

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

RESOLUTION NO. 2024-105

***A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS FOR VARIANCES
AND A MINOR SUBDIVISION AT 820 MANNING AVENUE 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, ISD 834, (the “Applicant”), owner of the property located at 820 Manning Avenue N PID# 36.029.21.11.0002 and 36.029.21.11.0003, Lake Elmo, MN 55042 (the “Property”) has submitted an application to the City of Lake Elmo (the “City”) for a Minor Subdivision and Variances to permit the expansion of Oak Land Middle School; and

WHEREAS, notice has been published, mailed, and posted pursuant to the Lake Elmo Zoning Code, Section 105.12.250; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on September 9th, 2024 to review and consider the Minor Subdivision (Preliminary Plat and Final Plat) and Variances; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation of approval to the City Council as part of a Staff Memorandum dated October 1st 2024; and

WHEREAS, the proposed Oak Land Middle School Minor Subdivision includes the combination of two parcels along with dedication of public right of way along 10th Street N and Manning Avenue N; and

WHEREAS, the City Council considered said matter at its October 1st 2024 meeting and directed voted to approve the Variances and Minor Subdivision with findings and conditions for approval; and

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

FINDINGS

- 1) That the procedures for obtaining a Minor Subdivision are found in Section 103.00.070 of the Lake Elmo Subdivision Regulations.

- 2) That the procedures for obtaining a Variance are found in Section 105.12.320 of the Lake Elmo Zoning Code.
- 3) That all submission requirements of Section 103.00.070 and 105.12.320 of the Lake Elmo City Code have been met by the Applicant.

- 4) That the Minor Subdivision meets the following criteria:
 - a) That the Oak Land Middle School Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
 - b) That the Oak Land Middle School Minor Subdivision is consistent with the future development plans of the area and with the standards of the City's Public Facilities zoning district.
 - c) That the Oak Land Middle School Minor Subdivision meets the requirements of the City's minor subdivision regulations and specifically the requirements concerning exceptions to platting.
- 5) That the proposed Variances include the following components:
 - d) The Applicant proposes to combine PID 36.029.21.11.0002 and 36.029.21.11.0003 to create a single parcel greater than the twenty-acre parcel maximum found in LEC 105.12.970(f)(1).
 - e) The Applicant proposes to expand the middle school structure further south, up to fifty feet from the southern lot boundary, within the one-hundred-and-fifty-foot buffer required by LEC 105.12.970(f)(2).
- 6) **Practical Difficulties** as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control:

Parcel Size: The use proposed by the Applicant is already established on the entire site which will be 37.04 acres as combined after required right of way dedication is removed. Combining the two parcels through a minor subdivision will provide necessary public right of way, clean up lot lines and legal descriptions, and allow the School site to meet applicable requirements for impervious surface and setbacks.

Buffer: The middle school building was initially constructed in a location that is within the required buffer, and which is surrounded by parking areas and the track facility. Due to a need for additional parking, expansion to the north is infeasible without significant redesign of the site. Expansion to the west would also necessitate significant site improvements and is less desirable with the design of the building.
- 7) **Unique Circumstances** the plight of the landowner is due to circumstances not created by the landowner:

Parcel Size: The Applicant is not proposing to expand the school's building or site improvements beyond the existing boundaries of the Oak Land Middle School property.

Buffer: The Applicant is proposing to add on to a public-school facility that was already located in the required buffer. If reconstructing the site, a different orientation could be provided.

- 8) **Character of Locality** the proposed variance will not alter the essential character of the locality in which the property in question is located:

Parcel Size/Buffer: The variances will not impact the essential character of the area; the use of the facilities is to remain the same. The request meets the overall design intent of this area.

- 9) **Adjacent Properties and Traffic** the proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood:

Parcel Size/Buffer: The variances should not impair adjacent properties. Washington County and City engineering staff have suggested conditions of approval that would mitigate impacts expected to county roadways.

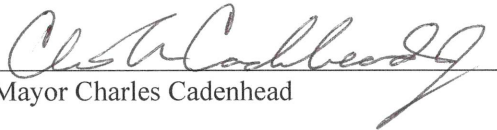
DECISION

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 with conditions for a variance request to allow reduced front and side yard setbacks on the property located at 2621 Innsdale Ave N. The conditions for approval are outlined below:

1. The Applicant must enter into a Site Improvement Agreement, in the City's Standard Form, prior to issuance of a notice to proceed or any building permit for work on site.
2. Prior to the City signing or approving recording of the Final Plat or Site Improvement Agreement, the Applicant shall fully address all comments in the following review memos, or any subsequently revised memo, to the satisfaction of the City:
 - a. City Engineer's memo dated August 26, 2024,
 - b. City Landscape Architect's memo dated August 27, 2024,
 - c. City Fire Chief's memo dated August 26, 2024.
 - d. City Attorney's Plat Opinion.
3. The Applicant must incorporate operational improvements on site to eliminate queuing of traffic accessing the site from Manning Avenue.
4. The Conditional Use Permit approval is contingent upon the Applicant agreeing to allow the southern secondary school access to Manning Avenue to be relocated further south when the future neighborhood collector roadway is needed to serve this future development area.
5. Upon substantial completion of the project, as defined in the required site improvement agreement, the school building must be connected to water and sewer.

6. The applicant must provide plans for the water and sewer connection to the satisfaction of the City Engineer, Public Works Director, and Fire Chief prior to the release of the building permit.
7. Water and Sewer Area Charges, and other fees as applicable, must be paid prior to issuance of a building permit.
8. All city, state, or other necessary permits must be obtained prior to the release of the building permit.
9. Substantial construction must take place within 12 months of the date on which the conditional use permit was granted, and the Applicant must otherwise comply with provisions of Section 105.12.290 Conditional Use Permits.

Passed and duly adopted this 1st day of October, 2024 by the City Council of the City of Lake Elmo, Minnesota.


Mayor Charles Cadenhead

ATTEST:


Julie Johnson, City Clerk