

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

RESOLUTION 2022-06

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE
CONSTRUCTION OF A FOUR UNIT TOWNHOME WITH CONDITIONS AT
LOTS 10 AND 11, BLOCK 2 SUBDIVISION LAKE ELMO PARK**

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

WHEREAS, Henry Elgersma of Upper 33rd LLC (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit for the construction of a four unit townhome the property described as Lots 10 and 11, Block 2 of the Lake Elmo Park subdivision (PIDs 13.029.21.32.0051 and 13.029.21.32.0052) (the "Property"); and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on November 28th, 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 January 17th 2023; and

WHEREAS, the City Council considered said matter at its January 17th 2023 meeting; and

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

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 proposed use will not endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the City.*
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. *The site is already zoned in conformance with the intent of the Old Village District of the Village Planning Area and the Village Mixed Use zoning district.*
3. The use or development is compatible with the existing neighborhood. *The proposed use is compatible with the existing single family residential in the neighborhood. The design of the proposed structure is consistent with the surrounding area in terms of building height, building materials, colors, and variations of pitched roofs.*
4. The proposed use meets all specific development standards for such use listed in the Zoning Code. *The use meets all the specific development standards for single family attached dwellings set forth in LEC 105.12.820(a)(3).*
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 Article XIX (Shoreland Management) and Title 100

(Flood Plain Management). *The proposed use is not within a Shoreland Management District or a Floodplain Management zone.*

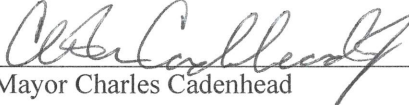
6. The proposed use will be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. *The design of the proposed structure is designed to be compatible with the height, colors, and building materials of the surrounding area.*
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. *The use is not hazardous and will not create a nuisance.*
8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. *The proposed use will be served adequately by essential public facilities and services.*
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 proposed use will not create excessive additional requirements at a public cost.*
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 residential use will not produce excessive noise, fumes, glare, or odors. The addition of four dwelling units should not create excessive traffic along 33rd Street N especially with the restriction of on street parking. Any future expansion of 33rd Street N to the west will further improve traffic circulation.*
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. *The proposed structure will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. Four additional residential units should not create congestion.*
12. The proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance. *The use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance.*

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 Henry Elgersma of Upper 33rd LLC for a Conditional Use Permit for the construction of a four unit townhome on the property located at Lots 10 and 11 Block 2 of the Lake Elmo Park Subdivision and grants the same, subject to the following conditions of approval:

1. The applicant must obtain all other necessary City, State, and other governing body permits and approvals prior to the commencement of any construction activity onsite.
2. All recommendations in the City Engineer's memorandum dated 1/9/2023 shall be met prior to any construction activity.
3. All recommendations provided by the City's Landscape Architect memorandum dated 1/6/2023 shall be met prior to any construction activity.
4. All conditions in the Fire Chief's memorandum dated 1/6/22 must be met prior to any construction activity.
5. The applicant shall provide the City with recorded documents from Washington County which effectuate the required lot consolidation prior to any construction activity.
6. The applicant must receive an approved address from Washington County prior to any construction activity.
7. An encroachment agreement is required for fencing located in the required drainage and utility easements prior to any construction activity. A fence permit is also required regardless of the location of the fencing.
8. If the applicant has not taken action toward starting the townhouse structure or if substantial construction has not taken place within 12 months of the City's approval of the conditional use permit, the CUP approval shall become void. The applicant may request City Council approval of a time extension to start or implement the conditional use permit.

Passed and duly adopted this 17th day of January, 2023 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk