

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

RESOLUTION NO. 2014-61

*RESOLUTION APPROVING A THE LAKEWOOD CROSSING PRELIMINARY PLAT AND
FINAL PLAT, AND APPROVING A CONDITIONAL USE PERMIT FOR A GASOLINE
STATION IN STAGE 1 OF THE I-94 CORRIDOR PLANNING AREA*

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

WHEREAS, CM Properties 94 LP, 3470 Washington Drive, Suite 102, Eagan, MN and Kwik Trip, Inc., PO Box 2107, La Crosse, WI, have submitted an application to the City of Lake Elmo (City) for a Preliminary Plat and Final Plat to be called Lakewood Crossing on an approximately 6 acre in Stage 1 of the I-94 Corridor Planning Area (PID: 34.029.21.44.0007), a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, CM Properties 94 LP, 3470 Washington Drive, Suite 102, Eagan, MN and Kwik Trip, Inc., PO Box 2107, La Crosse, WI, have submitted an application to the City of Lake Elmo (City) for a Conditional Use Permit to construct a gasoline station and car wash; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on July 14, 2014 to consider the Preliminary Plat, Final Plat and Conditional Use Permit request; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat, Final Plat and Conditional Use Permit subject to 8 conditions of approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat, Final Plat and Conditional Use Permit as part of a memorandum to the City Council from City Planner Nick Johnson for the July 22, 2014 Council Meeting; and

WHEREAS, the City Council reviewed the application at its meeting held on July 22, 2014 and made the following findings of fact:

- 1) That the Lakewood Crossing preliminary and final plat are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Lakewood Crossing preliminary and final plat comply with the City's C - Commercial zoning district.
- 3) That the Lakewood Crossing preliminary and final plat comply with the City's subdivision ordinance.

- 4) That the Lakewood Crossing preliminary and final plat meet other City zoning ordinances, such as landscaping, erosion and sediment control, and other ordinances.
- 5) That the Lakewood Crossing preliminary and final plat is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter July 9, 2014.
- 6) That the proposed architectural design of the gasoline station, canopy and car wash is consistent with the Lake Elmo Design Guidelines and Standards Manual.
- 7) That the proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City.
- 8) That the use or development conforms to the City of Lake Elmo Comprehensive Plan.
- 9) That the use or development is compatible with the existing neighborhood.
- 10) That the proposed use meets all specific development standards for such use listed in Article 7 of the Zoning Code.
- 11) That the proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
- 12) That the proposed use will not be hazardous or create a nuisance as defined under the Zoning Code to existing or future neighboring structures.
- 13) That the proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems.
- 14) That the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 15) That the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 16) That vehicular approaches to the property will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- 17) That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Lakewood Crossing Preliminary Plat, Final Plat and Conditional Use Permit subject to the following conditions:

- 1) All required modifications to the plans as requested by the City Engineer in a review letter dated July 9, 2014 shall be incorporated into the plans prior to the approval of the building permit for the gasoline station. Required modifications include, but are not limited to, the following:

- a. The design of the west-bound left turn lane proposed for the southwest access on Hudson Boulevard must be revised to incorporate a 50:1 taper to account for the 50mph design speed of the road as suggested by the City Engineer and the supporting consultant.
 - b. The design of the northeast right-out only access must be revised per the recommendation of the City Engineer and Washington County. The design of the northeast access must be approved by the City prior to the approval of the building permit.
 - c. The width of the western full access road must be modified to 40 feet to allow for one inbound lane (16 feet wide) and two outbound lanes (left and right turn lanes, 12 feet wide).
- 2) The applicant shall provide for an access easement over the entire portion of the shared western driveway located on Lot 1, Block 1 to provide dedicated access for Outlot A.
 - 3) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
 - 4) The applicant shall enter into a maintenance agreement with the City concerning the storm water infiltration areas prior to the issuance of a building permit for the gasoline station.
 - 5) The applicant shall pay a parkland dedication fee in the amount of \$9,225.00 prior to the final plat being released for recording.
 - 6) The Landscape Plan shall be reviewed by the City's Landscape Consultant. Any modifications requested by the Landscape Consultant shall be incorporated into the Final Landscape Plan prior to the approval of the building permit for the gasoline station.
 - 7) The applicant shall secure a sign permit for all signage associated with the proposed gasoline station.
 - 8) The applicant shall secure any necessary MnDOT permits for any work impacting the MnDOT right-of-way.

Passed and duly adopted this 22nd day of July 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk