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RESOLUTION NO. 92-3
CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
LINDER'S HOLDING COMPANY (d/b/a Linder's Greenhouses, Inc.)
TO ALLOW CONSTRUCTION OF GREENHOUSES

WHEREAS, the Linder's Greenhouse, Inc. proper is generally located south of 15th Street, between Inwood Avenue North and the Washington County Lake Elmo Park Reserve and which property is legally described as:

The N 1/2 of the SW 1/4 of Section 27, Township 29 North, Range 21 West, Washington County, Minnesota, except that part thereof conveyed to Washington County on 9-30-75 and on 7-19-83, said excepted part lying easterly and northerly of the following described line:

Commencing at W 1/4 of corner of said Section 27; thence N 89 deg. 11 min. 37 sec. E along the North line of said N 1/2 of the SW 1/4, 1651.46 feet to the point of beginning; thence S 0 deg. 42 min. 52 sec. E, 73.02; thence S 89 deg. 17 min. 08 sec. W, 95.00 feet; thence S 0 deg. 42 min. 52 sec. E, 160.00 feet; thence N 89 deg. 17 min. 08 sec. E, 95.00 feet; thence S 34 deg. 42 min. 07 sec. E 695.58 feet; thence N 89 deg. 11 min. 40 sec. E 14.00 feet; thence S 9 deg. 48 min. 20 sec. E, 95.00 feet; thence N 89 deg. 11 min. 40 sec. E 215.00 feet; thence N 0 deg. 48 min. 20 sec. W, 95.00 feet; thence N 89 deg. 11 min. 40 sec. E, 373.66 feet to the E line of said N 1/2 of the SW 1/4 and there terminating; subject to existing rights-of-way and easement of records, and reserving from the above described parcel, over a strip of land 20.00 feet in width lying adjacent to and North of the North line of the SE 1/4 of the SW 1/4 of said Section 27, and easement for an equestrian and pedestrian trail without hard surface; and said trail easement being reserved exclusively to Seller for future disposition.

WHEREAS, the Linder's Greenhouse, Inc. property is currently zoned Agricultural; and,

WHEREAS, the Zoning Code, under Section 301.070 D.b.(1) permits greenhouses, in an Agricultural Zoning District, under a Conditional Use Permit; and,

WHEREAS, on July 19, 1988, the Lake Elmo City Council approved a Conditional Use Permit for Linder's Greenhouse, Inc. which permitted the construction of 7,250 square feet of storage and 29,000 square feet of greenhouse area; and

WHEREAS, On June 20, 1989, the Lake Elmo City Council approved an amendment to the Conditional Use Permit for Linder's Greenhouse, Inc. thereby allowing the construction of an additional 31,200 square feet of greenhouse area; and

WHEREAS, on May 7, 1991, Linder's Greenhouse, Inc. applied for a second amendment to the original Conditional use Permit so that it would be allowed:

- A. to construct an additional 14,400 square feet of storage area which would result in total storage area of 21,650 square feet, and
- B. to construct an additional 165,400 square feet of greenhouse area which would result in a total greenhouse area of 225,600 square feet.

WHEREAS, on June 10, 1991, the Lake Elmo Planning Commission held a public hearing to consider the application for a second amendment to the original Linder's Greenhouse, Inc. Conditional Use Permit; and

WHEREAS, in accordance with the rules and regulations of the Minnesota Environmental Quality Board, an Environmental Assessment Worksheet was prepared describing the proposed total development for the Linder's Greenhouse site; and

WHEREAS, on December 17, 1991, the Lake Elmo City Council, pursuant to appropriate procedures, made a negative declaration determining that an Environmental Impact Statement would not be required for the Linder's Greenhouse, Inc. proposal; and

WHEREAS, On January 13, 1992, the Lake Elmo Planning Commission, upon further review of the applicant of Linder's Greenhouse, Inc. and the results of the Environmental Assessment Worksheet, recommended to the Lake Elmo City Council that the application for a second amendment to the Linder's Greenhouse, Inc. Conditional Use Permit be approved subject to certain conditions; and

WHEREAS, the application has been favorably reviewed by the City's Fire Chief and the Washington County's Sheriff Department; and

WHEREAS, upon passage, it is the intent of the Lake Elmo City Council that the terms and conditions of this Resolution shall supercede all prior approvals granted for Conditional Use Permits on the Linder's Greenhouse, Inc. site as described herein.

NOW, THEREFORE, it is hereby resolved by the Lake Elmo City Council that the application of Linder's Greenhouse, Inc. for a second amendment to its original Conditional Use Permit is hereby granted subject to the following conditions and restrictions.

