

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

**Resolution No. 2009-051**

**A RESOLUTION DENYING THE CONDITIONAL USE PERMIT AMENDMENT TO  
INCLUDE 24 ACRES TO THE EXISTING 43 ACRES FOR COUNTRY SUN FARM  
AND GREENHOUSE AT 11211 60<sup>TH</sup> STREET NORTH**

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Richard and Eileen Bergmann on behalf of Country Sun Farm and Greenhouse (the "Applicants"), 11211 60<sup>th</sup> Street North, have submitted an application to the City of Lake Elmo (the "City") for an amendment to the existing Conditional Use Permit to add 24 acres to the existing 43 acres and to build an overflow parking lot;

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on November 23, 2009; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated December 1, 2009; and

**WHEREAS**, the City Council considered said matter at its December 1, 2009, meeting.

**NOW, THEREFORE**, based on the testimony elicited and information received, the Board of Adjustment makes the following findings:

**FINDINGS**

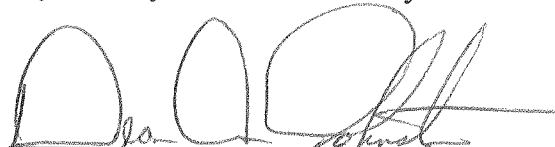
- 1) That the procedures for obtaining said Conditional Use Permit Amendment and are found in the Lake Elmo Zoning Ordinance, Section 154.018.
- 2) That all the submission requirements of said Section 154.018 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit Amendment is to include an additional 24 acres to the existing 43 acres (See Attachment A) and to allow construction of a 39,900 square foot overflow parking lot. The applicants are intending to move existing structures (greenhouses) and uses (hay ride and corn maze) to this area at a time in the future if and when the reconfiguration of County Road 17 and State Highway 36 and a subsequent frontage road displaces those uses and structures. The Conditional Use Permit amendment would allow the movement of the following use and structure:

- a. Greenhouse growing range
  - b. Sale of concessions
- 4) That the uses identified in the existing Conditional Use Permit are not allowed without the rezoning of the property to the Agricultural zoning district.
  - 5) The proposed amendment, as stated by the applicant, is intended to allow the movement of an existing greenhouse to the property due to a future reconfiguration of County Road 17 and State Highway 36. This is preemptive in nature as a plan for the reconfiguration has not been approved, nor is a timeline identified for when the project will take place.
    - a. The area identified for movement of the greenhouse may be in conflict with a future frontage road, public utilities, or other improvements in conjunction with a future reconfiguration of the interchange.
  - 6) That the Conditional Use Permit Amendment does not meet the review criteria for Conditional Use Permits (Section 154.018).
    - a. Without road reconfiguration, and/or until such road reconfiguration occurs, the applicant would still have reasonable use of existing property, in addition to the property identified within this CUP.
  - 7) The expansion of the CUP property will likely lead to an expansion of the existing uses which would negatively impact traffic conditions on the site.
    - a. Applicants own application material includes MNDOT concern over increased traffic problems, leading the City to conclude serious community life, health and safety considerations would be detrimentally harmed by approval of this CUP.


### CONCLUSIONS AND DECISION

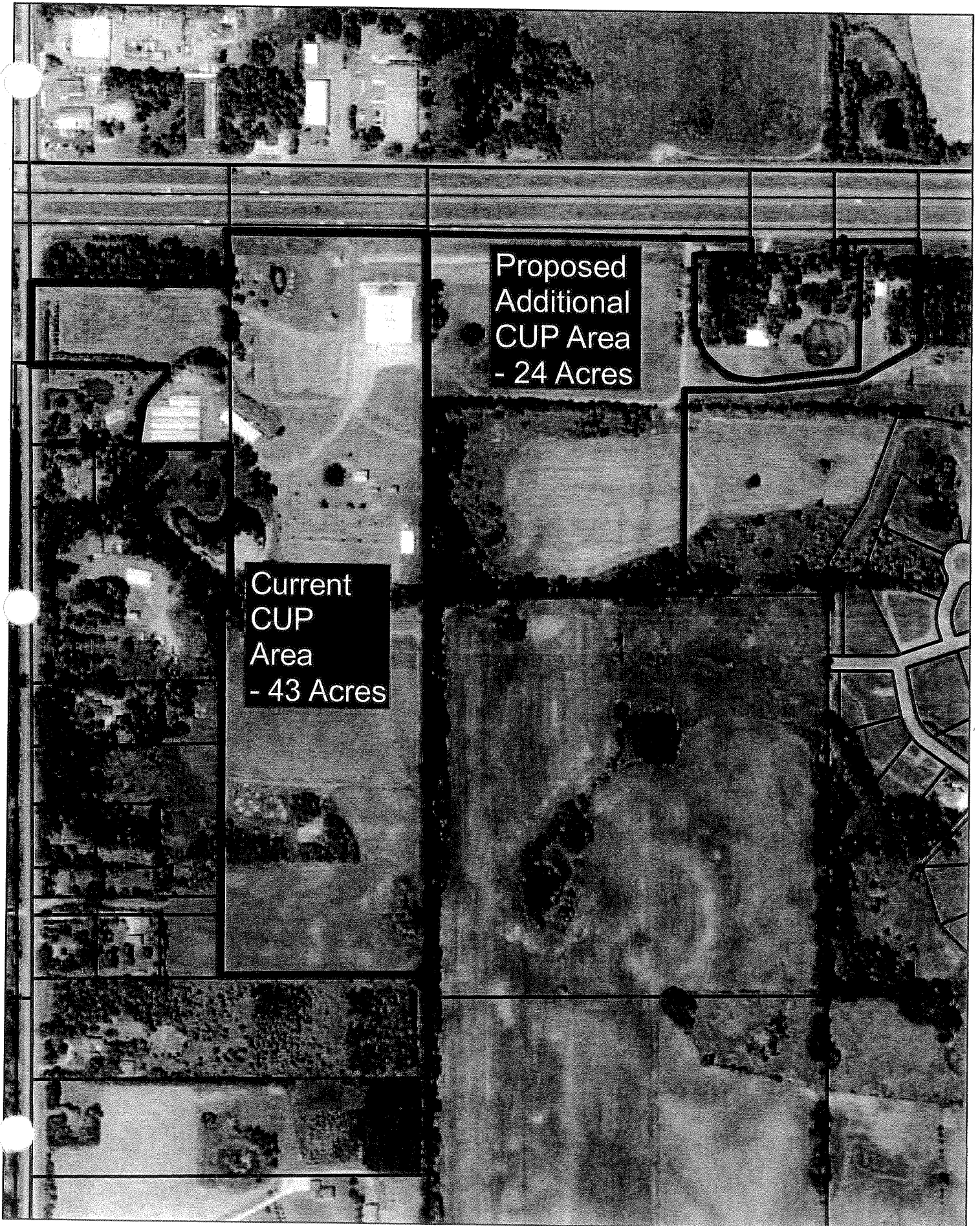
Based on the foregoing, the Applicants' application for a Conditional Use Permit amendment is denied.

Passed and duly adopted this 1<sup>st</sup> day of December 2009 by the City Council of the City of Lake Elmo, Minnesota.

  
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Dean A. Johnston, Mayor

ATTEST:

  
\_\_\_\_\_  
Bruce A. Messelt, City Administrator



Current  
CUP  
Area  
- 43 Acres

Proposed  
Additional  
CUP Area  
- 24 Acres