space = 54.29%
Business Park Max Impervious = 75%

Parking Lot Area = 244,993 s.f.
5% Landscaped Area Required = 12,249 s.f.
Landscaped Area Provided = 16,830 s.f.

All gravel pavement surface (existing and proposed) in Phase 1 is going to be paved in Phase 2 of the project. A timeline for Phase 2 has not yet been established but is anticipated in 2 to 3 years.

PLAN NOTES

- Automobile parking lot to be constructed after septic drainfield is abandoned.
- Entrance drive paving, and curb and gutter to match new construction for Hudson Blvd.
- Coordinate with Four Corners Addition Plans for any work outside of property within the road Right-of-Way.



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Project #: 12196005

Drawn By: KJA

Checked By: GAB

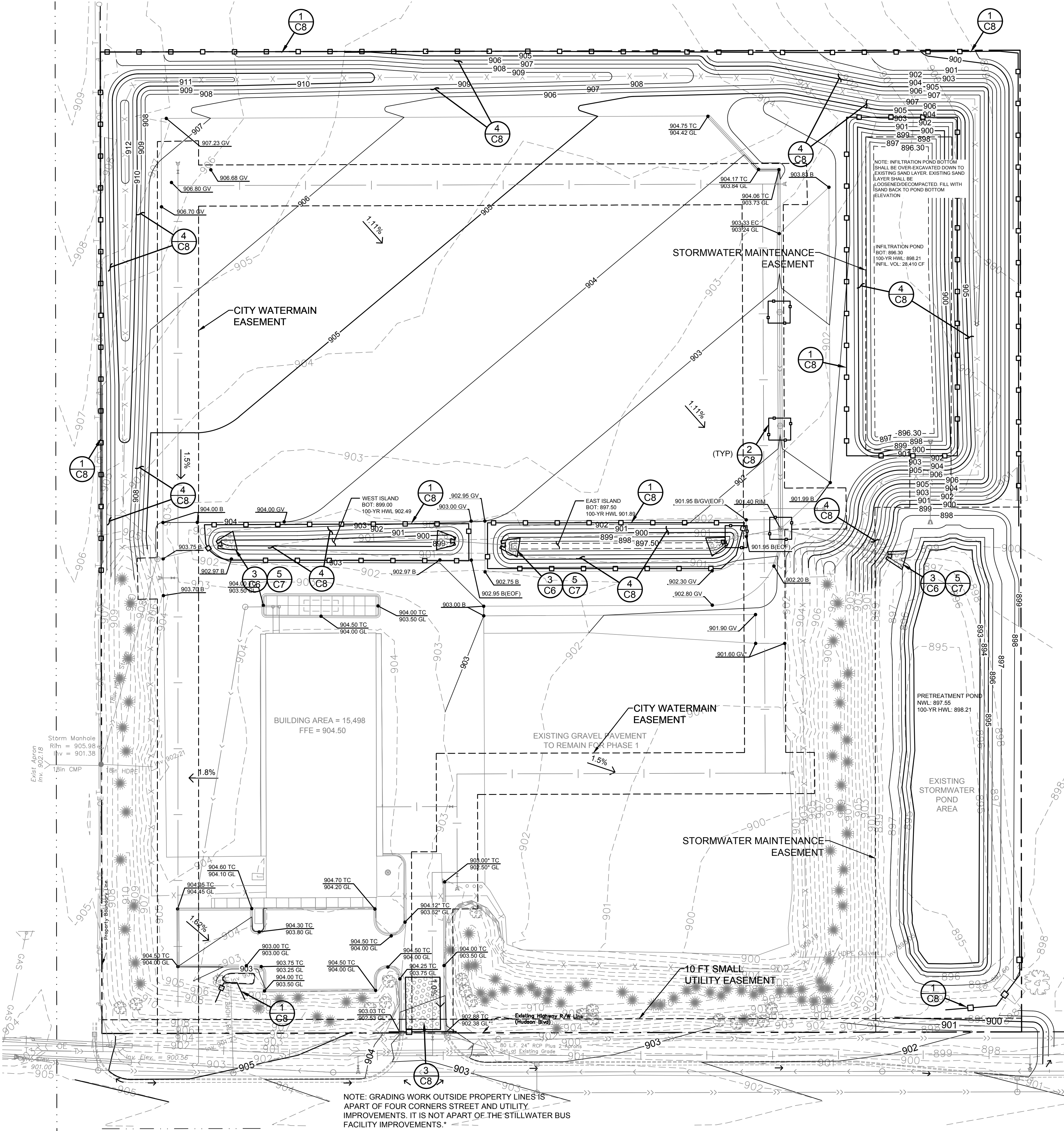
Issue Date: 04.30.18

Sheet Title:

PAVING AND DIMENSION PLAN

C2

Sheet:



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EROSION CONTROL NOTES

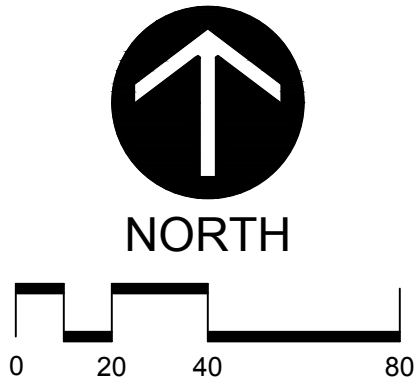
- Owner and Contractor shall obtain MPCA-NPDES permit. Contractor shall be responsible for all fees pertaining to this permit. The SWPPP shall be kept onsite at all times.
- Install temporary erosion control measures (inlet protection, silt fence, and rock construction entrances) prior to beginning any excavation or demolition work at the site.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins, additional siltation fencing, and/or disk the soil parallel to the contours as deemed necessary to further control erosion. All changes shall be recorded in the SWPPP.
- All construction site entrances shall be surfaced with crushed rock across the entire width of the entrance and from the entrance to a point 50' into the construction zone.
- The toe of the silt fence shall be trenched in a minimum of 6". The trench backfill shall be compacted with a vibratory plate compactor.
- All areas with 4:1 slope or steeper shall have erosion control blankets placed on them when grading is complete.
- All grading operations shall be conducted in a manner to minimize the potential for site erosion. Sediment control practices must be established on all down gradient perimeters before any up gradient land disturbing activities begin.
- All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) and the constructed base components of roads, parking lots and similar surfaces are exempt from this requirement.
- The normal wetted perimeter of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge into any surface water. Stabilization of the last 200 lineal feet must be completed within 24 hours after connecting to a surface water. Stabilization of the remaining portions of any temporary or permanent ditches or swales must be complete within 14 days after connecting to a surface water and construction in that portion of the ditch has temporarily or permanently ceased.
- Pipe outlets must be provided with energy dissipation within 24 hours of connection to surface water.
- All riprap shall be installed with a filter material or soil separation fabric and comply with the Minnesota Department of Transportation Standard Specifications.
- All storm sewers discharging into wetlands or water bodies shall outlet at or below the normal water level of the respective wetland or water body at an elevation where the downstream slope is 1 percent or flatter. The normal water level shall be the invert elevation of the outlet of the wetland or water body.
- All storm sewer catch basins not needed for site drainage during construction shall be covered to prevent runoff from entering the storm sewer system. Catch basins necessary for site drainage during construction shall be provided with inlet protection.
- In areas where concentrated flows occur (such as swales and areas in front of storm catch basins and intakes) the erosion control facilities shall be backed by stabilization structure to protect those facilities from the concentrated flows.
- Inspect the construction site once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. All inspections shall be recorded in the SWPPP.
- All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access. All repairs shall be recorded in the SWPPP.
- If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts.
- All soils tracked onto pavement shall be removed daily.
- All infiltration areas must be inspected to ensure that no sediment from ongoing construction activity is reaching the infiltration area and these areas are protected from compaction due to construction equipment driving across the infiltration area.
- Temporary soil stockpiles must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the stormwater.
- Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
- Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
- External washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed onsite.
- All liquid and solid wastes generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner. A compacted clay liner that does not allow washout liquids to enter ground water is considered an impermeable liner. The liquid and solid wastes must not contact the ground, and there must not be runoff from the concrete washout operations or areas. Liquid and solid wastes must be disposed of properly and in compliance with MPCA regulations. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.
- Upon completion of the project and stabilization of all graded areas, all temporary erosion control facilities (silt fences, hay bales, etc.) shall be removed from the site.
- All permanent sedimentation basins must be restored to their design condition immediately following stabilization of the site.
- Contractor shall submit Notice of Termination for MPCA-NPDES permit within 30 days after Final Stabilization.

LEGEND

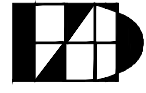
- EXISTING CONTOURS
- PROPOSED CONTOURS - MAJOR INTERVAL
- PROPOSED CONTOURS - MINOR INTERVAL
- GRADE BREAK LINE
- GRADE SLOPE
- SILT FENCE
- RIP-RAP
- INLET PROTECTION
- CONCRETE WASHOUT STATION
- SPOT ABBREVIATIONS:
 - TC - TOP OF CURB
 - GL - GUTTER LINE
 - B - BITUMINOUS
 - C - CONCRETE
 - EO - EMERGENCY OVERFLOW
 - TW - TOP OF WALL
 - BW - BOTTOM OF WALL (F/G)
 - BH - BASE OF HYDRANT
 - (*) - EXISTING TO BE VERIFIED

GRADING NOTES

- Tree protection consisting of snow fence or safety fence installed at the drip line shall be in place prior to beginning any grading or demolition work at the site.
- All elevations with an asterisk (*) shall be field verified. If elevations vary significantly, notify the Engineer for further instructions.
- Grades shown in paved areas represent finish elevation.
- Restore all disturbed areas with 6" of good quality topsoil and seed or sod.
- All construction shall be performed in accordance with state and local standard specifications for construction.
- To prevent soil compaction, the proposed infiltration area shall be staked off and marked during construction to prevent heavy equipment and traffic from traveling over it. If the infiltration facility is in place during construction activities, sediment and runoff shall be kept away from the facility, using practices such as diversion berms and vegetation around the facility's perimeter. The infiltration facility shall not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized. The final phase of excavation shall remove all accumulated sediment and be done by light, tracked equipment to avoid compaction of the basin floor. To provide a well-aerated, highly porous surface, the soils of the basin floor shall be loosened to a depth of at least 24 inches to a maximum compaction of 85% standard proctor density prior to planting.
- Raise grade within 3 feet around all hydrants to provide positive drainage away from each hydrant.



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Greg A. Buchal

Greg A. Buchal, P.E.

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Project #: 12196005

Drawn By: KJA

Checked By: GAB

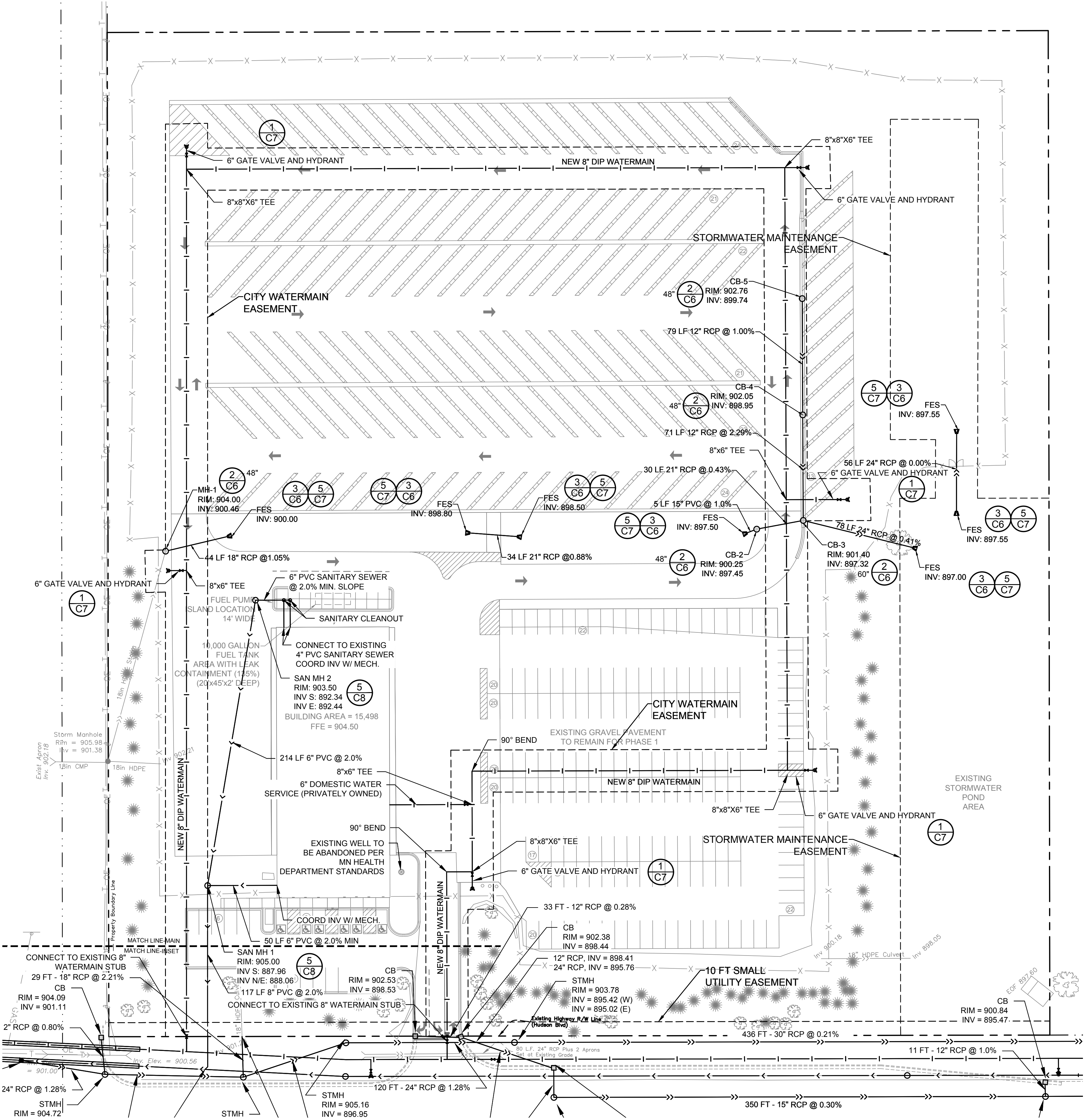
Issue Date: 04.30.18

Sheet Title:

**GRADING AND
EROSION CONTROL
PLAN**

C3

Sheet:



