



SUPERVISOR, CHAIR  
John Pazlar  
16601 Orwell Road North  
Marine on St. Croix, MN 55047  
(651) 433-5013

SUPERVISOR  
Steve Magner  
31 Moonlight Bay  
Stillwater, MN 55082  
(651) 439-5366

SUPERVISOR  
Don Rolf Jr.  
14260-131<sup>st</sup>. St. N.  
Stillwater, MN 55082  
(612) 209-3042

CLERK/TREASURER  
Bobbi Hummel  
P.O. Box 60  
Marine on St. Croix, MN 55047  
(651) 439-1706

DEPUTY CLERK/TREASURER  
Marsha Olson  
817 Everett Drive  
Stillwater, MN 55082  
(651) 275-9178

PLANNING COMMISSION  
Chad Nelson  
12768 170th Street North  
Marine on St. Croix, MN 55047  
(651) 491-8703

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**AGENDA**  
**TOWN OF MAY**  
**August 8<sup>th</sup>, 2024**  
**7:00 p.m.**

**13939 Norell Ave. N.**  
**Stillwater, MN 55082**

- 1. Call to Order**
- 2. Old Business**
  - Conditional Use Permit Application, Liberty Classical Academy
- 3. Adjourn**

July 31, 2024

May Township Board of Supervisors  
P.O. Box 60  
Marine on St. Croix, MN 55047

John Pazlar, Chair  
[johnpazlar.townofmay@gmail.com](mailto:johnpazlar.townofmay@gmail.com)  
Steve Magner  
[Baymoon31@gmail.com](mailto:Baymoon31@gmail.com)  
Don Rolf  
[drolf@townofmay.org](mailto:drolf@townofmay.org)

Re: Liberty Classical Academy

Dear Board of Supervisors:

At the special Town Board meeting held on July 25, 2024, board members adopted an interim ordinance enacting a moratorium on expansion of commercial or institutional uses in the Rural Residential District, which was manifestly intended to satisfy opponents of the school. At that meeting, the school was asked whether it would extend the timeframe for decision on its application for a conditional use permit (CUP) to follow the moratorium. Please be advised that our client will not waive the deadline for decision under Minnesota Statutes, Section 15.99. The application satisfies all requirements for approval of the CUP. Denial of the permit would violate Minnesota and federal law.

The adoption of the moratorium cannot be used as a basis for denial of the CUP or to frustrate our client's plans to expand its school. The school has invested millions of dollars with the expectation that it would have approval to commence construction this fall and open the school addition prior to the next school year. Our client will enforce its legal rights if the Town Board acts in contravention of state and federal law.

Sincerely,



William C. Griffith, for  
Larkin Hoffman  
Direct Dial: 952-896-3290  
Direct Fax: 952-842-1729  
Email: [wgriffith@larkinhoffman.com](mailto:wgriffith@larkinhoffman.com)

cc: Rebekah Hagstrom, Liberty Classical Academy  
Bryan Huntington, Larkin Hoffman  
Dave Snyder, Town Attorney



# MAY TOWNSHIP

WASHINGTON COUNTY *Minnesota*

## MEMORANDUM

TO: Town of May Board Chair and Supervisors

FROM: Nate Sparks, Town Planner

DATE: July 31, 2024

RE: Liberty Classical Academy – Conditional Use Permit - Continued

### **Background**

Liberty Classical Academy has made an application for a 33,590 square foot addition to the existing Withrow School building at 10158 122<sup>nd</sup> St in Hugo. The school seeks to add the property at 10292 122<sup>nd</sup> St (28 acres) – also in Hugo - and the unaddressed property to the east (45 acres) in May Township to the site. The parcel in May Township is intended to be used for the septic system and a storm pond and a portion of an open recreational field.

The property in May Township is zoned RR, Rural Residential. The use of property as a part of the school requires a conditional use permit. Schools are a conditional use within the RR District.

### **Continued Discussion**

At the July 25, 2024 Town Board Special Meeting, the Board adopted a moratorium on non-residential uses and associated facilities in the Rural Residential Zoning District to study the impacts such uses have on these areas. The Town requested that the applicant extend the review period through the moratorium to allow for the study to be completed before final consideration of the request. The applicant stated that they would not allow for an extension.

### **Recommended Action**

Due to the applicant stating that they would not allow for the extension, the application is inconsistent with the terms of Ordinance No. 2024-02. Therefore, a resolution denying the application has been prepared for your consideration.

**TOWN OF MAY  
WASHINGTON COUNTY, MINNESOTA  
RESOLUTION NO. 2024-10**

**DENYING A CONDITIONAL USE PERMIT FOR LIBERTY CLASSICAL ACADEMY**

**WHEREAS**, Liberty Classical Academy (the “Applicant”) operates a school at 10158 122<sup>nd</sup> Street North in the City of Hugo (the “City”); and

**WHEREAS**, the Applicant is seeking to add a 33,590 square foot addition onto the building in the City; and

**WHEREAS**, the Applicant is seeking to add a maintenance building, stormwater pond, and septic system accessory to the school at unaddressed property in the Town of May (the “Town”) adjacent to the school site legally described as (the “Property”):

The Northwest Quarter of the Southwest Quarter of Section 31, Township 31, Range 20, Washington County, Minnesota; and

**WHEREAS**, the Town held a duly-noticed public hearing at the Planning Commission meeting on May 29, 2024; and

**WHEREAS**, the Property is zoned RR, Rural Residential; and

**WHEREAS**, the Town Board adopted as Ordinance No. 2024-02 an interim ordinance establishing a moratorium on schools and facilities associated with schools within the Rural Residential District on July 25, 2024; and

**WHEREAS**, the purpose of Ordinance No. 2024-02 is to protect the planning process and allow the Town time to study potential conflicts between non-residential and residential uses within the Rural Residential District; and

**WHEREAS**, the interim ordinance states that the Town shall not approve any applications for schools or accessory facilities to schools for the duration of the interim ordinance; and

**WHEREAS**, the application is for accessory facilities to a school within the Rural Residential District; and

**NOW, THEREFORE, BE IT RESOLVED**, due to fact that the application is inconsistent with the terms of Ordinance No. 2024-02, as it is seeking approval for facilities associated with a school which said Ordinance prohibits the consideration or approval of, the Town of May denies the conditional use permit request from the Applicant. The application may be renewed upon the completion of the moratorium considered in Ordinance No. 2024-02.

**BY VOTE OF THE TOWN BOARD: MAGNER\_\_\_\_\_, PAZLAR\_\_\_\_\_,  
ROLF ABSTAIN, THIS RESOLUTION IS ADOPTED BY THE BOARD OF SUPERVISORS  
OF THE TOWN OF MAY THIS 8<sup>TH</sup> DAY OF AUGUST, 2024.**

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Attest: Bobbi Hummel, Clerk

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John Pazlar, Chair