

City of Lake Elmo
Washington County, Minnesota

Resolution 2001-012

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A NON-
AGRICULTURAL LOW IMPACT USE FOR E & H PROPERTIES, LLC**

WHEREAS, E&E Properties, LLD (herein applicant) and E&N Properties, LLC herein fee owner) of approximately 70 acres of land (herein applicant property) located in the City of Lake Elmo, is illustrated on "Exhibit A" attached is legally described as follows:

That part of the South Half of the Southeast Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota lying easterly of the West 33.00 feet (2 rods) thereof, EXCEPT that part designated as parcel 44 on Minnesota Department of Transportation Right of Way Plat No. 82-35, State Project No. 8292 (94-392) 904, recorded as Document No. 424557 in the office of the County Recorder, Washington County, Minnesota.

Subject to highway easements in favor of Washington County as described in Book 258 of Deeds, page 91, and Book 309 of Deeds, page 831, or record, and on file in said office of the County Recorder.

Also subject to highway easements in favor of the State of Minnesota as described on Book 109 of Deeds, page 622, Book 109 of Deeds, page 638 and Book 220 of Deeds, page 11, of record and on file in said office of the County Recorder.

WHEREAS, the Conditional Use Permit would allow applicant its successors and assigns to utilize the CUP Area for certain Non-Agricultural Low Impact Uses, subject to the City's Regulations, and subject to the conditions attached to the City's approval.

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on January 8 and January 22, 2001, and reviewed and recommended approval of the Conditional Use Permit.

WHEREAS, the Lake Elmo City Council on February 6 and March 6, 2001, reviewed the application and the recommendation of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Lake Elmo City Council, that a Conditional Use Permit is hereby approved for E & E Properties, LLC, to locate a contractor's office/shop/equipment storage facility subject to the following conditions:

1. The permitted uses within the CUP Area shall be as follows:
 - a. A contractor's office, shop and equipment storage facility.

2. The area where the Non-Agricultural Low Impact use is located shall be legally defined and is hereafter known as the "CUP Area". The Cup Area shall not exceed 4% of the property owner's contiguous agricultural zoned area.
3. The impervious surface within the CUP Area not exceeding 1.5% of the applicants' property.
4. The water run-off from any existing or proposed buildings in the CUP Area shall meet the 1% rules as to rate and volume, as determined by the City Engineer.
5. The Conditional Use authorized shall comply with all State and Federal pollution and hazardous materials statutes and regulations.
6. Buildings within the CUP Area shall be located in accordance with the approved site plan attached as Exhibit "A".
7. The applicant will submit for approval by the City Council a commercial Site Plan responsive to Section 520 of the City Code.
8. Security lights may be installed in the CUP Area in accordance with the City's lighting regulations.
9. Any outside storage of vehicles, equipment or goods shall be screened from adjacent property and public rights-of-way. Screening shall include berming and landscaping shown in a landscape plan prepared approved by the City Council.
10. The site may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of the facility, whichever is more restrictive.
11. All of the applicant's property shall remain in an Agricultural Zone as long as this Conditional Use Permit remains in effect.
12. In the event that the applicant, or their successors or assigns, initiate a Comprehensive Plan Amendment and Rezoning of any of the property from Agriculture to a more intensive use, the CUP Area shall terminate and all non-conforming structures shall be removed within one year from the date of the City Council's adoption of the Comprehensive Plan Amendment and Rezoning. This condition shall not apply if the City initiates rezoning or if the landowners are forced to transfer title to any part of the property due to Eminent Domain.
13. The City recognizes that the Non-Agricultural Low Impact Use permitted by this resolution allows the applicants the economic means to preserve and maintain approximately 67 acres of agriculturally zoned land. If the City, without the property owners concurrence, should take any action to make this a legal non-conforming use under the zoning ordinance, the City hereby agrees to allow the

reconstruction of any non-conforming structures in the CUP Area that may become damaged beyond 50% of their replacement cost, so long as all other conditions of this resolution are in compliance.

14. It is expressly understood by the applicants that any hazard to the health or welfare of the City could and would be grounds for revocation of this permit.

BE IT FURTHER RESOLVED that:

1. All buildings, equipment, trailers, machinery and unspecified material relative to the business shall be removed from the current location of E&H Earthmovers located at the corner of County Road 15 and County Road 10 within one year of the date of approval of this CUP.

Adopted by the Lake Elmo City Council this 6th day of March 2001.



Lee Hunt, Mayor

Attest:



Mary Kueffner, City Administrator