LEGEND

⊗ GATE VALVE & BOX	○ STORM MANHOLE	— CTV —	— CABLE UNDERGROUND LINE
⊗ WATER SHUTOFF	○ CATCH BASIN	— OE —	— ELECTRIC OVERHEAD LINE
☼ LIGHT POLE	□ CURB INLET	— UE —	— ELECTRIC UNDERGROUND LINE
	▲ FLARED END	— FO —	— FIBER OPTIC UNDERGROUND LINE
	○ SANITARY MANHOLE	— G —	— NATURAL GAS UNDERGROUND LINE
	⊗ HYDRANT	— > —	— SANITARY SEWER PIPE
		— >> —	— STORM SEWER PIPE
		— T —	— TELEPHONE UNDERGROUND LINE
		— —	— WATERMAIN PIPE
		— — —	— DRAIN TILE PIPE

UTILITY NOTES

- ALL WATERMAIN AND ACCESSORIES MUST BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF LAKE ELMO STANDARD SPECIFICATIONS AND DETAILS.
- MANIPULATION OF EXISTING VALVES SHALL BE PERFORMED ONLY BY CITY PERSONNEL.
- WATERMAIN SHALL BE DUCTILE IRON PIPE, ENCASED IN POLYETHYLENE, CLASS-52.
- ALL FITTINGS SHALL COMPLY WITH CEAM SPEC. 2611.2.A1. ALL FITTINGS SHALL BE DUCTILE IRON PIPE WITH POLYETHYLENE ENCASEMENT. ALL CONNECTIONS SHALL BE INSTALLED UTILIZING COR-BLUE NUTS & BOLTS.
- USE GATE VALVES FOR ALL APPLICATIONS UP THROUGH 12 INCHES.
- GATE VALVES SHALL BE RESILIENT WEDGE AMERICAN FLOW CONTROL SERIES 2500 OR APPROVED EQUAL. GATE VALVES MUST COMPLY WITH CEAM SPEC 2611.2.C.2.
- USE BUTTERFLY VALVES FOR ALL APPLICATIONS GREATER THAN 12 INCHES.
- BUTTERFLY VALVES SHALL BE MUELLER LINESEAL III, OR APPROVED EQUAL. BUTTERFLY VALVES SHALL COMPLY WITH CEAM SPEC. 2611.2.C.3.
- BOLTS AND NUTS ON ALL VALVES AND HYDRANTS SHALL BE STAINLESS STEEL.
- ALL HYDRANTS SHALL BE INSTALLED 5.0 FEET BACK OF CURB.
- HYDRANTS SHALL BE WATEROUS "PACER," MODEL WB-67 OR APPROVED EQUAL, FITTED WITH FH 800 SERIES FLEX STAKE AND PAINTED RED.
- HYDRANTS SHALL HAVE TWO OUTLET NOZZLES FOR 2-1/2 (I.D.) HOSE CONNECTIONS AND ONE 4" STORZ NOZZLE (MODEL WB-67) AND PENTAGON NUT END CAP.
- THE CURB STOP SERVICE ASSEMBLY SHALL HAVE A MINIMUM 1-FT ADJUSTMENT RANGE AND SHALL EXTEND 6 INCHES ABOVE FINISHED GRADE FULLY EXTENDED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING WATER TO HOMES AND BUSINESSES WHOSE WATER SUPPLY IS DISRUPTED DURING THE COURSE OF THE PROJECT.

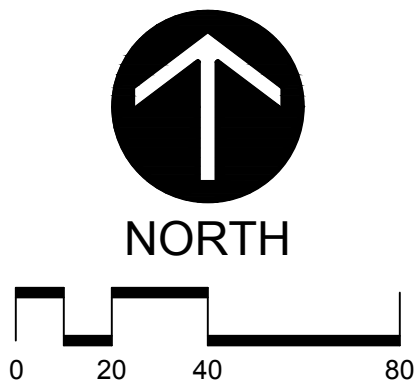
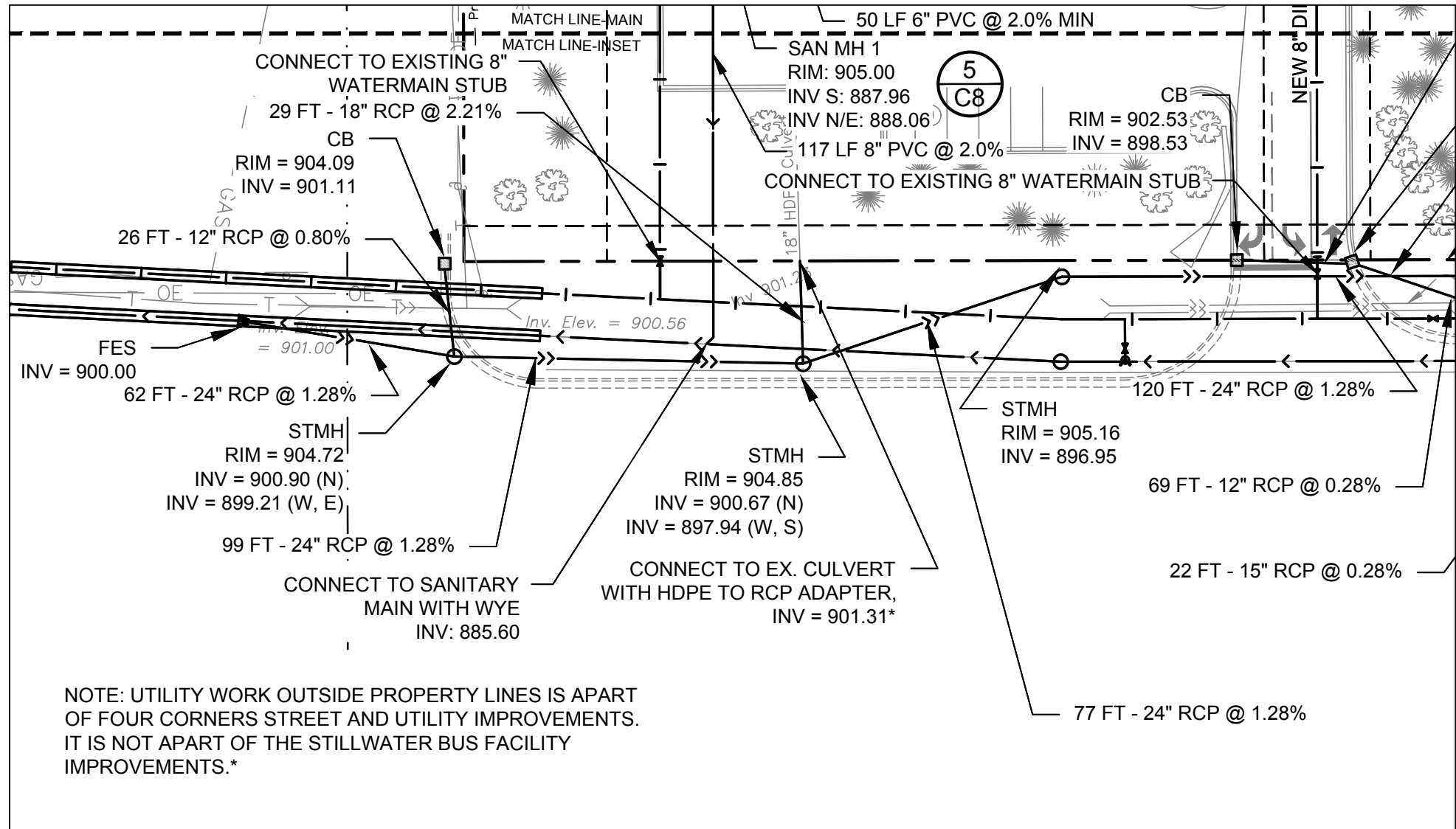
STANDARD PLAN NOTES
WATERMAIN PLANS

MARCH 2017

CITY OF LAKE ELMO

STANDARD DRAWING NO. 200A
LAKE ELMO

For additional utility notes, see sheet C8.



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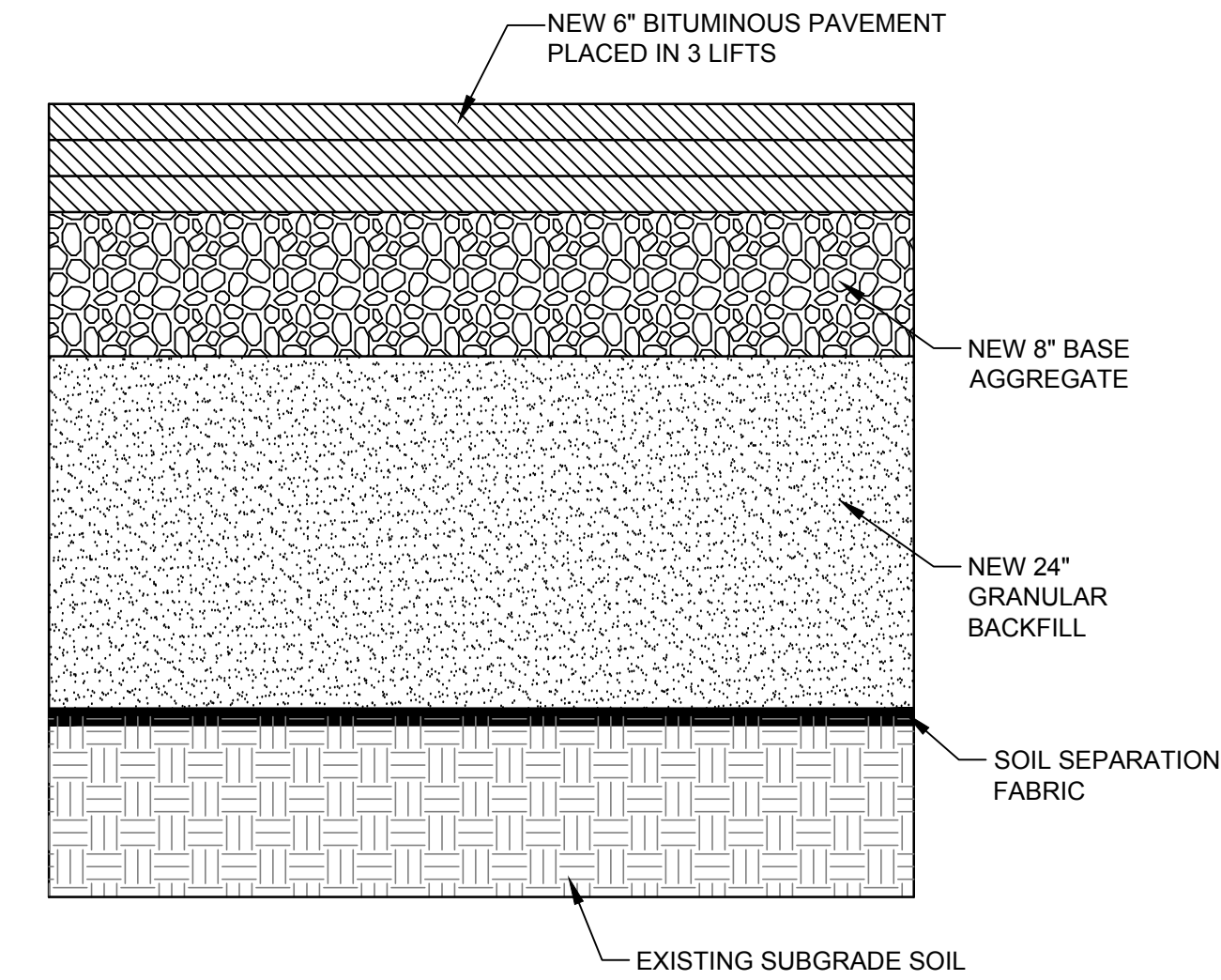
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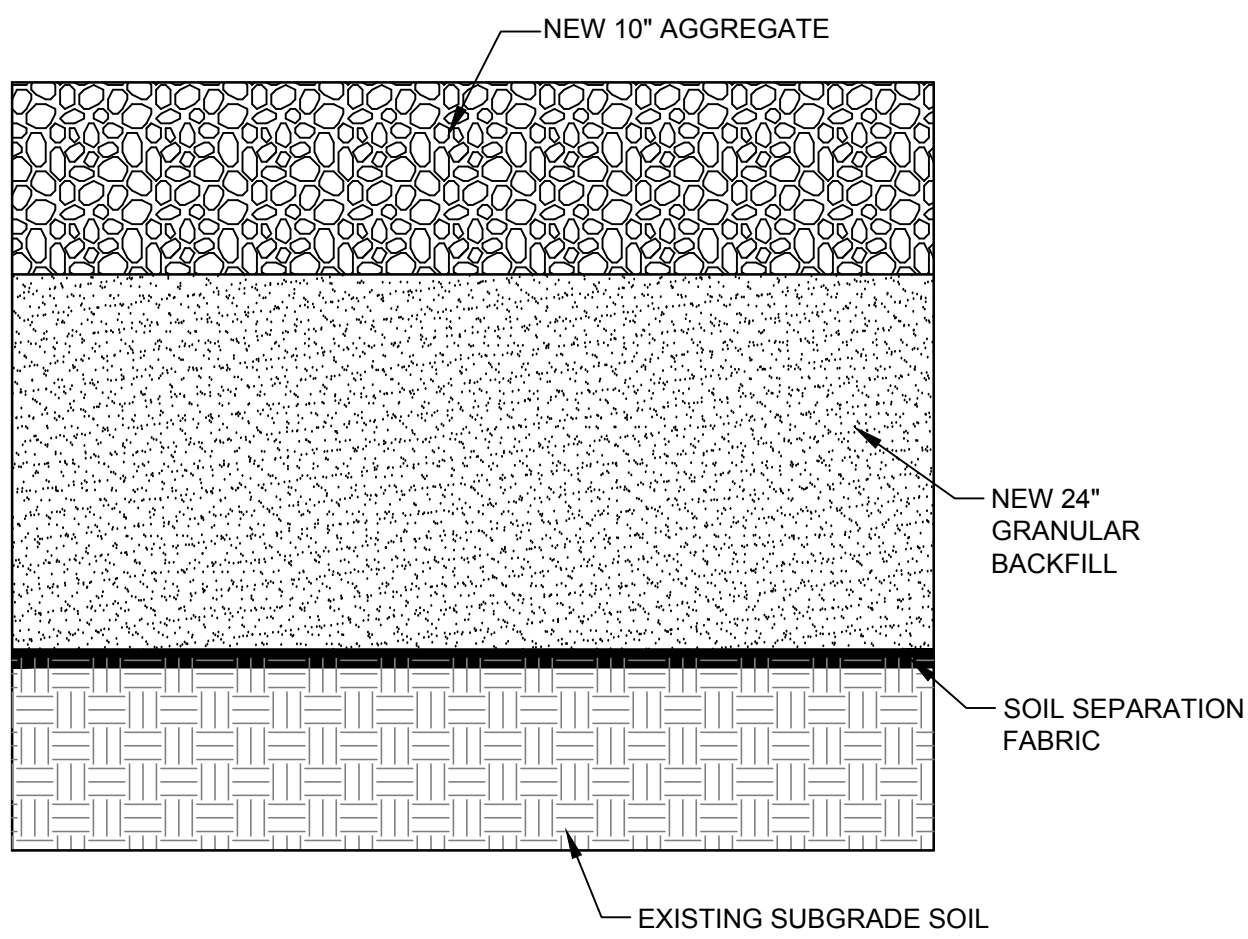
UTILITY PLAN

