

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

RESOLUTION NO. 2024-116

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW ESTABLISHMENT
OF A 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 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 a Conditional Use Permit to allow 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 said matter on October 16, 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 November 6, 2024; and

WHEREAS, the City Council considered said matter at its November 6, 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

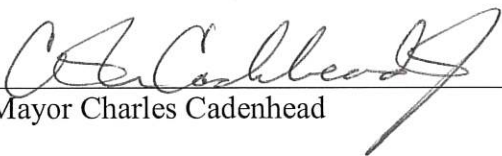
Based on the foregoing, the Applicants' application for a Conditional Use Permit is granted subject to the following conditions:

1. The Applicant must enter into a 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.

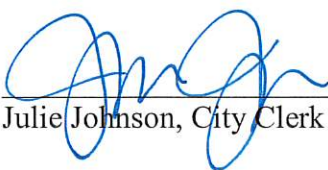
12. The storm water management facilities and BMPs will remain privately owned and maintained. A Storm Water Maintenance and Easement Agreement in the City's standard form of agreement must be executed and recorded with the Final Plat for all privately owned stormwater facilities.
13. The Applicant shall 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

RESOLUTION 2024-116
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