

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

RESOLUTION NO. 2024-106

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW EXPANSION OF
AN EXISTING PUBLIC SCHOOL IN THE PUBLIC FACILITIES DISTRICT*

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 Conditional Use 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 said matter on September 9, 2024; and

WHEREAS, the Lake Elmo Planning Commission submitted its report and recommendation concerning the Conditional Use Permit request to the City Council as part of a Staff Memorandum dated October 1, 2024; and

WHEREAS, the City Council considered said matter at its October 1, 2024 meeting.

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 (CUP) 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 to allow the expansion of Oak Land Middle School as more fully described in application materials submitted to the City.
- 4) That the proposed Conditional Use Permit will be located on property to be legally described as found in Exhibit A to this Resolution.

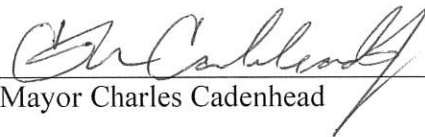
- 5) That a public school is designated as a Conditional Use within the PF – Public Facilities Zoning District in Section 105.12.970 of the Zoning Ordinance; and
- 6) That the proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
- 7) That the proposed use conforms to the City of Lake Elmo Comprehensive Plan.
- 8) That the proposed use is compatible with the existing neighborhood.
- 9) That the proposed use meets all specific development standards for such use listed in Article 7 of the Zoning Ordinance.
- 10) That 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.
- 11) That the proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring uses.
- 12) That 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:
- 13) That 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.
- 14) That 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.
- 15) That vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- 16) That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Conditional Use Permit is granted subject to the following conditions:

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.
10. Prior to approval of the final construction plans, the Applicant must complete an assessment of irrigation alternatives for the site.

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

RESOLUTION 2024-106
Exhibit A
Legal Description of Subject Property

Old Legal Descriptions:

PARCEL A:

The following parts of the North Half of the Northeast Quarter (N1/2 of NE1/4) of Section Thirty-six (36), Township Twenty-nine (29) North, Range Twenty-one (21) West described as follows: The East 666 feet of the said North Half of the Northeast Quarter and the West 234.9 feet of the East 900.0 feet of the South 891.8 feet, subject to public roadways along the North and East side thereof and containing 25 acres more or less together with a perpetual easement for utility purposes including but not limited to underground gas lines, electrical transmission lines, and drainage, said easement tract being the south 50 feet of the West 1,571.1 feet of the East 2,472.5 feet of the said North Half of the Northeast Quarter (N1/2 of NE1/4) of Section Thirty-six (36). (Description per Warranty Deed Doc. No. 212313)

PARCEL B:

All that part of the North Half of the Northeast Quarter (N1/2 of NE1/4) of Section Thirty-six (36), Township Twenty-nine (29) North, Range Twenty-one (21) West, described as follows: The West 732.68 feet of the East 1633.58 feet of the South 891.8 feet containing 15 acres more or less. (Description per Warranty Deed Doc. No. 218479)

New Legal Descriptions:

Lot 1, Block 1, Oak-Land Middle School Addition