C4

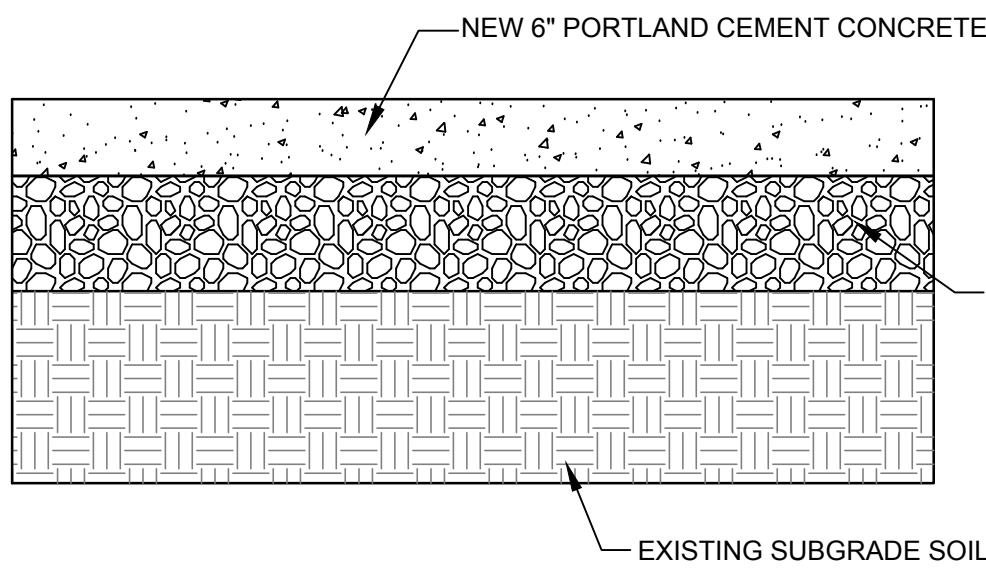
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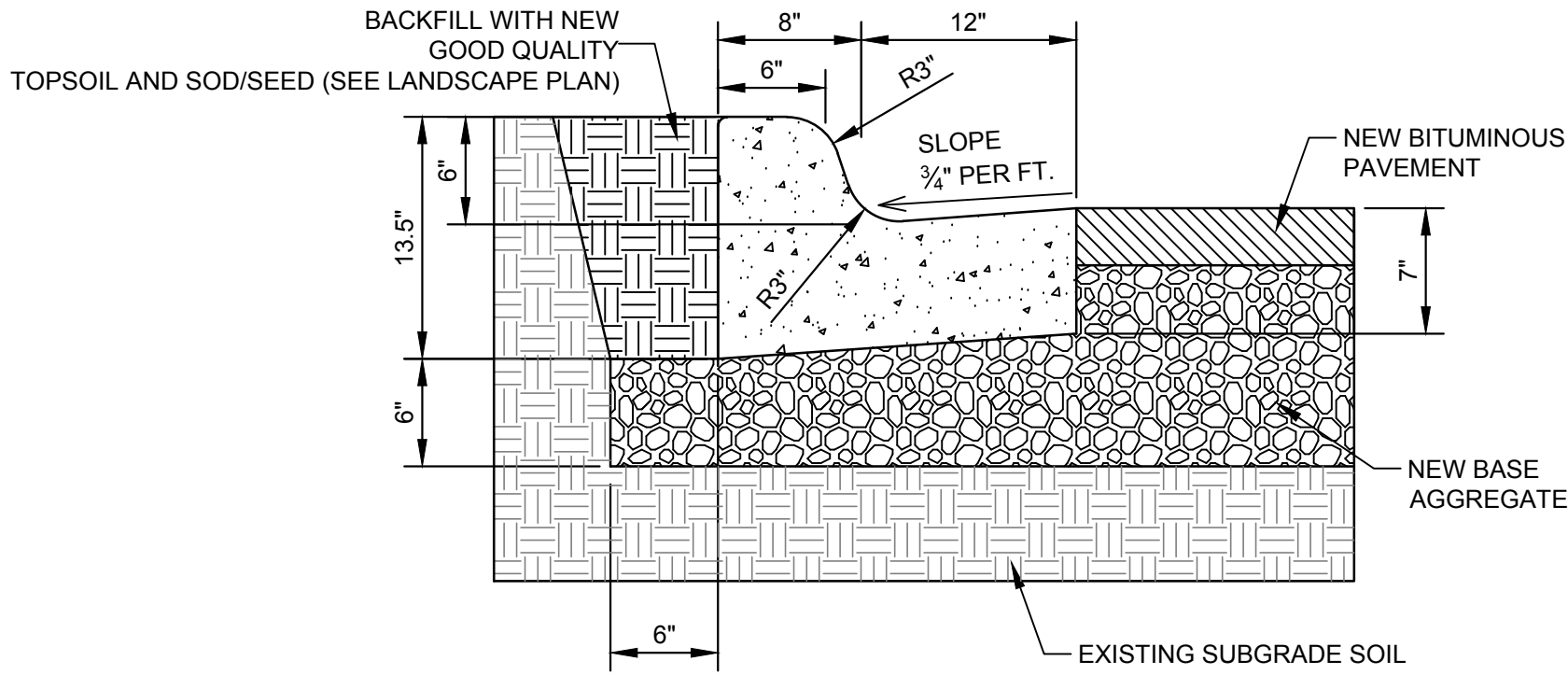
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C5
HEAVY-DUTY BITUMINOUS
PAVEMENT SECTION
NOT TO SCALE



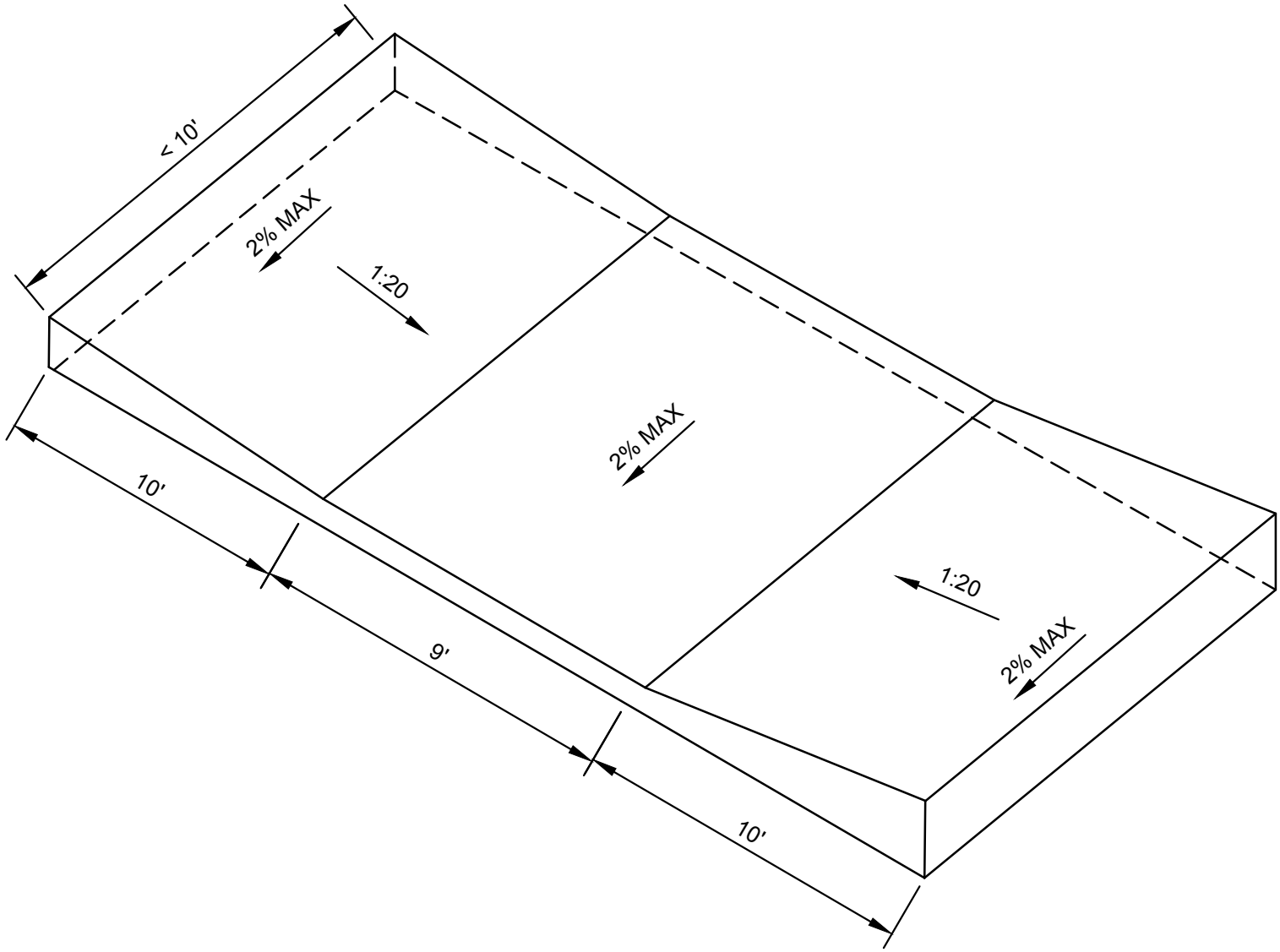
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GRAVEL SECTION
NOT TO SCALE



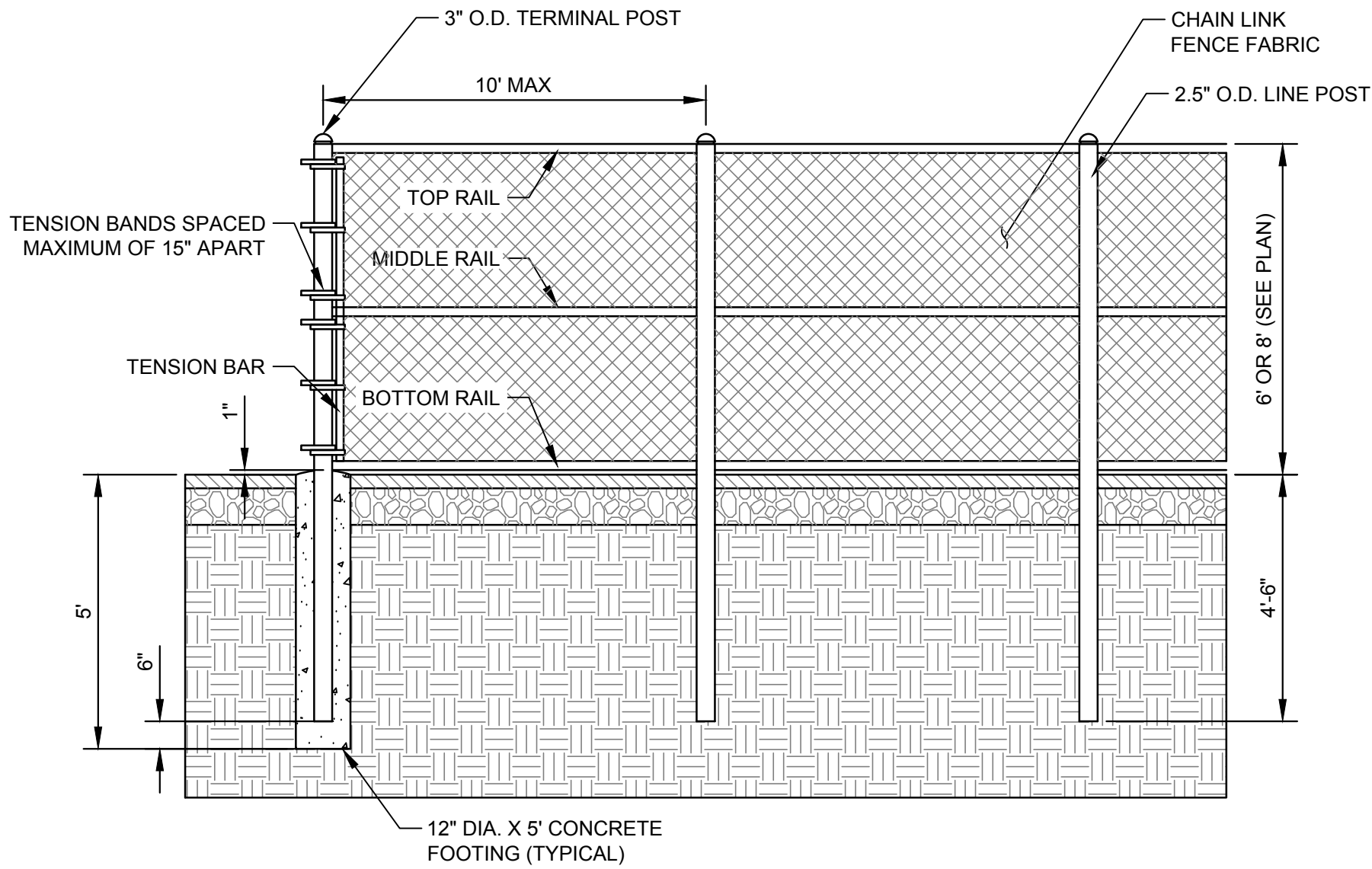
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CONCRETE SIDEWALK
CONSTRUCTION DETAIL
NOT TO SCALE



