

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION 2022-057

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE
CONSTRUCTION AND OPERATION OF A SWIMMING POOL AND FITNESS
CENTER ON THE PROPERTY LOCATED AT 11441 20TH STREET NORTH**

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

WHEREAS, H.C. Golf Land, LLC (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit for the construction and operation of a swimming pool and fitness center on the property located at 11441 20th Street North (PID# 25.029.21.11.0002) (the "Property"); and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on May 23, 2022; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated June 7, 2022; and

WHEREAS, the City Council considered said matter at its June 7, 2022 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 105.12.290.
- 2) That all the submission requirements of said Section 105.12.290 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit is for the construction and operation of a
- 4) 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 proposed use should not be detrimental or in any way endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city.*
- 5) The use or development conforms to the City of Lake Elmo Comprehensive Plan. *The proposed use conforms to the Comprehensive Plan.*

- 6) The use or development is compatible with the existing neighborhood. ***The proposed use is permitted in the Golf Course Community District as a conditional use.***
- 7) The proposed use meets all specific development standards for such use listed in the Zoning Code. ***The proposed meets the provisions of 105.08-V Swimming Pools.***
- 8) 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 Article XIX (Shoreland Management) and Title 100 (Flood Plain Management). ***The proposed use is located in a shoreland area. It meets the Shoreland Regulations.***
- 9) 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 use will be compatible in appearance with the existing character of the general vicinity and will not change the essential character of the area.***
- 10) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The proposed swimming pool and fitness center are to be used and managed by residents of the surrounding subdivision through their homeowners' association and therefore should not create a nuisance to existing or future neighboring structures.***
- 11) 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 currently in violation of City Code requirements as two buildings are not connected to available public water and sewer facilities. With conditions of approval, all buildings on the Property will be served by essential public facilities.***
- 12) 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 proposed use should not create excessive additional requirements at public cost.***
- 13) 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 should not be detrimental to persons, property, or the general public welfare.***
- 14) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***The proposed use should not***

generate traffic to the subdivision as it is intended to serve the subdivision and will not be open to the public.

- 15) The proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance. *The proposed use should not impact natural or scenic features.*
- 16) That, in accordance with City Code Section 105.12.290, the Applicant's proposed use of the Property to include a swimming pool and fitness center shall be permissible under the Conditions 1-12 as provided in the decision below, and incorporated herein:

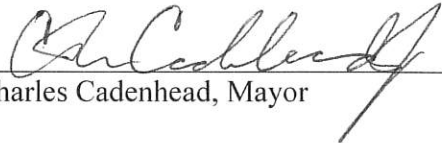
DECISION

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 H.C. Golf Land, LLC for a Conditional Use Permit for the construction and operation of a swimming pool and fitness center on the property located at 10441 20th Street North, and grants the same, subject to the following conditions of approval:

- 1) Prior to issuance of a Certificate of Occupancy for the proposed swimming pool and fitness center, all existing buildings on the Property must be connected to public water and sewer.
- 2) 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.
- 3) The proposed pool and fitness center shall be connected to public water and sewer.
- 4) Prior to issuance of any City permits for the proposed swimming pool or fitness center, the landscape plan shall be revised and found consistent with the requirements of Article VIII of the City Code.
- 5) Prior to issuance of any City permits for the proposed swimming pool or fitness center the Applicant must identify whether stormwater management will be required for the improvements. VBWD requirements trigger stormwater management for 6,000 SF of impervious surface area. If additional stormwater management is needed, a site grading plan shall be reviewed and approved by the City Engineer prior to construction of any of the improvements.
- 6) Prior to issuance of any City permits for the proposed swimming pool or fitness center the City Engineer, Fire Chief, and Director of Public Works shall approve the location of any necessary fire hydrant.
- 7) The Applicant must meet all of the requirements set forth in the Fire Department memo dated March 16, 2022.
- 8) That the Applicant must meet all requirements of the Lake Elmo Fire Chief and the Lake Elmo Building Official with respect to site improvements.
- 9) The proposed building shall meet the Lake Elmo Design Guidelines and Standards.
- 10) A sign permit shall be obtained prior to erection of any sign on the Property.
- 11) The proposed fitness center shall have a separate address.
- 12) The Applicant must provide a project location plan that provides the proposed facility location with respect to existing property lines, parcel data, and easements that is

satisfactory to the City Engineer. All property and easement line types must be clearly labeled.

Passed and duly adopted this 7th day of June, 2022 by the City Council of the City of Lake Elmo, Minnesota.



Charles Cadenhead, Mayor

ATTEST:



Julie Johnson, City Clerk