

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

RESOLUTION NO. 2024-115

*RESOLUTION APPROVING THE 10TH AND LAKE ELMO SCHOOL ADDITION
PRELIMINARY PLAT*

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 Public Schools, ISD 834, (the “Applicant”) submitted an application to the City of Lake Elmo for a preliminary plat called 10th and Lake Elmo School Addition, for the property legally described on the attached Exhibit A (the “Property”), a copy of the preliminary plat is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on October 16, 2024 to review and consider the preliminary plat application; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and 3-2 recommendation of approval of the preliminary plat to the City Council as part of a staff report dated November 6, 2024; and

WHEREAS, the City Council considered the preliminary plat at its November 6, 2024, meeting and hereby makes the following findings of fact:

1. That the preliminary plat is consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the preliminary plat complies with the general intent of the Village Medium Density Residential and Commercial zoning districts.
3. That the preliminary plat generally complies with the City’s subdivision regulations and does not meet the findings for denial established in LEC 103.00.090(d)(2).
4. That the preliminary plat generally complies with the Lake Elmo Design Guidelines and Standards Manual.
5. That the preliminary plat generally complies with the City’s Zoning Code.


NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the 10th and Lake Elmo School Addition preliminary plat subject to the following conditions:

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.
23. The Applicant shall relocate all proposed tree plantings southeast of the proposed bituminous trail to the north or west side of said trail.
24. The Applicant shall provide a planting plan for 106 additional tree plantings on site, with flexibility to tree species and size and without a requirement for irrigation or warranty after installation. The planting plan must be approved by the City.

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

Resolution 2024-115
Exhibit A
Legal Description of Subject Property

Old Legal Description:

The Southeast 1/4 of the Southeast 1/4 of Section 26, Township 29, Range 21, Washington County, Minnesota, and all that part of the Southwest 1/4 of the Southeast 1/4, lying Easterly of the West 435.6 feet of the East 2006 feet of the South 1/2 of the Southeast 1/4 of said Section, Washington County, Minnesota. Abstract Property

New Legal Description:

Lot 1, Block 1, 10TH AND LAKE ELMO SCHOOL ADDITION