

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2001-040

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A NON-AGRICULTURAL
LOW IMPACT USE FOR NEIL SIVERSON AND SUSAN OTTO-SIVERSON

WHEREAS, Neil Siverson and Susan Otto-Siverson (herein applicant), are the fee owners of approximately 36.82 acres of land (herein applicant property), located in the City of Lake Elmo (herein City), is illustrated on Exhibit "A" attached, and is legally described as follows:

The East 660 feet of SE ¼, except therefrom the East 190 feet of South 710 feet of Section 28, Township 29, Range 21 and known as 8940 15th Street N., Lake Elmo, Minnesota.

WHEREAS, applicant has requested a Conditional use Permit, would specifically apply to approximately 4.5 acres of the applicant's property (the CUP Area) which is illustrated on attached Exhibit "B", and which is legally designed as follows:

LEGAL TO BE INSERTED

WHEREAS, the Conditional Use Permit, if approved, 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 May 14, 2001, and reviewed and recommended approval of the Conditional Use Permit based upon the following findings.

1. The proposed use will not impact the public health, safety, morals, convenience, or general welfare of the occupants of surrounding lands.
2. The proposed use will result in additional traffic to the site, but the projected traffic increase will not exceed the traffic standards contained in the City's regulations.
3. The public utility systems and the capacity of the school district will not be impacted by the proposed use.
4. The proposed use will not depreciate surrounding property values for the following reasons:
 - a. The CUP Area will be screened by vegetation in accordance with the landscape plan.
 - b. Approximately 32.32 acres of agricultural lands will be preserved from development.
 - c. The proposed use will not generate noise, pollution, or cause any other nuisance.
5. The proposed use is in keeping with the intent and purpose of the City's Comprehensive Plan and Zoning Ordinance.

WHEREAS, the Lake Elmo City Council, on June 5, 2001, reviewed the application and the recommendation of the Planning Commission.

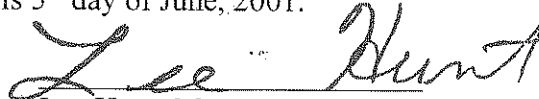
NOW, THEREFORE, BE IT RESOLVED by the Lake Elmo City Council, that a Conditional use Permit is hereby approved for applicant's property subject to the following conditions:

1. The permitted uses within the CUP Area shall be as follows:
 - a. Outdoor storage of cars, trucks, boats, trailers, recreational vehicles, recreational equipment, and other vehicles or mobile equipment under 26,000 pound of tare weight.

- b. Indoor storage of the items listed above for outdoor storage, and other goods and materials, which in the determinations of the City Council, do not jeopardize the health, safety, or welfare of the City.
2. Buildings within the CUP Area shall be located in accordance with the approved site plan attached as Exhibit "C". Any buildings damaged or destroyed by storm, fire, or other hazard, may be reconstructed.
3. The impervious surface within the CUP Area shall not exceed 1.5% of the applicant's property.
4. Outside storage may be located as depicted by Exhibit "C". There shall be no paved parking areas. All outside storage and driveways in the CUP Area shall be grass or gravel.
5. In accordance with the landscape plan attached as Exhibit "D", the CUP Area shall be screened from view by deciduous and coniferous trees. Applicant may transplant or thin out trees in the landscape area, so long as impervious screening is maintained.
6. The water run-off from existing or proposed buildings in the CUP Area shall meet the 1% rule as to rate and volume, as determined by the City Engineer.
7. All of applicant's property shall remain in an Agricultural Zone so long as this Conditional Use Permit remains in effect.
8. Security lights may be installed in the CUP Area in accordance with the City lighting ordinances.
9. The applicant shall maintain their property outside of the CUP Area in accordance with the permitted uses of the Agricultural zoning district and the required practices of the Soil and Water Conservation District. No site plan review shall be required for permitted uses outside of the CUP Area.
10. The Conditional use authorized shall comply with all State and General pollution and hazardous materials statutes and regulations. No hazardous materials or wastes shall be stored on the property or the CUP Area, except agriculturally related chemicals for use by landowners in normal farming or landscaping operations.
11. 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 be reduced so that it does not exceed 4% of the remaining property, provided the property is at least a nominal 40 acres. The impervious surface coverage of the CUP Area shall likewise be reduced, by removing or reducing buildings, so that it does not exceed 1.5% of the remaining property. If the property becomes less than a nominal 40 acres, then this CUP shall terminate and all non-conforming structures all be removed within one year from the date of the City Council's adoption of the Comprehensive Plan Amendment and Rezoning. This section 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.
12. Neither this resolution, nor the City's Non-Agricultural Low Impact Use Regulations shall restrict the applicant's right to convey conservation easements over applicant's property.

