

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

RESOLUTION NO. 2010-74

**A RESOLUTION GRANTING A RENEWAL FOR AN INTERIM USE PERMIT TO
ALLOW A BUS/TRUCK TERMINAL AT 11530 HUDSON BOULEVARD SOUTH AND
APPROVING A REVISED CONSENT AGREEMENT FOR THE INTERIM USE
RENEWAL TIME PERIOD**

WHEREAS, Terry Emerson, E & E Properties, 11530 Hudson Boulevard South, has submitted a request to renew an Interim Use Permit related to a non-agricultural low impact use at 11530 Hudson Boulevard South establishing a bus/truck terminal in a HD-A-BP zoning district.

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on November 10, 2008, and reviewed and recommended approval of the Interim Use Permit for a bus/truck terminal on the site based on the following findings:

- 1) That the applicant has demonstrated compliance with all of the standards for a non-agricultural low impact use; and
- 2) That the applicant has demonstrated compliance with all applicable City Code standards for the issuance of an interim use.

WHEREAS, Section 154.019, Subd. (B, 5) of the City Code requires the applicant to enter into a consent agreement with the City the specifies the terms and conditions of the interim use; and

WHEREAS, the Lake Elmo City Council reviewed the Interim Use Permit request and consent agreement at its December 1 and December 9, 2008 meetings and approved the Interim Use Permit and consent agreement at its December 9, 2008 meeting;

WHEREAS, the Planning Commission held a Public Hearing on December 13, 2010, and reviewed and recommended approval of the renewal request concerning the Interim Use Permit for a bus/truck terminal on the site based on the findings that were included in the City original approval; and

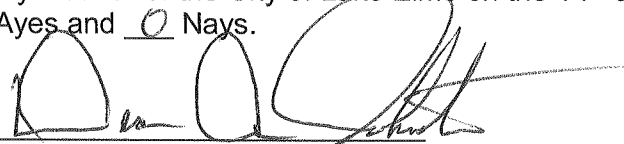
WHEREAS, the Lake Elmo City Council reviewed the renewal request concerning the Interim Use Permit request and revised consent agreement at its December 14, 2010 meeting;

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby approves the renewal of the Interim Use Permit at 11530 Hudson Boulevard South to establish a bus/truck terminal as a non-agricultural low impact use and authorizes the execution of the revised consent agreement for this interim use subject to the following conditions:

- 1) That the applicant signs the approved consent agreement with the City in accordance with Section 154.019, Subd. (B, 5) of the City Code.

- 2) That additional screening be provided in all locations recommended by the City Forester in order to replace vegetation that has either died or been removed. The intent of this condition is to provide for full screening of the interim use.
- 3) That the interim use will be valid for a period of 2 years from the date of the renewal of the Interim Use Permit (December 14, 2012).
- 4) That the interim use will terminate when any portion of the property is rezoned or when public sanitary sewer is provided to the site.

This resolution was adopted by the City Council of the City of Lake Elmo on the 14th day of December 2010, by a vote of 3 Ayes and 0 Nays.



Dean A. Johnston, Mayor

ATTEST:



Bruce Messelt, City Administrator

(SEAL)