1. Retail sales shall not be permitted on site.
2. Proper maintenance of the storm pond and outlet structure shall be the responsibility of the property owner.
3. The owner shall obtain a water appropriation permit from the Minnesota Department of Natural Resources.
4. Phase II construction shall include restrooms and on-site sewage treatment in accordance with City, County and State standards for such facilities. A site plan submitted to the City Building Inspector shall include a primary and secondary drainfield location.
5. Lighting, on the site, and for the greenhouses, shall conform to existing City Code lighting standards and requirements, as set forth in Section 1508 of the City Code; all lighting shall be shielded to diffuse lighting from surrounding properties.

6. Agricultural chemical will be stored in not more than four metal lockers each measuring two feet by three feet by six feet (2'x3'x6') (or an equivalent size in volume), which lockers will meet all applicable Federal, State and Local regulations. The location of the storage lockers will be in the warehouse area. The chemicals stored will consist of fungicides, pesticides, herbicides and disinfectants. Upon request by the City, the applicant will also submit to the City Administrator and the Fire Marshall each year a list of anticipated chemical use for the year by type, brand name and volume, as well as the location in the warehouse of the storage lockers. Fertilizers will be stored in plastic lined containers in a flood free area as required by all applicable Federal, State and Local regulations. All chemicals stored on the site shall be for use at the Lake Elmo facility and the amount stored should not exceed what is needed for a typical growing season.
7. All petroleum products stored on the site will be for use on the site and will be stored and used in compliance with all applicable Federal, State and Local regulations.
8. Adequate off-street parking shall be provided as demonstrated on the site plan prepared by SEH, File No. 92014 and dated February 4, 1992. Off street parking shall be confined to the gravel base area.
9. The three staggered rows of evergreen tress planted around the perimeter of the west 40 acres shall be maintained properly and replaced when needed.
10. Additional landscaping and berming shall be constructed, planted and maintained properly and replaced when needed as shown on the site plan prepared by SEH, File No. 92014 and dated February 4, 1992.
11. The City of Lake Elmo recognizes that Linder's will not construct all of Phase II at one time but over a period of years. The City also recognizes that the traffic generated by Phase II may contribute to the necessity for additional maintenance or a roadway improvement project to maintain accessibility and to protect the public health, safety and welfare. Therefore, Linder's Greenhouse, Inc. agrees to the following:
 - A. The existing routine maintenance performed by the City to 15th Street includes: during late spring, summer and early fall approximately every two weeks the road is graded and calcium chloride is applied as necessary for dust control. Linder's Greenhouse, Inc. will pay 100% of the cost of calcium chloride and its application.
 - B. The Phase II of Linder's Greenhouse, Inc. CUP will generate additional traffic on 15th Street, which will increase the amount of heavy commercial vehicles per day. If, as determined by the City staff, additional gravel needs to be added to specific trouble spots on the roadway, Linder's Greenhouse, Inc. will pay 100% of the cost of adding the gravel.

- C. If the Lake Elmo City Council determines the need and orders a road improvement project for 15th Street, Linder's Greenhouse, Inc. agrees to pay for 45% of the cost of the needed improvements.
 - D. Each year on or about May 1 as he deems necessary, the City Engineer shall inspect 15th Street based upon actual traffic counts. Based upon that inspection and any complaints that may have been received, the City Engineer shall determine in his best professional judgement whether present or reasonably projected usage requires improvements to the road. If at that time, the City Engineer determines that the road conditions are impassible and pose a public safety concern due to restrictive access, the City may temporarily delay the continued construction of Phase II only until necessary road maintenance or improvements are made in order to protect the public health, safety and welfare or until it is determined that no improvements are needed.
 - E. If Linder's ceases to use the road for access to its facility prior to a City decision to order a road improvement, Linder's assessment for such improvements shall then be based on Lake Elmo's normal means of assessments for road improvements.
 - F. All assessments for needed improvements shall be assessed against Linder's property over the same period as any other property subject to such assessments.
- 12. The total impervious surface area of this development including past, present and future shall not exceed 25% of the 54 acre parcel size.
 - 13. No use allowed under this Conditional Use Permit shall cause pollution nor shall any hazardous materials be stored on the site, other than those required for operation of said greenhouse.
 - 14. This Conditional Use Permit does not include approval of any additional development. Additions and changes to this Conditional Use Permit shall require a CUP Amendment.

ADOPTED, by the City Council of the City of Lake Elmo this 4th day of February, 1992.

Signed: _____

David Johnson, Mayor

Attest: _____

Mary Kueffner, City Administrator