13. The City recognizes that the storage use permitted by this resolution allows the applicants the economic means to preserve and maintain the family farm. 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. The applicants expressly understand that any hazard to the health or welfare of the City, or violation of any condition of this Permit, could and would be grounds for revocation of this permit.
15. Compliance with Section 520 standards, including application for and review by the City of a Site Plan.
16. 15th Street is used as the only access to the site, 16th Street for emergencies only with a locked gate.
17. Determination of the effectiveness of screening shall be based on reasonable grounds and circumstances, as determined by the City.
18. Hours of operation shall be 7:00 a.m. – sunset, daily, contingent upon favorable yearly review by the Council.

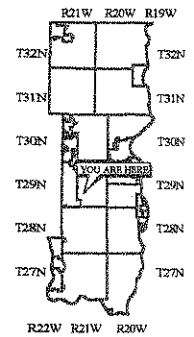
ADOPTED by the City Council this 5th day of June, 2001.


Lee Hunt, Mayor

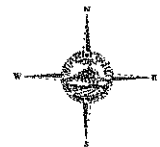
ATTEST:


Mary Kueffner, City Administrator

Exhibit A



Vicinity Map



This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office, Reno, 8811 430-6873.

Parcel data based on A0480 information current through February 26, 2001.

Map printed: April 19, 2001

Lake Elmo Regional Park

Inwood Avenue

Park Ridge Estates

Cardinal Ridge OP

Site

15th Street North

Location Map

Site Plan

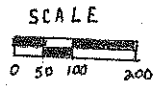
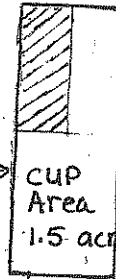


Exhibit C

Outlot B

Proposed
Ag. Building



200'