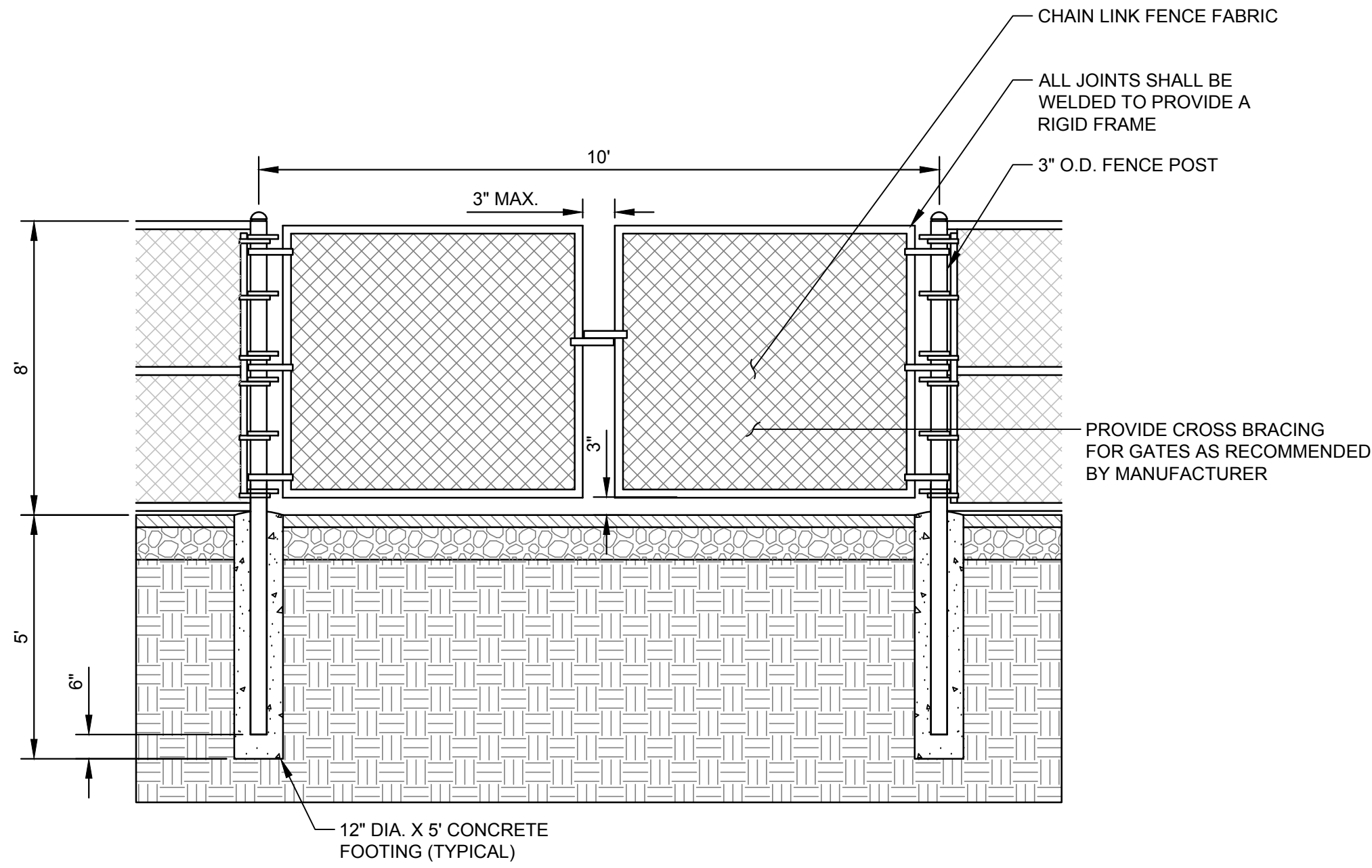
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B612 CONCRETE
CURB & GUTTER DETAIL
NOT TO SCALE



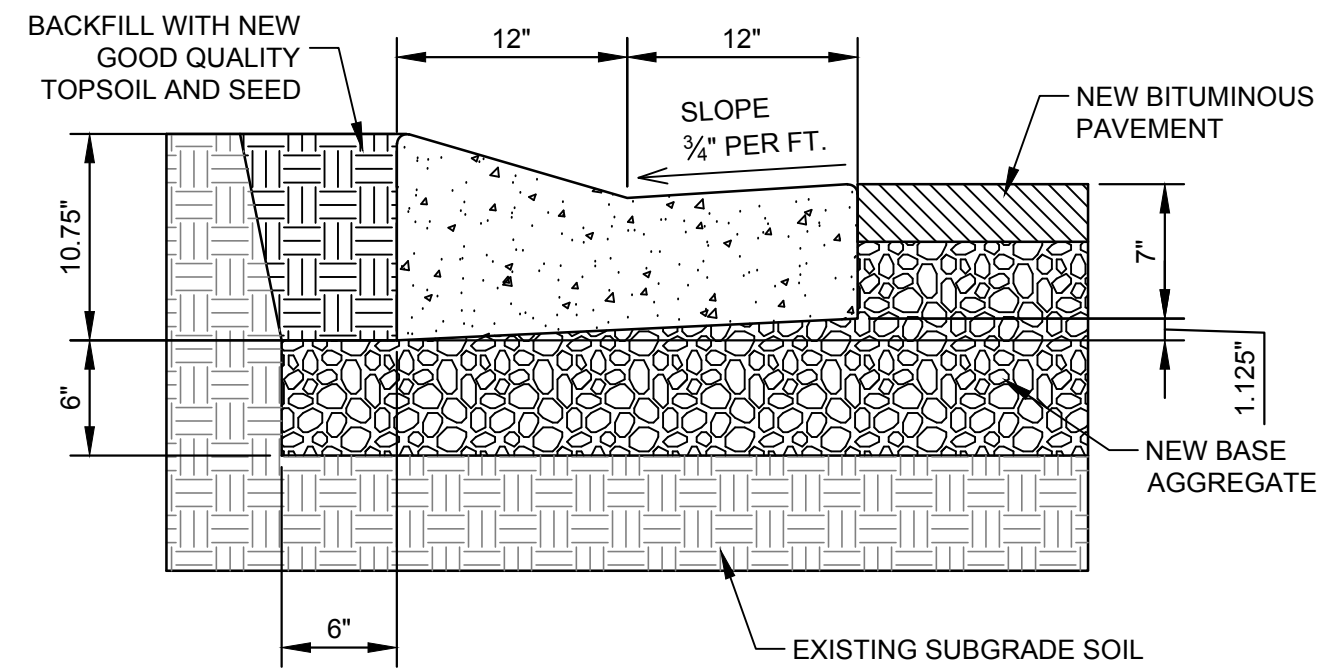
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C5
ACCESSIBLE RAMP DETAIL
NOT TO SCALE



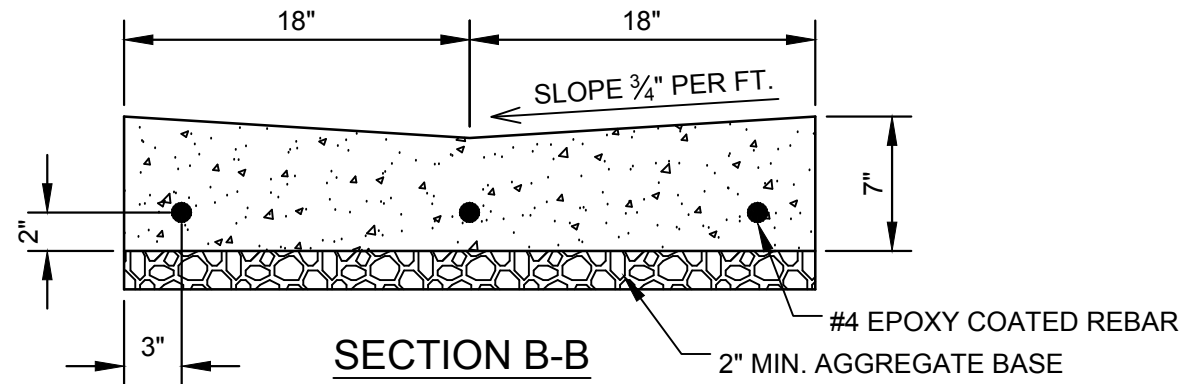
6
C5
FENCE DETAIL
NOT TO SCALE



7
C5
DOUBLE SWING GATE DETAIL
NOT TO SCALE



8
C5
SURMOUNTABLE CURB
& GUTTER DETAIL
NOT TO SCALE



9
C5
CONCRETE
VALLEY GUTTER
NOT TO SCALE

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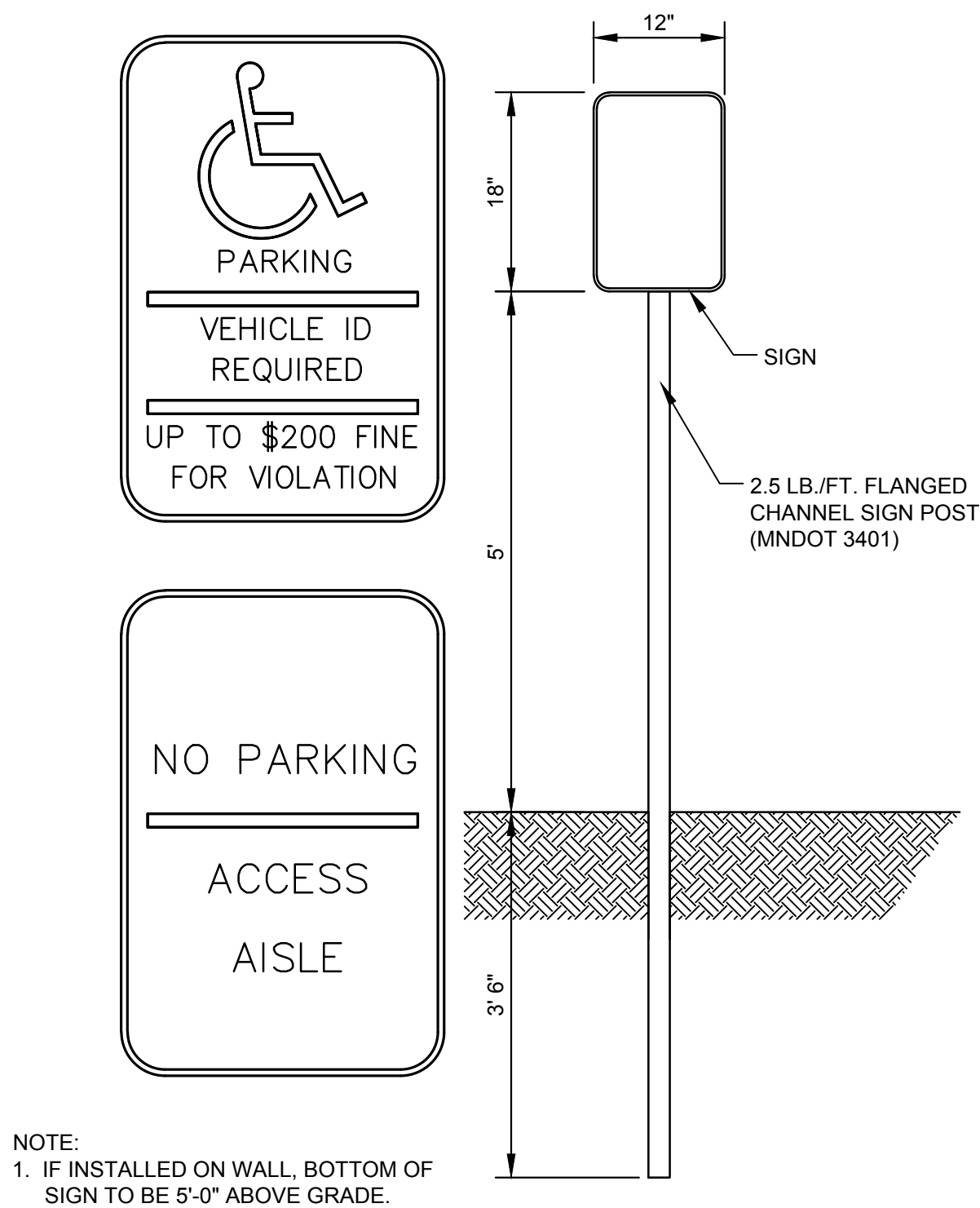
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DETAILS

C5

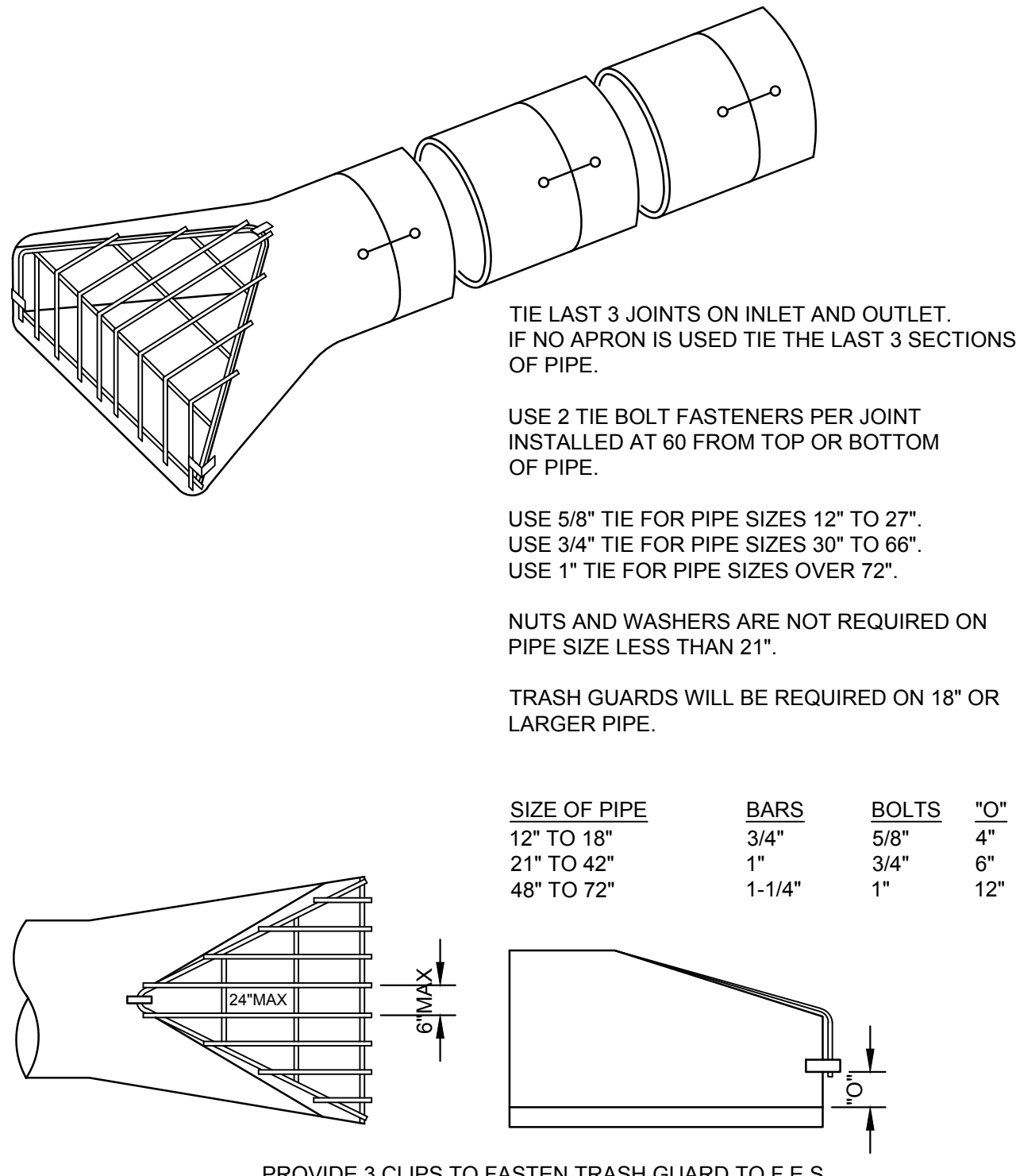
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ACCESSIBLE PARKING
SIGN DETAIL

1
C6

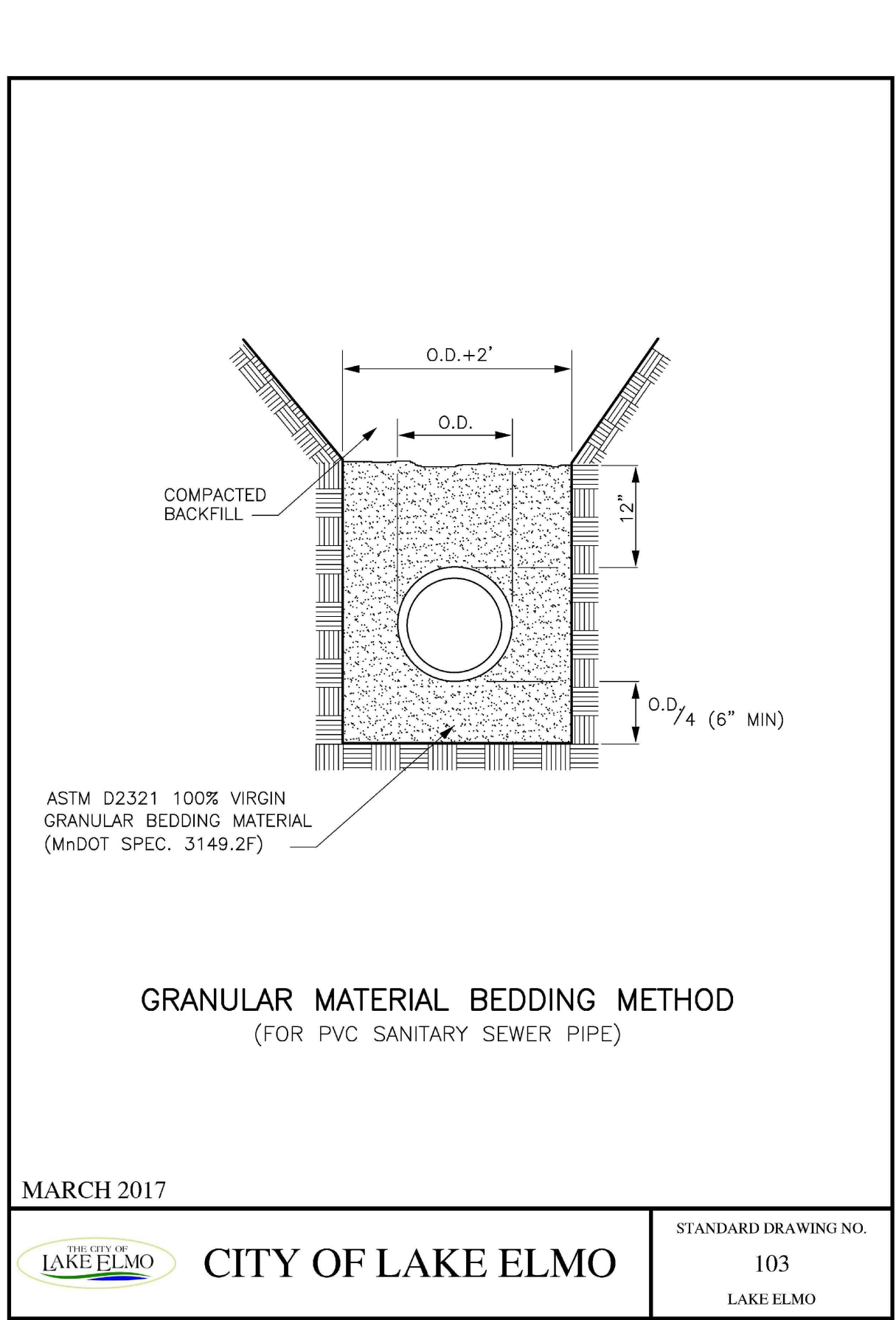
NOT TO SCALE



FLARED END
SECTION DETAIL

3
C6

NOT TO SCALE



GRANULAR MATERIAL BEDDING METHOD
(FOR PVC SANITARY SEWER PIPE)

MARCH 2017



CITY OF LAKE ELMO

STANDARD DRAWING NO.

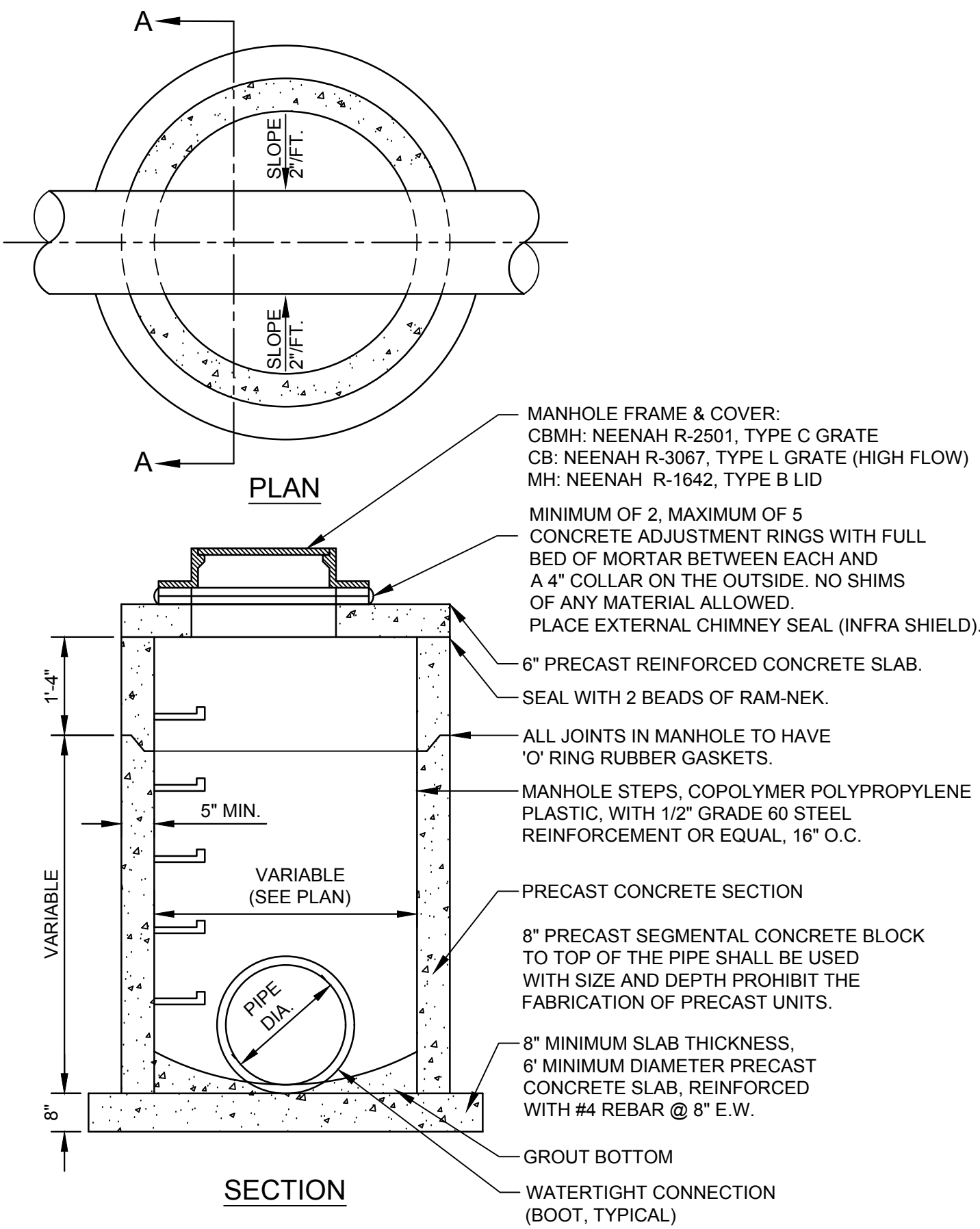
103

LAKE ELMO

CITY DETAIL

5
C6

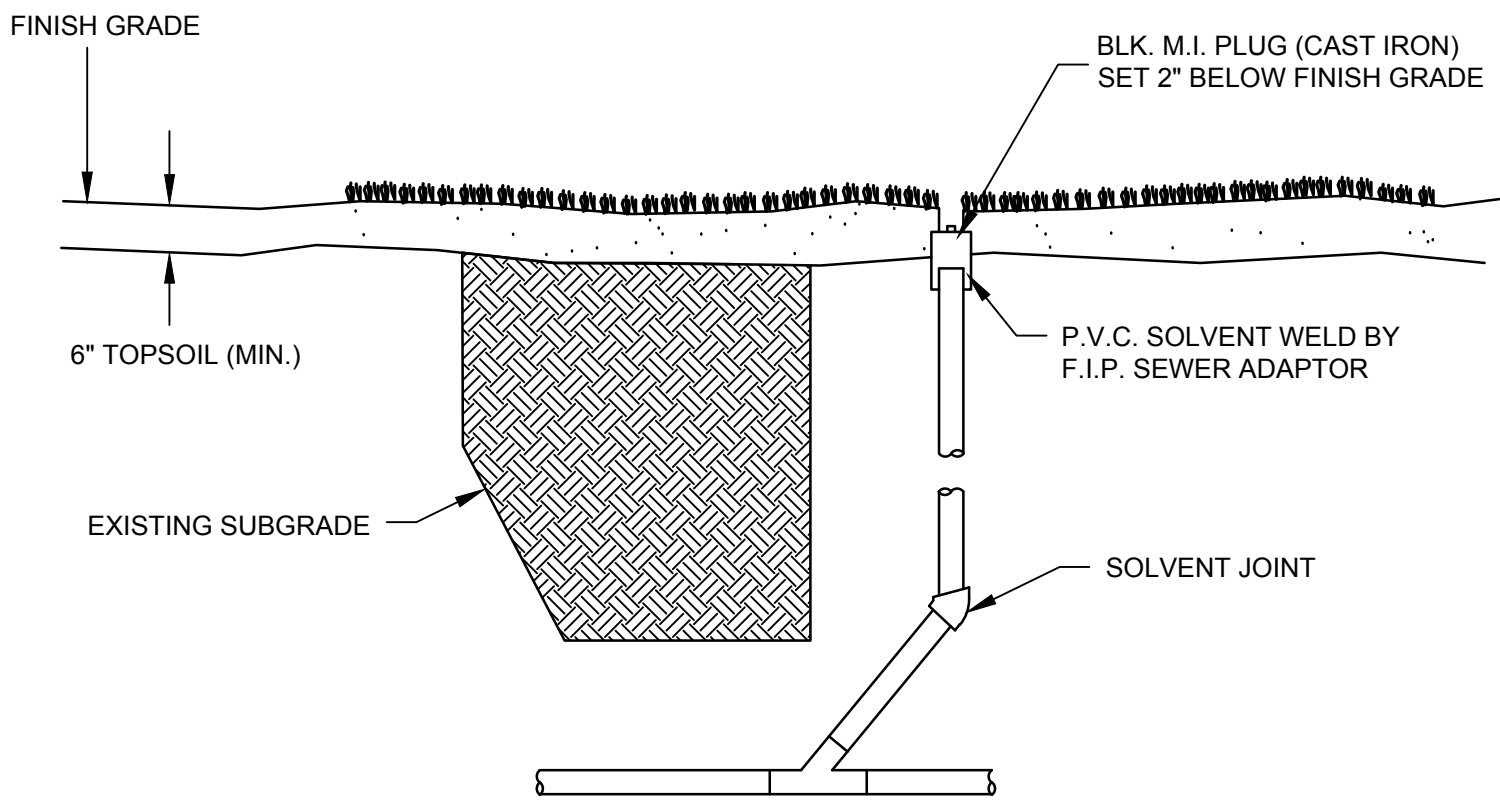
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STORM
MANHOLE DETAIL

2
C6

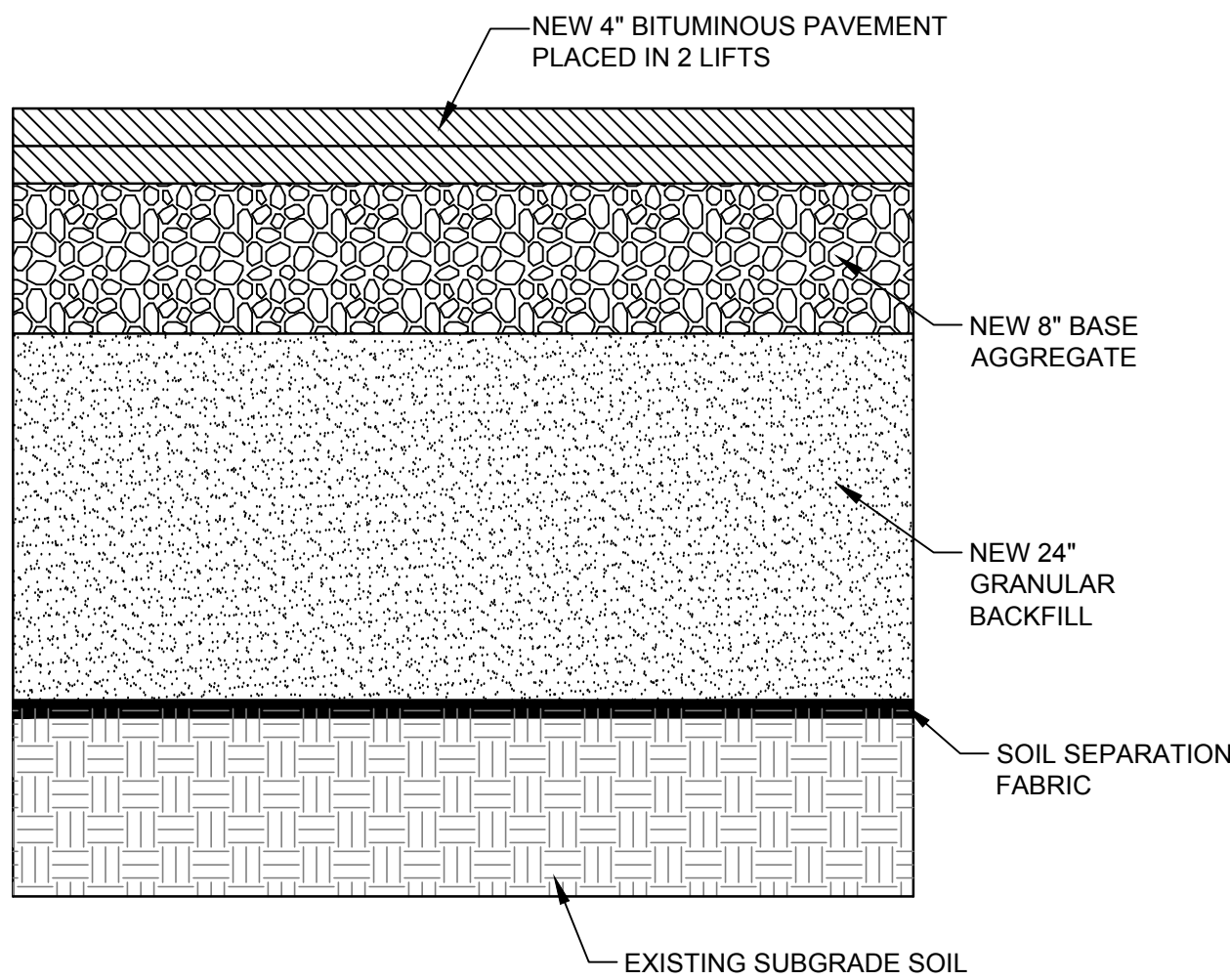
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SANITARY SEWER SERVICE
CLEANOUT - TERRACE

4
C6

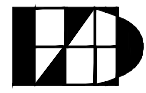
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LIGHT-DUTY BITUMINOUS
PAVEMENT SECTION

6
C6

NOT TO SCALE



Rev.	Date	Description
1	10.12.18	City Resubmittal
2	11.06.18	City Resubmittal
3	12.07.18	City Resubmittal
4	03.19.19	Addendum #1
5	04.09.19	City Resubmittal
6	05.03.19	City Comments

copy

**CITY OF LAKE ELMO
SITE IMPROVEMENT AGREEMENT**

**Independent School District #834 (Stillwater) Bus Facility
11530 Hudson Blvd North
Lake Elmo, MN 55042**

THIS SITE IMPROVEMENT AGREEMENT (this "Agreement") is made by and between the City of Lake Elmo, a municipal corporation under the laws of the State of Minnesota (the "City") and Independent School District No. 834, a Minnesota body corporate and politic, the owner/developer of the Stillwater School District Bus Facility (the "Developer").

