

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-107

A RESOLUTION AMENDING CONDITIONAL USE PERMIT NO. 2001-088 GRANTED TO
COUNTRY AIRE GOLF, LLC.

WHEREAS, on July 23, 1993 the Lake Elmo City Council granted a Conditional Use Permit to Raymond and Jane Salus/Country Aire Golf Driving Range for the purpose of operating a golf driving range on the property described as follows:

Sect-36 TWP 029 Range 021 NW1/4-SW1/4362921 exc the following. Beg at SW cor of SD NW1/4 of SW1/4 & run thence east on south line of SD NW1/4 of SW1/4 16 rods to a pt then north on a line par with W line thereof 10 rods to a pt run thence west on a line par with south line thereof 16 rods to a pt in west lie thereof run thence south along SD West line 10 rods to place of Deg. Exc beg at a pt in W lie of NW1/4 of SW1/4 I SD Sec 36 T29N R21W 36 rods N of SW Cor of SD NW 1/4 of SW1/4 running then E on a line par with S line of SD NW1/4 of SW 1/4 160 ft. to a pt running then N on a line par with W lin of NW 1/4 of SW1/4 90 ft to a pt running then W on a line par with S line of SD NW1/4 of SW1/4 160 ft to W ln then S on W line of SD 36 of SD sec 36 90 ft. to place of beg. Exc 3410, described as follows: Sect 36 Twp 029 Range 21 Part NE 1/4-SW1/4 S36T29R21 the N 474.06Ft of NW1/4-SW1/4 of S36 T29 R21 This parcel is Subject to R/W of Lake Elmo Ave N. (AKA as Co Hwy #17)

WHEREAS, said Conditional Use Permit was amended by City Council Resolution 93-19 on May 4, 1993.

WHEREAS, Section 301.070 D.1.b.(4) of the Lake Elmo Municipal Code allows Commercial Recreation of a Rural Nature in the City of Lake Elmo by Conditional Use Permit; and

WHEREAS, on September 24, 2001 the Lake Elmo Planning Commission held a public hearing to consider the request of Raymond and Jane Salus/Country Aire Golf Driving Range for an amendment to the existing conditional use permit to allow the substitution of an eighteen hole practice/training golf course for three hole practice/training golf course.

WHEREAS. The Lake Elmo Planning Commission recommended the City Council approve the amendment to the existing Conditional Use Permit No. 93-19 to permit an eighteen-hole practice/training golf course subject to the following conditions:

1. All conditions of Resolution 93-19 shall remain intact.
2. Only if there is a demonstrated need shall the applicant construct additional off-street parking spaces.
3. The applicant shall obtain a permit or a waiver of permit requirement from the Valley Branch Watershed District.
4. Any additional run-off created by the eighteen-hole range shall be contained on the property.
5. The applicant shall work with Washington County to see if an additional turn lane is necessary for any new proposed parking area.

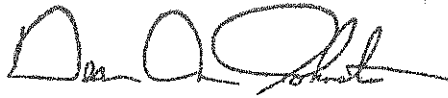
WHEREAS, at its September 26, 2005 meeting, the Planning Commission reviewed and recommended approval of the application to install a driving range tee box enclosures on a portion of the existing driving range tee boxes.

WHEREAS, at its October 4, 2005 meeting, the City Council reviewed the application by Country Aire Golf for an amendment to the Conditional Use Permit and Site Plan of "Country Aire Golf" to install tee box enclosures on a portion of the existing driving range tee boxes as recommended by the Planning Commission and per plans staff-dated September 9, 2005;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA that an amendment to Conditional Use Permit No. 93-19, 2001-088 for a Golf Driving Range and Eighteen hole Practice/Training Course, to install tee box enclosures on a portion of the existing driving range tee boxes is hereby granted to Country Aire Golf, LLC, on the aforementioned property (described by site plan dated September 9, 2005) is hereby granted subject to the following conditions.

1. Existing road frontage be left in its current rural condition with the addition of conifers such as blue spruce to provide additional screening of business;
2. To be consistent with the rural character, a variance will be granted to allow an unpaved driveway and parking lot;
3. Exterior lighting is prohibited except on the east side of the office, and said lighting shall not reflect off of the property;
4. A sign will be allowed by the entrance with a maximum of 20 sq.ft. using natural colors. Trees and shrubs shall be used to reduce the visibility of the site from residential property across the street;
5. A berm shall be constructed to block the view of the cars and tee positions from residential property across County Road 17.
6. An office 45' x 30', one story is permitted.
7. Parking for a maximum of 35 cars is permitted.
8. Maximum hours of operation are 7 a.m. to Sunset;
9. Two rows of shrubs shall be planted in conifers with 8' x 8' spacing on the north, south, and east sides of the range. Dead trees shall be replaced and trees shall attain an average height of at least 24" in 5 years;
10. The entrance driveway will be in accordance with the recommendation and direction of Washington County;
11. A public address system will not be allowed;
12. No liquor license will be permitted.
13. All conditions of Resolution 93-19 shall remain intact.
14. Only if there is a demonstrated need shall the applicant construct additional off -street parking spaces.
15. The applicant shall obtain a permit or a waiver of permit requirement from the Valley Branch Watershed District.
16. Any additional run-off created by the eighteen-hole range shall be contained on the property.
17. The applicant shall work with Washington County to see if an additional turnlane is necessary for any new proposed parking area.

ADOPTED, this 4th day of October, 2005 by the City Council of the City of Lake Elmo, Washington County, Minnesota.



Dean Johnston, Mayor

ATTEST:


Martin J. Rafferty, City Administrator