

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

RESOLUTION NO. 2011-018

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE
JESUIT RETREAT HOUSE AT 8243 DEMONTREVILLE TRAIL TO ALLOW THE
CONSTRUCTION OF AN EARTH-SHELTERED MAINTENANCE SHOP AND GREENHOUSE*

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

WHEREAS, the Jesuit Retreat House, 8243 Demontreville Trail (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit amendment to allow the construction of an earth sheltered maintenance shop and greenhouse on the northern portion of its 106 acre property, a copy of which is 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 April 25, 2011; 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 3, 2011; and

WHEREAS, the City Council considered said matter at its May 3, 2011 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 construction of an earth-sheltered maintenance shop and greenhouse on the northern portion of the Jesuit Retreat House property.

- 4) That the proposed CUP Amendment will be located on property legally described as follows and commonly known as 8243 Demontreville Trail:

Lots 3 and 4 and the western half of the southeast quarter of Section 4, Township 29, Range 21, except the South 30.06 acres, being South 688 feet of both said lot 4 and western half of the southeast quarter of said Section; and

Excepting therefrom that part of Government Lot 4 in Section 4, Township 29, Range 21, containing approximately 4.8 acres, devised to Del Cisco by the Last Will and Testament of Ida May Waldorf, deceased; and

Excepting further that part of Government Lot 3, Section 4, Township 209, Range 21, containing approximately 7.77 acres, devised by the Last Will and Testament of Ida May Waldorf, deceased, to Andrew J. Waldorf, as said tracts are more definitely described in said Will recorded in Book 131 of Deeds, Page 432, and in the Final Decree in the estate of said Ida May Waldorf, recorded in Book 131 of Deeds, Page 437, in office of the Register of Deeds in and for Washington County, Minnesota, containing approximately 92 acres.

All in Washington County, State of Minnesota. PID Numbers: 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) That the proposed structure will not negatively affect the health, safety, morals, convenience, or general welfare of surrounding lands. ***The proposed structure will be located in a heavily wooded and screened portion of the applicant's site, and will not generate any additional traffic, noise, or other impacts beyond what presently exists on the property.***
- 6) The proposed improvements will not affect traffic or parking conditions. ***The proposed building will house maintenance equipment currently being used on the property and stored in another portion of the site. No additional traffic from off-site will be generated from the new building.***
- 7) The proposed improvements will not have an effect on utility or school capacities. ***Sanitary sewer facilities will not be provided to the building.***
- 8) The proposed improvements would have no effect on property values of surrounding lands. ***The proposed building will not be visible from surrounding lands and will accommodate activities already occurring on the site.***
- 9) The proposed improvements would be consistent with the Comprehensive Plan. ***The Jesuit Retreat house is considered a "Place of Worship" and permitted as a Conditional Use in the PF Zoning District. The property is guided for Public and Semi-Public Facilities in the Comprehensive Plan.***

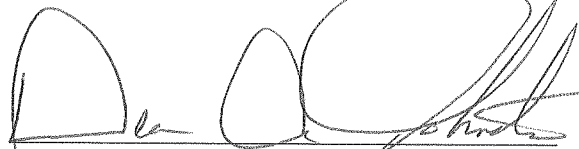
- 10) No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive. ***The proposed building will not result in any increase in the septic system capacity for the site.***
- 11) Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial. ***Demontreville Trail is classified as a Municipal State Aid Route.***

CONCLUSIONS AND DECISION

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

1. The site plans shall be revised prior to the issuance of a building permit for the garage and greenhouse structure to show the retaining wall calculations for all walls over four feet in height.
2. The site plans shall be revised prior to the issuance of a building permit to either reduce all slopes depicted at a 2:1 grade to a 3:1 grade or lower. As an alternative, the applicant may provide information on how these slopes will be stabilized.
3. The erosion control plan shall be revised prior to the issuance of a building permit include all details requested by the City Engineer.
4. The site and construction plans shall be signed by an engineer registered in the State of Minnesota.
5. The proposed garage building pit shall be removed from the site plans or otherwise revised to comply with the Minnesota State Building Code.

Passed and duly adopted this 3rd day of May 2011 by the City Council of the City of Lake Elmo, Minnesota.



Dean A. Johnston, Mayor

ATTEST:


Bruce Messelt, City Administrator

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 3rd day of May, 2011, as shown by the minutes of said meeting in my possession.



Sharon Lumby
City Clerk