WHEREAS, this Agreement is applicable to certain property in the City addressed as: 11530 Hudson Boulevard North, Lake Elmo, MN 55042, legally described as Lot 1, Block 1, Four Corners Addition, according to the recorded plat thereof, County of Washington, State of Minnesota (the "Property"); and

WHEREAS, the Developer submitted an application to the City requesting approval for a conditional use permit (CUP) to develop the Property as a school bus facility and district transportation center (the "Project"); and

WHEREAS, on July 17, 2018, the City Council adopted Resolution 2018-077 approving a conditional use permit for the Project, subject to certain conditions (the "Approval"); and

WHEREAS, among the conditions placed on the Approval was that the Developer install landscaping, storm water management, and drainage facilities meeting State, watershed, and City statutes, regulations, and ordinances, and construct certain public improvements on the Property consisting of a water main and fire hydrants; and

NOW THEREFORE, in consideration of the granting of the Approval for the Project and in furtherance of the requirements of the conditional use permit as approved by the City for the Property, the City and the Developer agree as follows:

1. The Developer agrees and covenants to construct the following elements of the Project: landscaping, storm water facilities and drainage systems, water main, and fire hydrants (collectively, the "Improvements" or individually, the "Improvement") in accordance with the Approval, and the landscape plans dated May 3, 2019 and the construction plans dated May 3, 2019 that were submitted by the Developer to the City and approved by the City.
2. The Improvements shall be constructed by the Developer in accordance with the plans and specifications approved by the City as part of the Approvals. No modification to the approved plans or specifications is allowed without advance written approval of the City.

3. The Developer shall provide 24-hour advance notice to the City Engineer before the start of the water main installation Improvement. The City Engineer, or his representatives, shall inspect the water main installation and observe all required testing to ensure that the water main is installed in accordance with the approved plans and specifications. In addition, the Developer shall notify the City when it completes any other Improvements and arrange for an inspection of the particular Improvement by the City. The City will notify the Developer in writing if any additional or corrective work is needed to properly complete the Improvement. The Developer shall be responsible for completing the additional or corrective work identified by the City and for otherwise ensuring the Improvements are in accordance with the approved plans and specifications.
4. The Developer warrants and guarantees all work done to construct the Improvements against any defect in workmanship, materials, or other defects that may occur within two years from the date of final acceptance of all of the Improvements (the "Warranty Period"). Upon written request from the Developer, the City will conduct a final inspection of the Improvements and provide the Developer with a written notice of final acceptance. The date of the notice shall constitute the date of final acceptance for the purposes of determining the two year Warranty Period. The City shall require the Developer to promptly complete any warranty work needed and the Developer shall complete all warranty work within 30 days from the end of the Warranty Period.
5. Work on the Project and the Improvements shall not begin until the Developer has obtained all the necessary permits and a preconstruction meeting has been held with the Developer's site improvement contractors and City staff.
6. For the purposes of this Agreement, the completion date for the Project and the Improvements shall be no later than December 1, 2019 (the "Completion Date").
7. The Developer agrees to defend, indemnify, and hold the City and its representatives harmless from any and all claims that may arise from third parties for any claim, loss, costs, or damages, including attorneys' fees related to or arising out of the Project or construction of the Improvements.
8. The Developer shall be responsible for paying all costs related to the Project, construction of the Improvements, and any corrective and warranty work related to the Improvements, including, but not limited to, legal, planning, engineering, and inspection expenses incurred in connection with the preparation of this Agreement, review of the plans and specifications, and all costs and expenses incurred by the City in monitoring and inspecting the work on the Project and the Improvements.
9. The Developer is responsible, at its own cost, for installing any private utilities that may be required for the Project. The installation of such private utilities is not considered part of the Improvements for the purposes of this Agreement.

10. The Developer shall construct the Project and the Improvements in accordance with the Approval and all applicable laws, rules, regulations, and ordinances and shall obtain all other permits and permissions that may be required. The Developer and its contractors must not park any personal or construction vehicles or equipment along Hudson Boulevard North and must not obstruct traffic on Hudson Boulevard North, including loading and unloading of equipment and supplies, unless a right-of-way obstruction permit is obtained from the City.
11. The Developer shall provide surety to the City in the total amount of ~~\$26,250~~ \$156,250 for watermain work and ~~\$50,000~~ for tree planting and landscaping) ("Surety") in accordance with this section. The Developer shall deposit the Surety with the City as a cash escrow ("Cash Escrow"). The purpose of the Surety is to ensure the Improvements are constructed in accordance with the approved plans and specifications, that any corrective work that may be needed to the Improvements is completed, and that items planted as part of the landscaping Improvements that die during the Warranty Period are replaced. As the Developer completes an Improvement, it may request that the City release funds from the Cash Escrow for that Improvement. The Developer's request for release of the Cash Escrow shall contain the specific amount the Developer is asking to be released from the Cash Escrow. Within 30 days of the date of the request, the City shall either release the amount being requested or provide the Developer with written notice as to which specific conditions have not been satisfied. If the City determines that any portion of the work on the Improvement was not properly completed, the Developer shall be responsible for correcting the work as identified by the City before the City will agree to release the funds from the Cash Escrow for that portion of work. Once the Developer has completed all the Improvements and the City has conducted its final inspection and issued its notice of final acceptance, the City agrees to release all remaining funds in the Cash Escrow with the exception of 25 percent of the original Cash Escrow amount which is to be retained until the Warranty Period has expired.
12. If the Developer fails to complete the Improvements or to make any needed corrections to the work, the City shall provide the Developer with written notice that shall detail the Improvements that were not properly completed and the estimated amount of funds needed to complete the work. The Developer shall be responsible for taking such actions as may be needed to complete the needed work before the City will consent to the release of any further funds from the Cash Escrow. The City may also refuse to issue the Developer any permits or permissions that may be required until such work is completed. Furthermore, if the Developer fails to correct any defects during the Warranty Period, the City may draw from the Cash Escrow as needed to correct the work or to replace the dead landscaping. The City shall promptly return, without interest, any remaining portion of the Cash Escrow to the Developer at the end of the Warranty Period once the Developer has completed all required corrective work and installed all replantings.
13. The Developer shall submit to the City a cash escrow for inspection and observation of the Project by the City's engineer in the amount of \$5,000.00. The Developer shall reimburse the City each month, within 30 days of receiving an invoice for all engineering

inspections and observations performed by the City during the construction of the Improvements. If the invoice is not paid within 30 days, the City may draw upon the engineering escrow and may stop work on site until the Developer has replenished the engineering escrow to its full amount. The City shall promptly return, without interest, any remaining portion of the engineering escrow upon acceptance of the Improvements by the City.

14. In the event that the Developer fails to complete the Improvements by the Completion Date, then the City shall consider the Developer to be in default of this Agreement. Should the Developer be in default, then the Developer authorizes the City, its officials, employees, and authorized agents and contractors to enter the Property as needed to complete any or all such incomplete or improperly performed work on the Improvements or to otherwise eliminate any hazards on the Property resulting from the incomplete work. This Agreement authorizes, but does not require, the City to complete the Improvements or to eliminate any hazards on the Property. If the City elects to undertake any work in response to the Developer's default, the Developer agrees the City may deduct all costs it incurs related to such default from the Cash Escrow. If the Cash Escrow is not sufficient to fully reimburse the City for its costs, the Developer agrees the City may specially assess such amounts against the Property, and the Developer hereby waives any and all procedural and substantive objections to the special assessment including, but not limited to, hearing requirements and any claim that the assessment exceeds the benefit to the Property, as well as waives any appeal rights under Minnesota Statutes Section 429.081 or other law.
15. Prior to the start of construction, the Developer shall grant the City a utility easement for the fire hydrants and the water main, 30-feet wide centered on the watermain/hydrant in the City's standard form of easement agreement. The Developer shall also execute a stormwater maintenance easement agreement using the City's standard form of agreement in order to allow the City to access the private stormwater facilities on the Property in the event that they are not being properly maintained by the Developer or its successor.
16. Prior to City acceptance of the improvements, the Developer shall provide the City with record grading plans and record utility plans certified by a registered land surveyor or engineer verifying that the storm water facilities have been constructed in accordance with the approved plans and permit requirements and that the fire hydrants and the water main have been constructed on land for which an easement will be granted to the City. The record plans must be provided as outlined in the City Engineering Design Standards Manual available on the Lake Elmo website. Record plan documentation is required by the City before the City will accept the Improvements.
17. The Approval and any documents referenced therein and the recitals to this Agreement are incorporated in and made part of this Agreement.

18. The Developer may not assign this Agreement without the prior written permission of the City.
19. Each right, power, or remedy conferred upon the City by this Agreement is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, or available to the City at law or in equity, or under any other agreement.
20. This Agreement shall be governed by construed in accordance with the laws of the State of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.
21. The Developer shall be responsible for the payment to the City for of all water availability charges (WAC) with respect to the Improvements. The water availability charge (WAC) in the amount of \$3,000 per REC (total to be determined) shall be payable and collected by the City at the time the City issues a plumbing permit for the building. In addition, a water connection charge in the amount of \$1,000.00 per REC (total to be determined) will be payable by the Developer and collected by the City at the time the City issues a plumbing or building permit for the project. The Developer must submit to the City a completed and approved Metropolitan Council SAC determination form to demonstrate the total WAC and SAC units.
22. The Developer shall be responsible for the payment to the City for of all City sewer availability charges (SAC) with respect to the Improvements. The City sewer availability charge (SAC) in the amount of \$3,000 per REC (total to be determined) shall be payable and collected by the City at the time the City issues a plumbing permit for the building. In addition, a sewer connection charge in the amount of \$1,000.00 per REC (total to be determined) will be payable by the Developer and collected by the City at the time the City issues a plumbing or building permit for the project.
23. The Developer shall be responsible for the payment to the City for of all Metropolitan Council sewer availability charges (SAC) with respect to the Improvements. The Metropolitan Council sewer availability charge (SAC) in the amount of \$2,485 per REC (total to be determined) shall be payable and collected by the City at the time the City issues a plumbing permit for the building.

IN WITNESS WHEREOF the parties have executed this Agreement effective as of the 11
day of July, 2019.

Linda A. Moncrief



**INDEPENDENT SCHOOL DISTRICT
NO. 834**

By: *Diana Pontrelli*

Its: Superintendent

CITY OF LAKE ELMO

By: *Mike Pearson*

Its: Mayor

By: *Julie Johnson*

Its: City Clerk

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT –
FOUR CORNERS 1ST ADDITION, DATED OCTOBER 22, 2018,
RECORDED OCTOBER 22, 2018, AS DOCUMENT NO. 4172662**

THIS FIRST AMENDMENT to the Development Agreement – Four Corners 1st Addition (hereinafter referred to as “First Amendment”) is made and entered into this 6th day of October 2020 (hereinafter referred to as “Effective Date”) by and between the City of Lake Elmo, a municipal corporation and political subdivision of the State of Minnesota (hereinafter referred to as “City”) and EN Properties, LLC, a Minnesota limited liability company (hereinafter referred to as the “Developer”).

RECITALS

WHEREAS, the City and Developer entered into that Development Agreement, dated October 22, 2018, recorded October 22, 2018, as Document No. 4172662 (hereinafter referred to as the “Development Agreement”), which provided, in relevant part, that the Developer would make or install at its sole expense the following subdivision improvements: sanitary sewer, water system improvements, stormwater improvements, and improvements to Hudson Boulevard

including a right-turn lane for access to Lot 1, Block 1 (hereinafter referred to as "Subdivision Improvements") for that property located in Washington County, Minnesota and legally described on attached **Exhibit 1** (hereinafter referred to as the "Property"); and

WHEREAS, the Improvements were to be installed by October 31, 2019;

WHEREAS, the Developer did not install the Subdivision Improvements by October 31, 2019; and

WHEREAS, the Parties mutually desire to amend the terms of the Agreement to set a new deadline for completion of the Subdivision Improvements;

NOW, THEREFORE, IT IS MUTUALLY AGREED, in consideration of the promises and considerations of each party set forth herein, as follows:

1. **Incorporation.** The above Recitals are a material part of this First Amendment and are incorporated herein.
2. **Amendment of Section 11.** Section 11 of the Development Agreement is hereby deleted and replaced to provide as follows:

TIME OF PERFORMANCE. The Developer shall install all required Subdivision Improvements by July 31, 2021, including all punch list work, and submittal of all final record drawing information in the city standard form and as acceptable to the City Engineer (hereinafter referred to as "Final Completion Date").

In addition to the Completion Date, the Developer must meet the following Project milestones:

1. Preconstruction meeting must be held by end of day July 17, 2020.
2. Developer has staked property corners and easement corners and alignments for sewer and water by Friday, July 31, 2020.
3. Project Commencement, physical construction and site work, utility pipe installation, shall begin within the same week that small utility work in the field is complete ("Project Commencement"). The developer is responsible to closely

monitor the utility relocation work and to have his contractor prepared to mobilize accordingly.

4. The water and sewer utility pipes shall be installed within 8 weeks of Project Commencement up to and including boring under the natural gas pipeline.
5. All work must be substantially completed by July 1, 2021, including installation of all watermain, sanitary sewer and storm sewer utilities, installation of storm water drainage facilities, utility testing and televising, placement of non-wearing paving, wearing course paving, pavement markings and traffic devices, and restoration (hereinafter referred to as "Substantial Completion Date").
6. Restoration for substantial completion, if necessary due to weather conditions at the time of placement, may be temporary measures consistent with city standard erosion control practices.
7. Hudson Boulevard must remain open for public use throughout the winter months as a paved roadway. Any non-wearing or wearing paving, or concrete curb and gutter, completed outside of city standard specifications for temperature conditions, or placed on frozen subgrade, will be considered temporary and must be removed and replaced immediately upon appropriate weather conditions in the spring of 2021.

