

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

RESOLUTION 2016-91

***A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW
CONSTRUCTION OF AN OVERFLOW PARKING LOT FOR A CHURCH FOR THE
PROPERTY LOCATED AT 5825 KELVIN AVENUE NORTH***

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

WHEREAS, Rockpoint Church, 5825 Kelvin Avenue North, Lake Elmo, MN 55042, (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 overflow parking lot on the eastern portion of its property located at 5825 Kelvin Avenue North (the “Property”); 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 a public hearing on said matter on October 10, 2016; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated October 18, 2016, 2016; and

WHEREAS, the City Council considered said matter at its October 18, 2016 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 are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.

- 3) That the proposed Conditional Use Permit amendment is to allow construction of an overflow parking lot on the east side of the property.
- 4) That the Conditional Use Permit amendment is granted for the property legally described as follows and commonly known as 5825 Kelvin Avenue North:

Lot 1, Block 1, Hidden Meadows of Lake Elmo, Washington County. PID # 02.029.21.21.0003.

- 5) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
The proposed parking lot would have no such impact. It will accommodate an increase of attendance at an existing church.
- 6) The use or development conforms to the City of Lake Elmo Comprehensive Plan.
The proposal is consistent with the Comprehensive Plan in that the Property is guided for Public/Park use. Places of worship are a conditional use in this district.
- 7) The use or development is compatible with the existing neighborhood.
The use is compatible with the existing neighborhood, as it is an expansion of, and an accessory use to, an existing use as a place of worship.
- 8) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.
The use meets most standards for places of worship, except for the standard that direct access to the church be provided to a public street classified by the Comprehensive Plan as a major collector or arterial. The church is provided direct access by Kelvin Avenue North, which is classified as a local/municipal street and connects to Keats Avenue North, which is classified as a major collector.
- 9) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).
The property is located outside a flood plain management area.
- 10) 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 that area.
The proposed parking lot expansion will be compatible in design to the existing parking lots and will be adequately screened from residential areas.
- 11) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.
The proposed parking lot expansion will not be hazardous or create a nuisance, as the parking lot will accommodate an increase in attendance that the existing parking lot does not.

- 12) 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 and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
The proposed use is expected to be served adequately by the aforementioned.
- 13) 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.
The proposed use is not expected to create additional requirements at public cost or be detrimental to economic welfare.
- 14) 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.
Provided conditions are met, the proposed use is not expected to be detrimental.
- 15) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
The proposed parking lot would alleviate ongoing incidents of congestion on nearby streets during special events and holidays.
- 16) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance. *N/A*

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Conditional Use Permit amendment to allow for the construction of an overflow parking lot is granted, subject to the following conditions:

- 1) The applicant must obtain a permit from the Valley Branch Watershed District prior to the issuance of a permit for construction and provide a copy of the permit to the City.
- 2) Lighting will need to comply with Section 150.035: Lighting, Glare Control, and Exterior Lighting Standards of the City Code.
- 3) Designation of two additional accessible parking spaces must be shown on the site plan for when future parking is constructed.
- 4) The site plan shall be revised to provide safe, handicap accessibility to the existing sidewalk detailed on the site plan.
- 5) The future parking area may not be used as parking until paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete.
- 6) Financial security of 125% of the cost of proposed landscaping shall be required prior to issuance of permit to ensure performance for at least two years after the installations have been completed.
- 7) Landscape plans shall comply with the City irrigation specifications and with water supply connection detail, and be approved by the City.
- 8) New landscape plans must be submitted prior to the issuance of a permit for construction of the future parking lot to ensure compliance with screening requirements on the east side of the parking lot.

- 9) Site plans shall be revised and approved by the Fire Chief and Building Official to indicate appropriate “No Parking” and “Fire Lane” sign locations.
- 10) Water utilities shall be shown on the plans, and fire hydrant locations must be added in accordance with the 2015 Minnesota State Fire Code and approved by the Fire Chief and Building Official. All other items addressed in the email from the Building Official dated October 4, 2016 shall be addressed.
- 11) Appropriate watermain and hydrant easements shall be granted.
- 12) The applicant shall address all comments provided by the Engineer via attached email dated September 28, 2016.
- 13) The applicant shall amend the site plan to either curb the northern portion of the parking lot that is proposed to connect to the future parking lot or eliminate the connection altogether until the future parking lot is constructed.
- 14) Construction of the proposed parking area and future parking area must be in compliance with the approved site plan, meeting conditions outlined herein.
- 15) The expiration provisions outlined in Subd. K: Expiration of Section 154.106: Conditional Use Permits apply to the construction of the proposed parking lot. This provision does not apply to the future parking lot as indicated on the site plan.

Passed and duly adopted this 18th day of October, 2016 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk