

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

RESOLUTION NO. 2024-114

***A RESOLUTION APPROVING THE REQUEST WITH CONDITIONS FOR VARIANCES
AT 10928 10th 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, Stillwater Area Schools, ISD 834, (the “Applicant”), owner of the property located at 10928 10th Street North, PID# 26.029.21.44.0001, Lake Elmo, MN 55042 (the “Property”) has submitted an application to the City of Lake Elmo (the “City”) for variances to maximum lot area and buffer areas in order to permit the establishment of a new Lake Elmo Elementary 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 October 16th, 2024 to review and consider the 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 November 6th 2024; and

WHEREAS, the proposed Lake Elmo Elementary includes one parcel along with dedication of public right of way northwest of 10th Street N and Lake Elmo Avenue N; and

WHEREAS, the City Council considered said matter at its November 6th 2024 meeting and voted to approve the Variances 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) **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 will be on a property of 47.59 acres less required right of way dedication. The lot area variance is needed due to the desire to locate uses on site outside of the buffer established around the Oakdale Gun Club property, and

the need to locate accesses at acceptable distances from the intersection of CSAHs 10 & 17.

Buffer: The northern driveway access to Lake Elmo Avenue is proposed with a distance of approximately 38 feet from the northern lot line. Due to the requirement to meet access spacing requirements intended to protect public safety, the access should not be moved any further south. In the proposed location of the drive is approximately 400 feet away from the residence to the north.

- 2) **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 area of the property. The existing conditions on site were not created by the Applicant.

Buffer: The Applicant is proposing accesses that are responsive to Washington County engineering requirements and cannot move the northern drive out of the buffer area.

- 3) **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 request meets the City's design standards.

- 4) **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 variance 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 a parcel maximum of 47.6 acres, and a drive up to 38' from the northern property boundary for the Lake Elmo Elementary School project at 10928 10th Street North. The conditions for approval are outlined below:

1. The Applicant must enter into a Development 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 Development 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 September 23, 2024,
 - b. City Landscape Architect's memo dated September 12, 2024,
 - c. City Fire Chief's memo dated September 18, 2024.
 - d. City Attorney's Plat Opinion.
 - e. Washington County Engineering memo dated September 18, 2024.
3. The Applicant may not allow any queuing of traffic accessing this site from occurring on the abutting Lake Elmo Avenue (CSAH 17) and 10th Street (CSAH 10).
4. The applicant must provide, at applicant's sole cost, dedicated right and left turn lanes along Lake Elmo Avenue (CSAH 17) and 10th Street (CSAH 10), at both new access locations. Turn lanes must be constructed meeting Washington County standards.
5. The Applicant must provide a separate trail connection along the Lake Elmo Avenue North Corridor.
6. The Applicant must provide at applicant's sole cost, Traffic Control Improvements to be operational with the opening of the school, including a permanent traffic control signal at the new access location along 10th Street North (CSAH 10), complete with crosswalks, and including a temporary wood-pole traffic signal at the intersection of Lake Elmo Avenue (CSAH 17) and 10th Street (CSAH 10), complete with crosswalks. The applicant must enter into a cost reimbursement agreement to reimburse the County for design and construction related engineering services for these improvements.
7. The Plat must dedicate right-of-way along Lake Elmo Avenue (CSAH 17) and 10th Street (CSAH 10) as required by Washington County and the City.
8. All easements as required by the City Engineer and Public Works Director shall be documented on the Final Plat prior to the release of the Final Plat for recording.
9. The Final Plat shall not be recorded until the City approves the Final Construction Plans.
10. The City will require a cost participation from the Applicant at no more than 50% of the City's cost for the applicant's cost-share of the future intersection improvements at Lake Elmo Avenue (CSAH 17) and 10th Street (CSAH 10).
11. The Applicant shall provide stormwater management mitigation for all required site improvements, including the County roadway and intersection improvements, County roadway turn lanes, all bituminous trails, and including additional future impervious surfaces, as estimated by Washington County, for the future County roadway improvements along CSAH 17 and CSAH 10 to be constructed by the County at a future date.
12. The storm water management facilities and BMPs will remain privately owned and maintained. A Storm Water Maintenance and Easement Agreement in the City's standard form of agreement must be executed and recorded with the Final Plat for all privately owned stormwater facilities.
13. The Applicant shall pay an in-lieu fee of \$325 per caliper inch for unmitigated tree removal on site, up to a total of \$50,000.

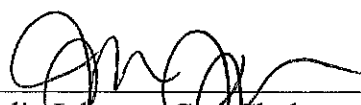
14. Any intensification of the use or expansion of the use within the buffer area of the Oakdale Gun Club shall comply with Minnesota State Statutes Chapter 87A, as may be amended.
15. After establishment of the use on site, any grading or removal of healthy specimen trees in required buffer areas, including the buffer of the Oakdale Gun Club, shall be reviewed by the City against applicable design standards.
16. Upon substantial completion of the project, as defined in the required development agreement, the school building must be connected to City water and sewer.
17. 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 with connections made at the Applicant's sole cost.
18. Water and Sewer Availability Charges, and other fees as applicable, must be paid prior to issuance of a building permit.
19. The Applicant will be required to sign a Waiver of Assessment Agreement with the City of Lake Elmo, in the City's standard form of agreement, to reimburse the City for public sanitary sewer improvements to be constructed by the City to facilitate the connection to City sewer.
20. All city, state, or other necessary permits must be obtained prior to the release of the building permit.
21. Substantial construction must take place within 12 months of the date on which the conditional use permit was granted or the conditional use permit is void. The Applicant must also comply with provisions of City Code Section 105.12.290 Conditional Use Permits.
22. The Applicant shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document the extent of any proposed grading on the site.

Passed and duly adopted this 6th day of November, 2024 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk