

**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:

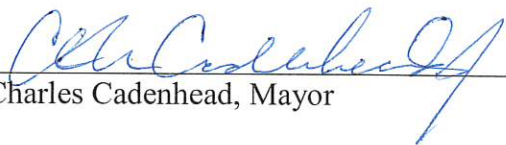
- 1) No use of the property as a bus terminal may commence until all items as outlined in the City Engineer review memo regarding the ISD 834 School Bus Terminal (Stillwater

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

