

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

RESOLUTION NO. 2024-055

***A RESOLUTION DENYING THE REQUEST FROM MINNESOTA WOMEN'S CARE FOR
A ZONING TEXT AMENDMENT TO THE LAKE ELMO ZONING CODE TO INCLUDE
"BIRTH CENTER" AND "TRANSITIONAL CARE FACILITY" AS CONDITIONAL USES
IN THE AGRICULTURAL ZONING DISTRICT***

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

WHEREAS, Melvin Ashford with Minnesota Women's Care (the "Applicant") has submitted an application to the City for a zoning text amendment to amend the agriculture zoning district uses and land use definitions to include "Birth Center" and "Transitional Care Facility" as conditional uses in the Agricultural zoning district; and

WHEREAS, notice of the proposed zoning text amendment has been published pursuant to the Lake Elmo Zoning Code, Section 103.00.120; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on March 11th 2024; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a staff memorandum dated May 7th 2024; and

WHEREAS, the City Council considered said matter at its May 7th 2024 meeting and directed City staff to draft a resolution denying the zoning text amendment for its consideration; and

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

FINDINGS

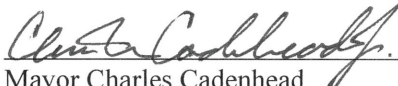
- 1) That the procedures for obtaining a zoning text amendment are found in Section 105.12.280 of the Lake Elmo Zoning Code.
- 2) That all submission requirements of Section 105.12.280 of the Lake Elmo Zoning Code have been met by the Applicant.
- 3) That the proposed zoning text includes the following components:
 - a) Amending Section 105.12.110 of the Lake Elmo Zoning Code to include definitions for "Birth Center" and "Transitional Care Facility."

- b) Amending Section 105.12.410 Table 5-2 of the Lake Elmo Zoning Code with parking standards for “Transitional Care Facility”.
 - c) Amending Section 105.12.510 of the Lake Elmo Zoning Code by adding performance standards for “Birth Center” and “Transitional Care Facility”.
 - d) Amending Section 105.12.620 Table 9-1 of the Lake Elmo Zoning Code to include “Birth Center” and “Transitional Care Facility” as primary conditional uses in the Agricultural zoning district.
- 4) Because Agricultural zoning district properties are often adjacent to residential properties, including the Applicant’s property, which is adjacent to residential properties, the proposed uses are incompatible with surrounding land uses, given that the intensity of the proposed land uses.
 - 5) According to Section 105.12.610(b) of the City Code, the purpose of the Agricultural zoning district is “to allow for agricultural and other activities associated with agriculture...[i]n addition, some limited agriculture-related businesses, such as wayside stands and outdoor recreation, are appropriate short-term or interim uses for the district.” The Applicant’s proposed use is a medical facility use which is not in alignment with the purpose of the Agricultural zoning district in the City Code as it is not a agriculture-related business.
 - 6) By allowing these types of uses within the Agricultural zoning district, they will be allowed not only for the Applicant’s property but for all Agricultural zoning district properties within the City which may cause there to be negative impacts to other properties that surround these Agricultural zoning district properties, including, but not limited to, a significantly increased amount of light pollution and traffic.
 - 7) The Applicant’s property is on Keats Avenue, which a narrow road. It is also not connected to City sanitary sewer and utilizes a septic system. Therefore, the property and most agricultural properties given their rural locations, lack the proper roadway and sewer infrastructure to support a use of this intensity. This is given that emergency personnel will need to access the property with emergency vehicles (for intrapartum transfers to hospitals), and there will be additional traffic associated with the employees, patients, and visitors of the birth center and the transitional care facilities. The proposed birth center would allow up to four birthing patients at a time and up to ten transitional care patients.
 - 8) These uses would operate as a medical facility which is already permitted in the City’s urban business park and commercial districts. The City’s definition in the Lake Elmo Zoning Code for “medical facilities” includes the birth center and transitional care uses in these zoning districts. The urban business park and commercial districts have the necessary infrastructure that will be required for birth centers and transitional care facilities.

DECISION

NOW, THEREFORE, BE IT FURTHER RESOLVED, and based upon the information received and the above findings, the City Council of the City of Lake Elmo hereby denies the request from Melvin Ashford with Minnesota Women’s Care for a zoning text amendment.

Passed and duly adopted this 21st day of May, 2024 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk