

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2011-07**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
8678 75TH STREET NORTH
(INDEPENDENT SCHOOL DISTRICT #832)**

WHEREAS, Independent School District #832 (“Applicant”) has submitted an application for a Conditional Use Permit to construct a new elementary school located at 8678 75th Street North in the City of Grant, Minnesota; and

WHEREAS, the legal description for the property is attached and incorporated herein as **Exhibit A**.

WHEREAS, there is an existing conditional use permit related to the athletic field uses and parking lot on the main entrance, and the remainder of the property is currently vacant; and

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on March 21, 2011 and April 18, 2011 and subsequently considered the application on May 16, 2011, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant has considered the Planning Commission’s recommendation at its June 7, 2011, City Council meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the application of Independent School District #832 for a Conditional Use Permit for the property located at 8678 75th Street North, based upon the following findings pursuant to Section 32-146 of the City’s Zoning Ordinance which provides that a Conditional Use Permit may be granted “if the applicant has proven to a reasonable degree of certainty” that specific standards are met. The City Council’s Findings relating to the standards identified in Section 32-146 are as follows:

- The use is designated in Section 32-245 as a conditionally permitted use within the City's Agricultural A1 zoning district.
- The use conforms to the City's Comprehensive Plan.
- The use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood. This finding is based upon, among other materials and documents supplied to the City, the comprehensive environmental reports submitted by the Applicant. The Applicant is the only party to submit a detailed written analysis of the environmental considerations associated with the proposed use. The City engaged environmental consultant, Braun Intertec, to review the environmental data and reports supplied by the Applicant. Braun Intertec reported that the investigations made by the Applicants' consultants were conducted under the auspices of the Minnesota Pollution Control Agency ("MPCA"), to the MPCA's satisfaction based upon approval letters issued by the MPCA. Based upon Braun Intertec's review, issues related to soil vapor, groundwater and soil impacts are adequately addressed by the Applicant. Despite anecdotal testimony received from residents, the City has not received any additional professionally certified written or documented evidence or other data disputing or otherwise contesting the findings of the Applicant's environmental reports.
- The use meets conditions or standards adopted by the City (through resolutions or other ordinances).
- The use will not create additional requirements for facilities and services at public cost beyond the City's normal low density residential and agricultural uses.
- The use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.
- The use will not increase flood potential or create additional water runoff onto surrounding properties.

FURTHER BE IT RESOLVED, that in accordance with Section 32-147 of the City's Zoning Ordinance, the following conditions shall be attached to the City's approval of the Conditional Use Permit:

1. A full plan set meeting all conditions shall be provided to the city and remain on file with this permit.
2. All driveways shall be constructed outside of any existing easements, except where access crossings are necessary. Owners of such easements shall be required to approve any crossings.
3. Access permits shall be obtained from Washington County prior to issuance of any building permits on site.

4. The Jamaca (CSAH 9) access shall be restricted to bus-only traffic and exit-only auto traffic at peak times defined in the Traffic Impact Study as between 8:30 and 9:30 AM, and 3:00 and 4:00 PM during the regular school year. The Applicant shall be required to prepare a revised traffic study reflecting traffic patterns during the first school year. If the study shows a significant decrease in traffic volumes at the CSAH 9 access than currently projected, the CSAH 9 access may be closed to auto traffic at the discretion of the City Council after notice and a public hearing before the City Council.
5. An electronic gate shall be installed on the private driveway at the Jamaca intersection and remain in full functioning order to ensure the traffic is properly controlled at the intersection. The proposed gate system must be approved by the Mahtomedi Fire Marshall.
6. The signage plan at the intersection of the private driveway, Jamaca and Gateway Trail must be established and agreement made between the DNR, Washington County and City. The applicant shall be responsible for the costs of all signage as well as the costs associated with the posting and placement of all signs.
7. The Applicant shall prepare a marketing plan for circulation to parents and guardians promoting walking, biking, and bus ridership of students in an effort to minimize the number of cars accessing the site.
8. The traffic circulation plan and drive width shall be subject to the review and approval of the City Engineer and Mahtomedi Fire Marshall. The applicant shall be responsible for the costs of all driveways, accesses, and road improvements required as a result of the new elementary school.
9. The monument sign shall comply with the City's sign ordinance and shall be approved by the City Planner and City Engineer.
10. Parking lot lighting and lighting along the driveways shall be a maximum of 25' tall and all fixtures shall be down-lit and shall not extend beyond the property line.
11. The elementary school building shall not exceed a height of 36' at any point on the structure.
12. No structures or improvements shall be constructed in areas identified as being encumbered by an easement, with the exception of those identified in Condition 2.
13. Building permits shall be acquired prior to any construction on the site.
14. The Applicant shall execute the landscaping plan as shown in Exhibit B. The landscaping plan is consistent with the recommendations of the Washington Conservation

District (WCD) and integrates plant diversity in the buffer areas. As shown in Exhibit B, 172 Coniferous trees and 69 deciduous bushes shall be planted to accomplish screening and buffering of adjacent residential uses.

15. All deciduous and coniferous trees proposed shall have a minimum diameter of 2" caliper or shall be a minimum of 6-feet tall as recommended by the WCD. A two-year landscaping guarantee shall be required for the planting schedule identified on Exhibit B. After the initial two-year period the School District shall maintain and manage the buffer plantings for a minimum of an additional three-year period to ensure the plantings are established and viable long-term. Substitute plantings shall be allowed after the initial two-year period provided that the primary objective of buffering for adjacent residential uses is accomplished.
16. The location of proposed plantings as identified in the buffering and landscaping plan shall be accomplished in collaboration with property owners to the north and east to ensure that sight lines are buffered and/or protected. It shall be included within the School District's bid package that the landscaping along the north and east boundary shall be staked prior to planting and neighbors asked to determine whether trees/plantings need to be moved to accomplish the screening objective.
17. The Buffering and Landscaping Plan as described in Condition 14 shall be fully implemented within 12 months of construction completion of the school.
18. In accordance with Section 32-147 of the City's Zoning Ordinance, the Applicant shall be required to provide a financial guaranty to the City in the amount of \$60,000 to ensure the Buffering and Landscaping plan is fully implemented.
19. All stormwater management and surface water runoff must comply with the recommendations and conditions of the City Engineer.
20. All grading plans, including any remediation due to the closed landfill, drainage, utility plans and easements are subject to the review and approval of the City Engineer.
21. The Joint Powers Agreement for utilities with the City of Mahtomedi must be executed prior to issuance of any grading or building permits.
22. The extension of sanitary sewer and watermain utility permits shall be contingent on the approval of the Mahtomedi utility permits.
23. Any signage beyond that identified in the submitted plan shall require an amendment to the CUP.
24. All fences over 6-feet tall shall require a building permit.

25. All erosion control measures, all construction and site improvements and the location of all silt fencing shall be subject to the review and approval of the City Engineer and subject to the direction therefrom.
26. All construction shall be completed in compliance with the directions of the RCWD, the MPCA, the Department of Health or any governmental or regulatory agency having jurisdiction over the site.
27. All escrow amounts shall be paid in full.
28. This permit shall be reviewed on an annual basis. At the first review after the school is constructed, the Applicant shall be required to submit a traffic study demonstrating current traffic conditions at the site.
29. Any violation of the conditions of this permit shall result in the revocation of said permit after notice and a public hearing before the City Council.
30. Any change in use, buildings, sales, lighting, parking, storage, screening, traffic circulation shall require an amendment to this permit.

Adopted by the Grant City Council this 7th day of June, 2011.

Tom Carr, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2011 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this ____ day of _____, 2011.

Kim Points
Clerk
City of Grant

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT B
BUFFERING AND LANDSCAPING PLAN