Ag. Bldgs

(20'x50')
1000 sq ft

(30'x60')
1800 sq ft

Cardinal Ridge
Development

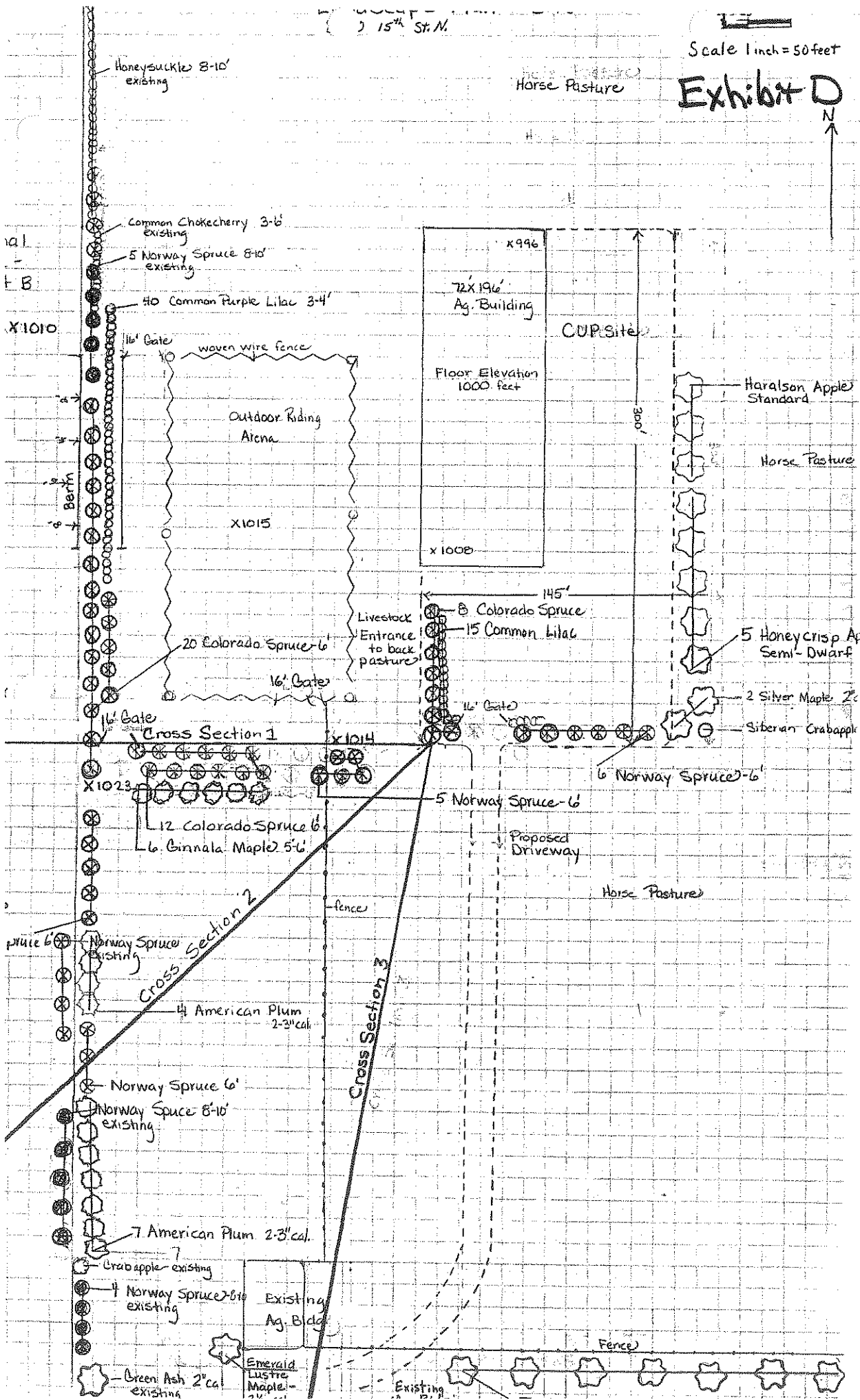
Lake Elmo Regional Park

15th St. N.

15th St. N.

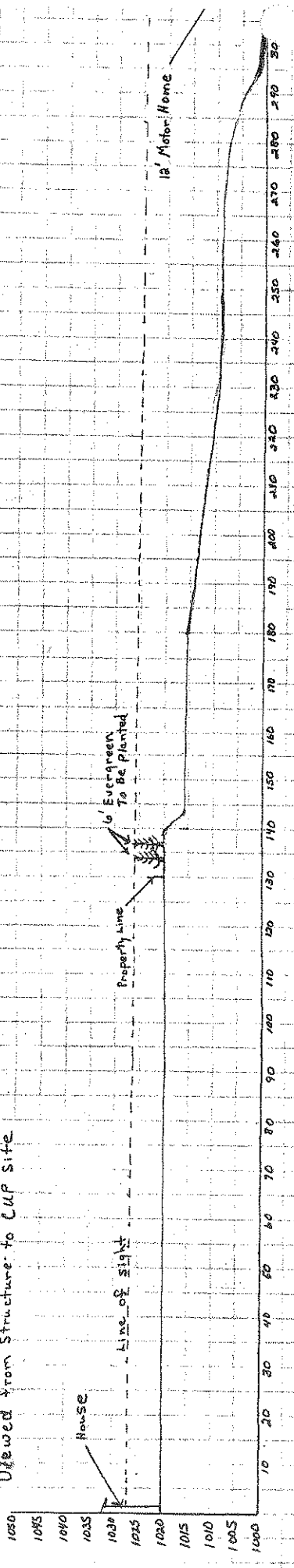
Scale 1 inch = 50 feet

Exhibit D

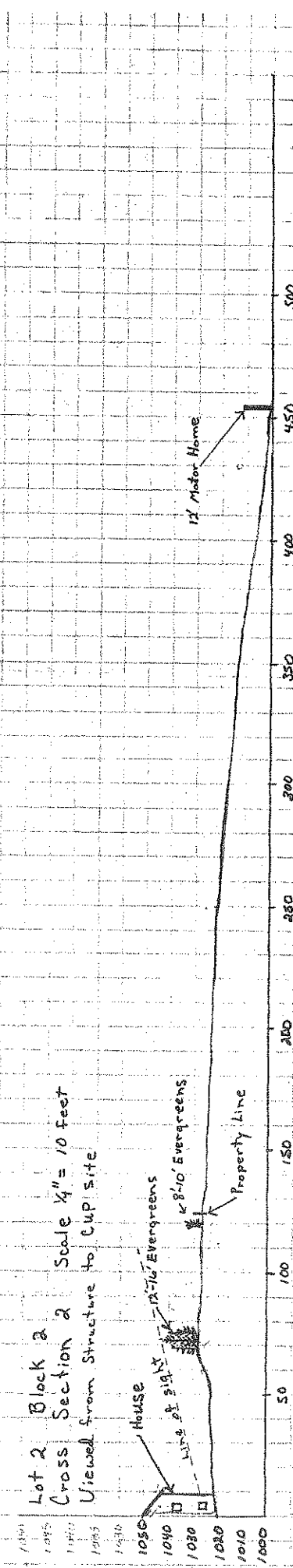


8940 15th St. N.

Lot 3 Block 2 -
Cross Section 1 Scale 1" = 5 feet
Viewed from Structure to CUP Site



Lot 2 Block 2
Cross Section 2 Scale 1" = 10 feet
Viewed from Structure to CUP Site



Lot 1 Block 1
Cross Section 3 Scale 1" = 20 feet
Viewed from Structure to CUP Site