The parties agree that, with respect to each and every obligation and covenant contained in this Agreement, time is of the essence. From the Commencement Date, Developer shall have its contractors working diligently and continuously on the Property to complete the Subdivision Improvements. Developer is solely responsible for any costs associated with construction delays.

Notwithstanding the above, the Developer may, however, request an extension of time from the City. The City is in no way obligated to grant an extension and may terminate the Agreement, in accordance with Section 28 of the Agreement for failure to meet any obligations of this Agreement. If an extension is granted the City may impose such conditions as it deems appropriate including but not limited to the Developer providing adequate Security, the amount and terms of which are within the City's discretion.

3. **Amendment of Section 28.** Section 28 of the Development Agreement is hereby amended as follows with strikethrough representing deletions and underlines representing additions:

REMEDIES ON DEFAULT. Whenever any Event of Default occurs, the City, subject to any rights of third parties agreed to by the City pursuant to this Agreement, or otherwise by written, executed instrument of the City, may take any one or more of the following:

1. The City may suspend its performance under the Agreement until it receives assurances from the Developer, deemed adequate by the City, that Developer will cure its default and continue its performance under the Agreement. Suspension of performance includes the right of the City to withhold permits including, but not limited to, building permits.
 2. The City may initiate such action, including legal or administrative action, as is necessary for the City to secure performance of any provision of this Agreement or recover any amounts due under this Agreement from the Developer, or immediately draw on the Security, as set forth in this Agreement.
 3. If the Developer fails to timely perform any provision of Section 11 of this Agreement (with the exception of Section 11, subsection 3 discussed below), after notice from the City and expiration of 45 days for the Developer to cure the default, the City may, among other remedies available herein and available at law, terminate the Agreement by written notice to the Developer, at which time all terms and conditions as contained herein shall be of no further force and effect and all obligations of the City as imposed hereunder shall be of no further force and effect, with the exception of Sections 20, 23, 28, 29, 30, 31, and 32, which will survive termination. The notice of default and opportunity to cure does not apply to Section 11, subsection 3 (11.3), on Project Commencement, which must be performed as provided in that section.
4. **Updating Security.** In accordance with Sections 11 and 31 of the Agreement, and the extension of time to perform the Agreement granted by the City herein, the Developer shall furnish a new irrevocable letter of credit or cash escrow in the amount of \$1,766,526.00 within 10 days of

execution of this Agreement, in a form and with a financial institution that is acceptable to the City ("Updated Security").

5. **Amendment to Section 32.** Section 32 is hereby amended by replacing Exhibit C (Subdivision Improvement Costs/Security Amount Estimates) with the attached **Exhibit 2**, which reflects the Updated Security. The Reduction of Security contemplated in Section 32 will be performed according to the percentages and categories proscribed therein. The specific amounts in Section 32(A) should be updated to reflect Exhibit 2 and be as follows:

Construction Categories 2 and 3:	\$ 764,541.00
Construction Categories 4 and 5:	\$ 468,057.00
Construction Categories 6-10 and 14-17:	\$ 85,734.00
Construction Categories 11-13:	\$ 6,563.00

With the exception of amendments reflected above, Section 32 shall remain the same.

6. **Reaffirmation of Four Corners 1st Addition Development Agreement.** Except as hereinabove stated, all other terms and provisions of the Development Agreement not expressly modified herein shall remain in full force and effect are hereby reaffirmed in all respects.
7. **Notices.** Any notices required or permitted to be delivered under this First Amendment shall be in writing and shall be delivered by electronic mail, hand delivered or mailed postage prepaid, regular mail, or certified mail (return receipt requested) and addressed to the City or Developer as the case may be, at the respective addresses and e-mail addresses set forth opposite their names below, or at such other addresses and e-mail addresses as they may later specify by written notice delivered in accordance with this section:

City:	Kristina Handt
	City of Lake Elmo
	3880 Laverne Ave. N., Suite 100,

Lake Elmo, MN 55042

With a copy to: Jared D. Shepherd
Hoff Barry, P.A.
100 Prairie Center Drive, Ste 200
Eden Prairie, MN 55344
jshepherd@hoffbarry.com

Developer: Terry Emerson
2204 N Legion Ln Circle
Lake Elmo, MN 55042

With a copy to: Peter J. Coyle
Larkin Hoffman
8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060
pcogle@larkinhoffman.com

6. **No Third Beneficiaries.** It is the intention of the parties to this First Amendment that no individual or entity that is not a party signatory to this agreement shall, under a third beneficiary theory or otherwise, have the right to enforce this Agreement and/or rely on any rights or obligations of the parties herein.
7. **No Amendments to Other Agreements.** It is the intention of the parties to this First Amendment that it does not alter or amend any agreements any party may have with a third party/non-party to this agreement.
8. **No Severability.** Each provision of this First Amendment is material. The failure or inability to effectuate, implement or accomplish any term of this Agreement voids this Agreement in its entirety.
9. **Governing Law.** This First Amendment shall be governed by and interpreted in accordance with the laws of the State of Minnesota.
10. **Amendments.** This First Amendment may be amended only by a written amendment executed by the all the parties hereto.

11. **No Assignment.** This First Amendment shall inure to the benefit of and bind the parties hereto but shall not be assigned and/or bind their respective successors and assigns.
12. **Counterparts.** This First Amendment may be executed in counterparts or with counterpart signature pages.
13. **Binding.** This First Amendment shall run with the Property and shall be binding upon the parties, their successors and signs. Either party may place this agreement of record with the Washington County Recorder, so as to give notice hereof to subsequent purchasers, encumbrances, and interested persons.

*** Signature Pages to Follow ***

EN PROPERTIES, LLC


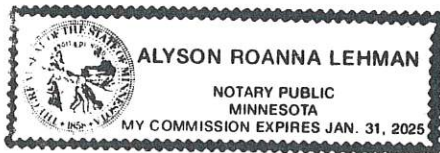


By: Terry Emerson

Its: CEO

STATE OF MINNESOTA)
) ss
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 17 day
of September, 2020, by Terry Emerson, CEO, of EN Properties,
LLC on behalf of said company.


Notary Public

This Instrument Drafted by:
Hoff Barry, P.A. (JDS)
100 Prairie Center Drive, Suite 200
Eden Prairie, MN 55344

EXHIBIT 1

Lot 1, Block 1, and Outlots A, B, and C, FOUR CORNERS, according to the recorded plat thereof, Washington County, Minnesota

EXHIBIT 2

**SUBDIVISION IMPROVEMENT COST/UPDATED SECURITY AMOUNT
ESTIMATE**

CONSTRUCTION CATEGORY		COST		125%
1	Grading		NA	NA
2	Sanitary Sewer	\$	411,585	\$ 514,481
3	Watermain	\$	403,925	\$ 504,906
4	Storm Sewer <i>(includes pond structures and outfall pipes)</i>	\$	148,706	\$ 185,883
5	Streets and Sidewalks	\$	350,555	\$ 438,194
6	Trails	\$	16,864	\$ 21,080
7	Surface Water Facilities <i>(ponds, infiltration basins, other BMPs)</i>	\$	29,400	\$ 36,750
8	Street Lighting		NA	NA
9	Street and Traffic Signs	\$	525	\$ 656
10	Private Utilities <i>(electricity, natural gas, telephone, and cable)</i>		NA	NA
11	Landscaping Improvements	\$	7,000	\$ 8,750
12	Tree Preservation and Restoration		NA	NA
13	Wetland Mitigation and Buffers		NA	NA
14	Monuments		NA	NA
15	Erosion and Sedimentation Control	\$	35,163	\$ 43,954
16	Miscellaneous Facilities		NA	NA
17	Developer's Record Drawings	\$	9,498	\$ 11,873
TOTALS		\$	1,413,221	\$ 1,766,526

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Alcohol
and Gambling
Enforcement

ARMER/911
Program

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire
Marshal and
Pipeline Safety



State Fire Marshal and Pipeline Safety

445 Minnesota St., Suite 145 Saint Paul, Minnesota 55101-5145
Phone: 651.201.7200 Fax: 651.215.0525 TTY: 651.282.6555
www.dps.state.mn.us

10/01/2019

David McNiesh
Viking Automatic Sprinkler Co.
301 York Ave
Saint Paul, MN 55130

RE: Automatic Fire Protection Plan Receipt and Notice to Proceed

Project: Stillwater Bus Depot
11530 Hudson Blvd N
Lake Elmo, MN 55042

SFMD Reference #: 19312

Dear Contractor:

The State Fire Marshal Division has received your submittal; permit application, and fees for the above project.

This letter will serve as your authorization to begin the installation of the sprinkler system at this project. Be advised, that you are responsible for any changes required as a result of the plan review.

Please use the SFMD Reference # on all correspondence pertaining to this project.

A copy of this letter shall be kept on the job site for inspection by the local authorities.

Should you need additional information or have any questions, please feel free to contact this office at (651) 201-7207.

Sincerely,

Jon Nisja,
State Fire Safety Supervisor
Fire Protection Systems


cc:

Building Official

City of Lake Elmo - Building Inspections
3800 Laverne Ave N
Lake Elmo, MN 55042

Fire Department

Lake Elmo
3800 Laverne
Lake Elmo, MN 55042

Insp. No.: 60310	<div style="text-align: center;">State Fire Marshal Division Minnesota Department of Public Safety 445 Minnesota St, Suite 145 St. Paul, MN 55101-5145</div>					
Permit No.: 19312						
Insp. Date: 3/11/2020						
Insp. Time: 1.00 Travel: 0.50						
Inspector: Kunst, Ryan L.						
Occupied: <input checked="" type="checkbox"/>						
*Recommendations: <input type="checkbox"/>						
Inspection and Exit Interview						
Property: Stillwater Bus Depot 11530 Hudson Blvd N Lake Elmo, MN 55042						
Contact:	Contact Name/Phone: Contact E-mail: Property Phone:					
Owner:						
Contact:	Contact Name/Phone: Contact E-mail: Owner Phone:					
Contractor: Viking Automatic Sprinkler Co. 301 York Ave Saint Paul, MN 55130						
Contact:	Contact Name/Phone: David McNiesh		651-558-3300			
	Contact E-mail: dave.mcnieish@vikingsprinkler.us					
	License #: C005					
Agency Req.: <input type="radio"/> Scheduled: <input type="radio"/> Complaint <input type="radio"/> Permit/Plan Review <input checked="" type="radio"/> Owner Requested <input type="radio"/> Inspector Initiate <input type="radio"/> Consultation <input type="radio"/>						
Item #	Ref #	Code	Section	Days to Correct	Violation	Remarks
1	###	NFPA 13 2010	24.6	0	Provide a general information sign in accordance with Section 24.6	
2	###	MSFC 2015	509.1	60	Provide approved signage for rooms containing fire protection equipment, sprinkler risers and valves and other fire detection, suppression or control elements.	Provide approved signage or labels for rooms containing fire protection equipment, sprinkler risers and valves and other fire detection, suppression or control elements. Provide signs at the exterior shop door that leads to the valve assembly.
3	###	MSFC 2015	903.4.4	60	Lock or secure all valves controlling water supplies for automatic sprinklers in the open position (Except valves located in a room where access is limited to essential personnel only).	Ensure all control valves are locked or secured in the open position, as the valves are not located in a room with limited access, as required by 2015 MSFC Section 903.4.4.
4	###	NFPA 13 2010	26.1	90	Inspect, test, and maintain the sprinkler system installed in accordance with NFPA 25 at the frequency prescribed in the MSFC.	Follow Chapter 15 of NFPA 25 for system impairment. Provide signage at valve assembly and FDC that indicates the system is not in service as there is no water supply.
5	###	NFPA 13 2010	6.2	90	Install only new sprinklers for fire protection.	In accordance with Section 6.2.9.7, provide a list of sprinklers installed in the property that is posted in the sprinkler cabinet.

Item #	Ref #	Code	Section	Days to Correct	Violation	Remarks
6	###	NFPA 13 2010	24.5	90	Provide a permanently marked weatherproof metal or rigid plastic sign secured with corrosion-resistant wire, chain, or other approved means containing all information prescribed in this section at the valve location of the system served.	Per NFPA 13, Section 24.5.1: Provide weatherproof metal or rigid plastic hydraulic calculation signs.
7	###	NFPA 13 2010	8.16	90	Install valves, drains, and protect piping in accordance with Section 8.16.	If the valve assembly is not located within a room, provide impact protection in accordance with Section 8.16.5, including the use of steel posts, concrete barriers or other approved means.
8	###	NFPA 13 2010	7.1.1.2	90	Provide pressure gauges on each side of wet-pipe system riser check valves.	Pressure gauges shall be installed above and below the check valve/double check assembly.
9	###	MSFC 2015	901.11	90	Install, replace, repair, and maintain suspended or removable ceiling tiles in areas protected by fire sprinkler or detector systems.	Replace the missing ceiling tiles on the second floor office area.
10	###	NFPA 13 2010	6.2	90	Install only new sprinklers for fire protection.	Per the CPVC listing, piping shall be installed along a smooth, flat, horizontal fixed ceiling. Replace the exposed CPVC piping under the steel pan stair in the janitors closet area of first floor, office area.
Inspection Remarks:						
Please review the required correction found during this inspection. The system does not currently have a water supply, awaiting the public utility providers to installed municipal water. If you would be so kind as to let me know when the corrections have been made, so a reinspection can be conducted.						
Owner/Representative:						
Inspector:				DSFM Ryan Kunst 651.201.7217 Ryan.Kunst@state.mn.us		
A variance procedure is available. Please contact the inspector named for further assistance with this or any other matter.						

* Items that are a result of a recommendation do not require days to correct.

Lake Elmo Fire Department

Memorandum

To: Ken Roberts, Planning Director

From: Dustin Kalis, Fire Chief

Date: 11/17/2020

Re: Conditional Use Permit Review - 11530 Hudson Boulevard



The Lake Elmo Fire Department has completed a conditional use permit review of 11530 Hudson Boulevard dated 11/9/2020 with the following comments:

1. All items listed in the Minnesota State Fire Marshal Inspection Report #60310 dated 3/11/2020 shall be corrected, reinspected and approved by the State Fire Marshal office.
2. The fire sprinkler system shall be tested and final inspection approved prior to occupancy.
3. The fire alarm system, shall be tested and final inspection approved prior to occupancy.
4. The sprinkler and fire alarm systems shall be properly monitored by a qualified monitoring company.
5. Provide and install fire extinguishers certified for service and tagged as required. Service classification rating shall be a minimum 2A classification rating and maximum travel distance of 75 feet to extinguishers. The minimum classification rating may be upgraded for special or extra hazard areas within the occupancy.
6. Fire department gate access is approved as is. Changes to gate access and security will be subject to fire department review and approval.

