

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

RESOLUTION NO. 2010-023

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR LAKE
ELMO ELEMENTARY SCHOOL AT 11030 STILLWATER BOULEVARD NORTH TO ALLOW
IMPROVEMENTS ON THE NORTH SIDE OF THE PROPERTY*

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

WHEREAS, ISD 834 and Lake Elmo Elementary School, 11030 Stillwater Boulevard North (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a conditional use permit amendment to allow the following improvements on the North side of the school building: modification and relocation of the rear parking lot, construction of an additional parking lot and parent drop off location, widening of the existing road off of Laverne Avenue North, and the addition of an enclosed hallway and two portable/temporary classrooms to handle the existing student population. A copy of the proposed plans are on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.018; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on May 10, 2010; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated May 18, 2010; and

WHEREAS, the City Council considered said matter at its May 18, 2010 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit (CUP) Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.018.
- 2) That all the submission requirements of said 154.018 have been met by the Applicant.

- 3) That the proposed CUP Amendment is to allow the following improvements on the North side of the school building: modification and relocation of the rear parking lot, construction of an additional parking lot and parent drop off location, widening of the existing road off of Laverne Avenue North, and the addition of an enclosed hallway and two portable/temporary classrooms to handle the existing student population.
- 4) That the CUP Amendment will be for all five contiguous parcels owned by ISD 834 at: 13-029-21-23-0001, 13-029-21-23-0002, 13-029-21-23-0003, 13-029-21-22-0004, and 13-029-21-22-0001.
- 5) The proposed improvements will not negatively affect the health, safety, morals, convenience, or general welfare of surrounding lands.
 - a. The two portable classrooms being proposed would improve the general welfare of the existing student body at the school as it would relieve the existing overcrowded classrooms.
 - b. The proposed parking lot relocation, additional parking lot, and widening of the private access off of Laverne Avenue North would improve safety as vehicles that would previously park on County Road 17 would have additional parking opportunities on-site.
 - c. The surrounding properties would be positively affected by the improvements as the stacking of vehicles along State Highway 5 during peak parent drop off and pick up times would be relocated to the school's private property and potentially onto Laverne Avenue North – a less traveled roadway.
 - d. Additional signage off-site along State Highway 5, County Road 17, 39th Street, and Laverne Avenue North to assist in redirecting student drop off traffic would reduce or eliminate the impact to neighboring properties located along a private alleyway just North of the school.
- 6) The proposed improvements will not affect traffic or parking conditions.
 - a. The two portable classrooms are intended to serve the existing student population and would not impact traffic or parking conditions.
 - b. The parking lot relocation, additional parking lot, and widening of the private access off of Laverne Avenue North is intended to improve both traffic and parking conditions associated with the Lake Elmo Elementary School. The new drop off location on the North side of the school would relocate the stacking of vehicles from State Highway 5 onto the school's private property and potentially onto Laverne Avenue North, a less traveled public roadway. The additional parking stalls would accommodate additional vehicles for special events at the school which would otherwise park on busy roads such as County Road 17.
- 7) The proposed improvements will not have an effect on utility or school capacities.

- a. The two portable classrooms are intended to address the existing school student population as it is currently overwhelming the existing classroom space.
 - b. The parking lot expansion and addition would not have an effect on school capacities or utilities.
- 8) The proposed improvements would have no effect on property values of surrounding lands.
 - a. The improvements proposed would not have an effect on property values as there exists mature vegetative screening to the South. City Hall and a commercial building are located to the North of the property which would receive no negative impact on property values due to the proposed improvements.
- 9) The proposed improvements would be consistent with the Comprehensive Plan.
 - a. The Lake Elmo Elementary School is located within the Village Area and is identified to remain as a public facilities site in which schools are a conditionally permitted use. The proposed improvements would not change the use and would remain in conformance with the Comprehensive Plan.
- 10) No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive.
 - a. A septic system was designed for the school in 1992 by TKDA, an engineering firm. A design memorandum from that time identifies a maximum design flow of 9,000 gallons per day, which exceeds the requirement outlined in city code. The septic system is consistent with the design approved in 1992. The school is within the identified Village Area and is planned to connect to the sanitary sewer system in the future. The proposed improvements will not increase the capacity the system was designed for.
- 11) Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.
 - a. The school currently has access off of State Highway 5, County Road 17, and Laverne Avenue North which meets this requirement.

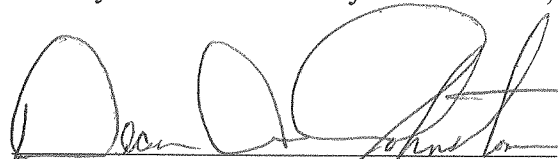
CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Conditional Use Permit Amendment is granted subject to the following conditions:

1. An acceptable stormwater maintenance agreement must be provided to the city.
2. A drainage and utility easement must be provided to the City of Lake Elmo up to the 100-Year Flood Elevation for each stormwater facility.

3. A Valley Branch Watershed District must be obtained.
4. A screening fence shall be installed to separate the proposed pond from the soccer field until such time as the proposed tree line grows in maturity and provides the necessary barrier. The fence shall meet the screening requirements in the fence code.
5. A construction fence shall be shown on the plans and installed to protect the existing drainfield areas to keep construction traffic from compacting the soil in these locations.
6. The school should address the concern of the projected student population reaching the maximum capacity for the septic system design as stated in the TKDA Design Memo from December 4, 1992.
7. The school should maintain the septic system per the original designs as identified on the Lake Elmo Elementary School Drainfield Plan dated 1/13/93.
8. The septic tank shall be pumped annually.
9. The temporary classrooms and enclosed hallway shall be sprinkled as required by the State Fire Marshall.
10. The school shall cooperate with the City of Lake Elmo to install a fire hydrant on the North side of the school property at the time a public water main is extended along County Road 17 by the Lake Elmo Elementary property.
11. A revised lighting plan must be submitted to comply with the requirements of the Lake Elmo City Code and as stated in the engineer's memos dated May 3, 2010.
12. A revised landscape plan must be submitted to comply with the requirements of the Lake Elmo City Code and the material substitution as identified by staff and in the report by TKDA.
13. The school shall work with the Minnesota Department of Transportation, Washington County, and the City of Lake Elmo to add directional and other appropriate signage directing traffic for the new designated drop off area for the school. The signage would be located on State Highway 5, County Road 17, 39th Street and Laverne Avenue North.
14. A construction schedule must be provided.
15. Haul routes and temporary storage and construction parking areas identified.
16. The School District will write a letter jointly with the City of Lake Elmo to Washington County requesting "No Parking" signs be added to County Road 17 for at least the length of the school's property.
17. The school post "No Parking Anytime" signs on the Northern (entrance) side of the roadway off of Laverne Avenue in order to ensure access for public safety vehicles.

Passed and duly adopted this 18th day of May 2010 by the City Council of the City of Lake Elmo, Minnesota.


Dean A. Johnston, Mayor

ATTEST:


Bruce Messelt, City Administrator