



November 5, 2019

Ken Roberts
Planning Director
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

11-5-19

RE: Stillwater Area Schools Amended CUP Application

Dear Mr. Roberts:

This letter is intended to supplement the information being submitted for a requested amendment to the School District's approved CUP, Resolution 2018-077. Enclosed you will find the following:

- Land Use Application Form
- Resolution 2018-077
- Escrow Agreement
- Acknowledgement of Responsibility Form
- Affirmation of Sufficient Interest
- Copy of Deed
- 10 copies of the Utility Plan – clean copy
- 10 copies of the Utility Plan – highlighted showing temporary and permanent utilities
- Address labels for property owners within 350 feet
- \$500 application fee

The Stillwater Area Public Schools now owns the property located at 11530 Hudson Blvd. N., in the City of Lake Elmo. Prior to the School District's ownership, the property was used as a bus/truck terminal pursuant to an Interim Use Permit. The IUP allowed the truck terminal to operate at the site with a well and septic system. The IUP was set to expire either on December 2, 2019 or *until any portion of the Property was rezoned* or when public sanitary sewer was provided to the site.

The School District applied for and received approval for the rezoning of the property to Business Park on July 17, 2018, thereby automatically terminating the IUP. At the same meeting, the School District was granted the CUP to use the property as a "School District Transportation Center."

One of the conditions in the approved CUP is that the School District connects to City sewer and water. (Condition No. 9, which states: "The property shall be connected to City sewer and water prior to operation of the bus terminal"). Unfortunately, the School District is dependent upon a developer to complete the extension of sewer and water to the property. As the City is aware, the developer has failed to perform these obligations as required by the developer's development agreement with the City.

Obviously, the default by the developer to timely perform under its development agreement with the City has caused significant and direct consequences to the School District. At the end of October, the School District was forced out of its former site due to the sale of that former site, and out of necessity, has moved its operations to the property. It is important to point out a few significant facts:

1. The School District will complete all of the on-site improvements by December 1, 2019, as required in its Site Improvement Agreement with the City. The School District has expended more than \$2 million for these improvements.
2. Prior to construction, the City informed the School District that it could request an extension of the IUP to operate at the property using a well and septic system for a temporary period of time. Based on that direction, the School District installed a temporary septic tank, supplemented by temporary toilets. The existing well has been approved by the Minnesota Department of Health and the temporary septic services have been approved by Washington County, pending acceptance by the City and a timeline for when City services will become available. The City and School District now know that the IUP was terminated upon the event of the rezoning, thereby making the extension of the IUP impossible.

The School District is, therefore, requesting an amendment to its existing Conditional Use Permit, specifically asking that condition No. 9 of the CUP be amended as follows:

The School District may operate its bus terminal at the property using the well and septic system (septic tank and temporary toilets) either until the School District connects to City sewer and water or until December 31, 2020, whichever occurs first. The School District agrees to connect to City sewer and water within 30 days after it becomes available.


The City already approved the transportation center use in 2018 and determined in its findings that the School District met the City's 12-factor test for the conditional use permit. This requested amendment provides a minor modification to one of the conditions in the already approved use as a transportation center. While proving that the School District's request meets the 12-factor test again is not required for an amendment to this condition in the approved CUP, City Staff requested that we address the 12-factor test specifically as it relates to the requested condition. To that end, we address the 12 factors as follows:

1. The temporary services will not be detrimental to or endanger the public health, safety or general welfare. The existing well has been tested and approved by MDH. The septic tank and temporary toilets are a short-term solution and have been accepted by Washington County, pending City approval and a timeline for connection to City sewer. Well and septic systems have long been used in this area and the School District's short-term solution will not endanger the public.
2. The temporary services conform to the Comp. Plan. The requirement that the property be connected to City sewer and water as soon as they become available is included in the proposed amended language and conforms to the Comprehensive Plan.
3. The temporary services are compatible with the existing neighborhood. The neighboring properties suffer the same predicament as the School District's property and they also await the availability of City services; therefore, the School District's situation is compatible with the existing neighborhood.

4. N/A (no development standards for temporary services)
5. N/A (not in a floodplain or shoreland area)
6. The temporary services have been designed and are being operated and maintained so as to be compatible with the intended character of the neighborhood and will not change the character of that area. As soon as the property is able to connect to City services, these temporary services will be removed, and the well will be sealed. The short-term solution will not alter the character of the area.
7. The temporary services will not create a nuisance to existing or neighboring structures. The septic tank is emptied every 10 days, (and can be emptied with 24-hours' notice) and is equipped with an alarm at 75% capacity. The temporary toilets are serviced on a weekly basis. The School District has contracted with service providers who will perform the necessary maintenance and will ensure that these temporary services will not create a nuisance.
8. The temporary service locations are situated such that there is easy access for maintenance. Essential services will not be hindered by the existence of these temporary services.
9. The temporary services will not create any additional requirements or costs for the City or the community. The School District will perform all needed maintenance in a timely manner, as described above.
10. The temporary services will not create excess traffic, noise, smoke, fumes, glare or odors in any way. There is a mandatory protocol for maintenance, and as stated above, the temporary services will be removed, and the well will be sealed upon connection to City services.
11. N/A (traffic congestion)
12. The location of the temporary services will not do any damage to natural or scenic features of the property. The septic tank was strategically placed on the south side of the building for easy removal upon connection to City services.

The School District is committed to performing its transportation operations pursuant to all of the City's approvals, however, in the short term, this interim solution is necessary in order to provide continuous bus service to the students in the Stillwater Area School District. We hope that this request is viewed favorably by the Planning Commission and the City Council and look forward to addressing any of their questions or concerns.

Very truly yours,



Kristen Hoheisel

Executive Director of Finance & Operations

Enclosures