The fire department Knox box was installed by school district staff on 10/30/2020 and fire department staff secured keys on 11/5/20.

“Proudly Serving Neighbors & Friends”



To: Ken Roberts, City of Lake Elmo Planner

From: Lucius Jonett, Wenck Landscape Architect
Jenna Niday, Wenck Landscape Designer

Date: December 1, 2020

Subject: City of Lake Elmo Landscape Plan Review
17 Stillwater School District Transportation Center - Four Corners 1st
Addition, Review #2

Submittals

- Tree Inventory and Preservation Plan, dated April 30, 2018, revised May 3, 2019, received November 24, 2020.
- Landscape Plans, dated April 30, 2018, revised May 3, 2019, received November 24, 2020.

Location: 11530 Hudson Boulevard North, Lake Elmo, MN 55042. East of the Vali-Hi Drive-In on Hudson Boulevard North.

Land Use Category: BP – Business Park

Surrounding Land Use Concerns: All surrounding property is zoned as Rural Transitional – RT, with I-94 to the South.

Special landscape provisions in addition to the zoning code: Screening is required to provide visual and noise separation of intensive uses from less intensive uses. The property to the west is used as exterior storage, and it is unknown what the property to the east will be used as. It is recommended that the screening be provided from the property to the west and east. Code states that this should consist of either a masonry wall or fence in combination with landscape material that forms a screen at least six feet in height and at least 90% opaque on a year-round basis and include at least one deciduous or coniferous tree per 40 linear feet along the property line.

Tree Preservation:

A. A tree preservation plan has been submitted that meets all requirements.

Entire Site			
Total Caliper Inches of Significant Trees On-Site:	1219.0	Cal	Inches
Common Trees	215		
Conifer/Evergreen Trees	803		
Hardwood Trees	0		
Nuisance Trees	201		
Significant Inches Removed On-Site	194	Cal	Inches
Common Trees	19		
Conifer/Evergreen Trees	154		
Hardwood Trees	0		
Nuisance Trees	21		
30% Tree Removal Limits (Cal. Inches)	Allowed	Proposed	
Subtract Common Tree Removals	64.5	19	
Subtract Conifer/Evergreen Tree Removals	240.9	154.00	
Subtract Hardwood Tree Removals	0	0	
Removals in excess of 30% allowances			
Removals in excess of 30% allowances	0.0	Cal	Inches
Common Removals in Excess of 30% Allowance	0.0		
Conifer Removals in Excess of 30% Allowance	0.0		
Hardwood Removals in Excess of 30% Allowance	0.0		
Common Tree Replacement Needed (1/4 the dia inches removed)	0.0	Cal	Inches
Conifer Tree Replacement Needed (1/2 the dia inches removed)	0.0	Cal	Inches
Hardwood Tree Replacement Needed (1/2 the dia inches removed)	0.0	Cal	Inches
Common Tree Replacement Required @ 2" per 6' Tree	0	# Trees	
Conifer Tree Replacement Required @ 3" per 6' Tall Tree	0	# Trees	
Hardwood Tree Replacement Required @ 2.5" per Tree	0	# Trees	

B. Tree replacement is not required because less than thirty (30) percent of the diameter inches of significant trees surveyed will be removed.

C. Tree replacement calculations follow the required procedure and are correct.

D. This project is commercial/industrial development, therefore mitigation replacement trees can be included toward landscape required tree counts.

Landscape Requirements:

The landscape plans meet the code required number of trees.

	Master Plan (Code Required)	Master Plan Proposed	
Street frontage	2482		Lineal Feet
Lake Shore	0		Lineal Feet
Stream Frontage	0		Lineal Feet
Total Linear Feet	2482		Lineal Feet
/50 Feet = Required Frontage Trees	50		Trees
Development or Disturbed Area	-		SF
Development or Disturbed Area	11		Acres
*5 = Required Development Trees	55		Trees
Interior Parking Lot Spaces*	345		Spaces
/15 = Required Parking Lot Trees	23		Trees
Perimeter Parking Lot Frontage Length*	0		Lineal Feet
/50 = Required Frontage Strip Trees	0		Trees
Required Mitigation Trees	0		
Required Number of Trees**	128		
Total Trees to Date		129	

* Parking lot landscaping or screening trees are included in landscape required tree counts.

None if 0 - 30 Parking Spaces

1 tree per 10 spaces if 31 - 100 Parking Spaces

1 tree per 15 spaces If >101 Parking Spaces

** Commercial development - mitigation replacement trees are included in landscape required tree counts.

1. A minimum one (1) tree is proposed for every fifty (50) feet of street frontage.
2. A minimum of five (5) trees are proposed to be planted for every one (1) acre of land that is developed or disturbed by development activity.

The landscape plans **do not** meet the minimum compositions of required trees:

1. At least 25% of the required number of trees shall be deciduous shade trees
2. At least 25% of the required number of trees shall be coniferous trees
3. Up to 15% of the required number of trees may be ornamental trees

Master Plan	Qty	% Composition	
Deciduous Shade Trees	0	0%	>25% required
Coniferous Trees	129	100%	>25% required
Ornamental Trees	0		

Tree Count 129

- A. A landscape plan has been submitted that **does not** include all requirements:
 - 1. The landscape plan does not include required City standard notes and details.
- B. The landscape plan does meet the landscape layout requirements.
- C. Interior Parking Lot Landscaping – The development does include interior parking lots and **does not** meet requirements.
 - 1. At least 5% of the interior area of parking lots with more than 30 parking spaces is devoted to landscape planting areas. The 3 parking lot areas are measured at a total of approximately 189,190 square feet (129,540 + 52,450 + 7,200 square feet). Perimeter screening and vegetated (turf and native) grass surrounding the parking areas provide over the 5% (9,460 square feet) requirement.
 - 2. The parking lot planting area **does not** include any of the 23 required shade trees satisfying the minimum required tree planting requirements for interior parking lots.
- D. Perimeter Parking Lot Landscaping – The development does not include perimeter parking lots.
- E. Screening – Screening is required by City Code and the landscape plan meets screening requirements with the planted coniferous trees on the earthen berms.

Findings:

- 1. The submitted landscape plan does not meet the requirement that at least 25% of the required number of trees shall be deciduous shade trees. All proposed trees are coniferous.
- 2. Parking lots with over 30 parking spaces are required to provide interior parking lot landscaping to minimize the expansive appearance of parking lots and provide shaded parking areas. The parking lot planting areas do not include any of the 23 required shade trees satisfying the minimum required tree planting requirements for interior parking lots. Providing shade trees around the perimeter of the proposed parking areas, adding interior planting islands with shade trees, and substituting the coniferous trees proposed between the automobile and bus parking lots with deciduous trees would help satisfy this requirement and the composition requirement that at least 25% of the required number of trees shall be deciduous shade trees.
- 3. The submitted landscape plan does not use City standard landscape notes and details.

Recommendation:

The three findings listed above are found acceptable:

1. The site has a substantial screening requirement that is currently being met with the number of coniferous trees planted. Reducing the number of coniferous trees would no longer meet the screening requirements, so the composition of the trees has been accepted. The required 32 deciduous trees needed to meet the composition requirements would be cumbersome, as the site has already been heavily planted and there is not a lot of open green space remaining on site. We do not recommend removing existing trees to make space to meet composition requirements.
2. The requirement for interior parking lot landscaping is 23 shade trees, but this site does not provide enough green space for these trees. The site does have several preserved and proposed evergreen screening trees along the perimeter of the parking lot where the majority of the 23 interior parking lot trees would need to be planted. By substituting deciduous trees for evergreen trees, the screening requirement would no longer be met. The existing and proposed evergreen trees nearest the parking lot will provide shade during the morning, afternoon and evening hours, fulfilling the interior parking lot landscaping intent.
3. Notes and details have been provided on the landscape plan and have been reviewed and found acceptable, though not the City standard notes and details.

Required landscape inspections will begin in the spring of 2021 to ensure all plantings have been provided and are found in a healthy and acceptable state before City approval at the end of the 2-year landscape warranty and release of the landscape escrow.

It is recommended that the Stillwater School Bus Facility landscape plans be approved.

Sincerely,



Lucius Jonett, PLA (MN)
Wenck Associates, Inc.
City of Lake Elmo Municipal Landscape Architect

MEMORANDUM

FOCUS ENGINEERING, inc.

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: November 24, 2020

To: Ken Roberts, Planning Director
Cc: Chad Isakson, Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: ISD 834 School Bus Terminal CUP
11530 Hudson Boulevard

The ISD 834 School Bus Terminal CUP application was received on November 9, 2020. There were no engineering plans submitted and no public improvements are being proposed as part of this application other than service connections to the public sewer and public water. The application assumes that the public infrastructure improvements, including the extension of public sanitary sewer, public watermain, and the urbanization of Hudson Boulevard, will be fully completed by others (EN Properties). While EN Properties is currently constructing the public infrastructure improvements to support this site, the improvements are not yet completed and ready for use.

In addition, the application indicates that all internal site improvements, including the internal public watermain improvements, and storm water management improvements were completed in accordance with the original CUP requirements. It should be noted that the 2019 Site Improvements have not received final inspection and city acceptance per the Site Improvement Agreement dated July 11, 2019 between the School District and the city. Outstanding work is detailed later in this memorandum.

It is recommended that the CUP approval conditions consider the requirements for the completion of the public infrastructure as they relate to the school district access and use of the site, should the improvements not be completed by the developer by the July 31, 2020 deadline. It is also recommended that the CUP approval conditions require the final inspection and city acceptance of the 2019 Site Improvements prior to applicants use of the property.

1. The application states that public sanitary sewer and watermain will be installed by EN Properties by the end of December 2020. Through the Development Agreement with EN Properties, these improvements are not required to be completed until July 31, 2021.
 - It appears that the public sanitary sewer extension may be in place by the end of December, 2020 for direct connection by the proposed School Bus Terminal property, assuming construction continues as planned, and with temporary cold mix asphalt restoration of the Hudson Boulevard shoulder.
 - The public watermain, however, will not be in place by the end of December, 2020 for direct connection by the proposed School Bus Terminal property, since the connection point is further east at the property entrance driveway. Due to cold weather construction, the contractor is not able to continue the extension of public watermain without disturbance of the Hudson Boulevard driving lane and closing the roadway through the winter months.

2. In the event of default by the developer, where some portion of the public infrastructure improvements are not fully completed by the developer, the city and applicant should understand that the city may elect to complete the public improvements using the developer's security, but has no obligation under the agreement to complete the improvements on behalf of the developer and school district.
3. Should be city decide to complete the improvements, in the event of a default, the applicant and city should further understand that the city's completion of any unfinished improvements by the developer may not take place until the 2022 construction season, following a 45-day notice to cure the event of default, city preparation of plans and specifications, and contract documents for the remaining work, and following the city public competitive bid process to retain a contractor to perform the remaining work.
4. The 2019 Site Improvements have not received final inspection and city acceptance per the Site Improvement Agreement dated July 11, 2019 between the School District and the City.
 - Pending receipt of record grading plans for review and verification. Record plans certified by a registered professional engineer must be submitted per the city standards, and must verify that the storm water facilities have been constructed in accordance with the approved plans and permit requirements.
 - Pending receipt of record utility plans for review and verification. Record plans certified by a registered professional engineer must be submitted per the city standards, and must verify that the fire hydrants and watermain have been constructed on land for which an easement has been granted to the city.
 - Pending completion of any punch list items identified from the city final inspection of the site improvements.
 - Pending signed watermain utility easements in the city standard form.
 - Pending signed storm water maintenance and easement agreement in the city standard form.
 - Pending the initiation and termination of the 2-year utility warranty, and completion of any corrective work required from the 2-year warranty inspection.
 - Pending city release of site improvement security contingent upon successful completion of all above items.



SFM Fire Inspection Report

Inspection Information

Inspection Date: 1/12/2021
Inspection No: 002637

Inspection Type: Fire Protection - Follow-Up

Facility Information

Stillwater Bus Depot
11530 Hudson Boulevard North
Lake Elmo, MN 55042
Email: willgert@stillwaterschools.org

***Property Use:** ST - Parking garage, parking ramp,
vehicle parking or storage

Occupant Loads

No Occupant Loads Found

Primary Contact

McNiesh, David (Managing Employee / Sprinkler Designer) Work Phone: 651-558-3300 | Email: dave.mcniesh@vikingsprinkler.us

Kunst, Ryan (State Inspector) Email/Cell: ryan.kunst@state.mn.us (612) 710-6178

Violations

On the above date, an inspection was conducted for the purposes of fire and life safety. The following conditions were observed that do not meet the minimum requirements of the Minnesota State Fire Code. Failure to correct identified fire and life safety deficiencies in a timely manner is a criminal violation pursuant to Minn. Stat. § 299F.011, subd. 6. There is a variance procedure available. Please contact the inspector named for further assistance.

Code - Description	Days to Correct	Violation Status
** NFPA 13 2016 - 25.5 : Provide a permanently marked weatherproof metal or rigid plastic sign secured with corrosion-resistant wire, chain, or other approved means containing all information prescribed in this section at the valve location of the system served. - Violation Location: - Comments: ---	59	Violation Noted - Schedule Recheck
** NFPA 13 2016 - 25.6 : Provide a general information sign in accordance with Section 25.6. - Violation Location: - Comments: Provide a weatherproof metal or rigid plastic general information sign that contains all items of 25.6.2. ---		Violation Noted - Schedule Recheck
** NFPA 13 2016 - 6.2.9 : Provide a supply of spare sprinklers in accordance with Section 6.29. - Violation Location: - Comments: Provide a list of spare sprinklers that shall be kept in the spare sprinkler cabinet as required by NFPA 13 2016 Section 6.2.9.7.1, perhaps review Figure A.6.2.9.7.1. to ensure the correct information is provided. ---		Violation Noted - Schedule Recheck
** MSFC 2020 - 901.6 : Provide and maintain caps on all fire department hose connections. - Violation Location: - Comments: ---		Violation Noted - Schedule Recheck
** NFPA 13 2016 - 6.2.8 : Provide listed guards to protect sprinklers against mechanical damage. - Violation Location: - Comments: Install a listed guard to the sprinkler located beneath the stair. ---		Violation Noted - Schedule Recheck

Inspection Notes

Notes: A follow up inspection was completed of the now vacant building. Most violations have been corrected. With the exception of the missing protective cap for the Fire Department Connection, all other remaining violations have no effect on system function. The remaining items do not require an additional site visit and could be verified via remote inspection (video/photographs). Please inform our office when corrections are completed and can be verified.
*The sprinkler system remains Out Of Service as the automatic water supply is not connected. Projected date of water supply connection is spring to summer of 2021.

End of Report

Printed: 01/13/2021 20:01