

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

RESOLUTION NO. 2021-099

A RESOLUTION APPROVING A CUP FOR ENTERPRISE HOLDINGS

WHEREAS, Joshua Calderon from Enterprise Holdings (the “Applicant”) and Ray Pruban from Lakeview Investments Inc. (the “Owner”; Owner and Applicant known together as “Development Team”) are developing the parcel identified as PID 34.029.21.33.0027 and also known as Outlot F in Boulder Ponds (the “Property”). The Development Team has submitted an application to the City of Lake Elmo (the “City”) for an Enterprise facility that would include the sale and rental of vehicles; and

WHEREAS, notice has been published, mailed, and posted pursuant to the Lake Elmo Zoning Code, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said CUP on August 9, 2021; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendations with respect to the requested variance to the City Council as part of the City Staff Memorandum dated September 7, 2021; and

WHEREAS, the City Council considered the variance request at its September 7, 2021 meeting; and

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following findings, conditions, and conclusions:

FINDINGS

1. 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.
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. The property is guided for Commercial, in which a motor vehicle sales and storage facility is a conditional use.
3. The use or development is compatible with the existing neighborhood.
4. The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.

5. 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).
6. 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.
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. The proposed use will not be hazardous or create a nuisance. To help ensure the proposed use will not be hazardous or create a nuisance, staff is recommending that the City prohibit the fueling or repair vehicles on site while allowing vehicle washing.
8. 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.
9. 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.
10. 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. The proposed use will generate an increase in the number of vehicle trips per day over a vacant property but the traffic volume should lower than many of the other possible commercial land uses that could occur on the site.
11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

CONDITIONS OF APPROVAL

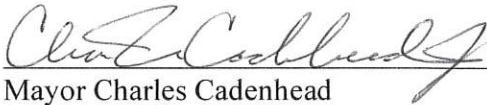
1. The applicant must obtain all other necessary City, State, and other governing body permits prior to the commencement of any construction activity on the parcel including but not limited to an approved stormwater management plan, utility plans, grading plan, street construction plans (if required), parking lot permit, building permits, etc.
2. That City Council approve the requested zoning code text amendment to allow the rental vehicles at sales and storage facilities by conditional use.
3. The applicant revise all project plans to address the review comments of the City Engineer in his memos dated August 2, 2021.
4. The applicant shall revise the project plans to show a fire hydrant near the northwest corner of the building at the direction of the Fire Department and the City Engineer. All fire hydrants shall be owned and maintained by the City.

5. Landscape plans must be revised and approved by the City's Landscape Architect prior to recording of the final plat. The landscape plans must meet all City parking lot landscaping and screening requirements including screening on the northern portion of the property from adjacent properties and the public right-of-way.
6. The applicant shall secure a sign permit from the City for all signage associated with the proposed motor vehicle sales and rental facility.
7. The proposed building shall meet the Lake Elmo Design Guidelines and Standards.
8. Enterprise and all future owners/operators on this site shall not store any damaged or inoperable vehicles outside on the site.
9. The City prohibits the fueling or the repair vehicles on site.
10. The City allows vehicle washing as part of this conditional use permit.

CONCLUSIONS

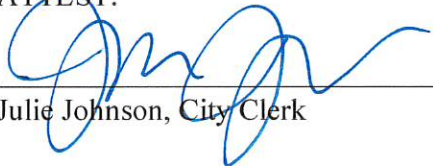
1. Based on the above findings, the City Council hereby approves the requested CUP. The conditions of approval are set forth above.

Passed and duly adopted this 7th day of September, 2021 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk