

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

ORDINANCE NO. 2023-011

**AN ORDINANCE AMENDING CHAPTER 105 OF THE LAKE ELMO
CITY CODE OF ORDINANCES BY REZONING ALL PROPERTY AT
PID's 34.029.21.44.0006 and 34.029.21.44.0004 FROM C (COMMERCIAL)
TO C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT)**

SECTION 1. Zoning Map Amendment. The following property is hereby rezoned from C- Commercial, to C-PUD Commercial Planned Unit Development:

The West One-half of the Southeast Quarter of the Southeast Quarter of Section 34, Township 29, Range 21, EXCEPT that part depicted as Parcel 33B on Minnesota Department of Transportation Right of Way Plat No. 82-43 filed March 22, 1982, as Document No. 429592, which was taken by the State of Minnesota in Final Certificate dated October 4, 1989, filed October 24, 1989, as Document No. 613150.

To be platted as:

Lot 1, Block 1 and Lots 1-3, Block 2, Ebertz Addition, according to the recorded plat thereof, County of Washington, State of Minnesota.

SECTION 2. PUD District Regulations. Permitted uses and regulations acceptable to the PUD are hereby established as follows:

1. Land Use – Uses permitted, conditional, interim uses within this PUD shall be: All of the permitted, conditional, interim uses respectively within the C- Commercial zoning district; except the following shall be permitted:
 - a. All the auto dealer uses as in the proposed plans
 - b. Fast-food uses as in the proposed plans (DQ)
 - c. Indoor recreation facility
 - d. Daycare
2. Accessory Uses - Accessory uses shall be incidental to the principal uses of the property and as allowed in the C- Commercial zoning district.
3. Design and Performance Standards – Unless a PUD deviation has been granted or

conditions imposed, the standards for this property shall be those found in the C-Commercial zoning district, Article XV of the Zoning Ordinance except that maximum building height shall be 30 feet and the total square footage of buildings on Lots 1-3, Block 2 not exceed 124,000 square feet unless a secondary access is approved by the City.

The following deviations are granted as proposed:

1. Block 2 lots to have sole access from private driveway.
 2. Lot 3, Block 2 to be created without street frontage.
 3. Shared access is allowed between Lot 1, Block 1 and the adjacent commercial development.
 4. 41-foot driveway width for combined Lots 1 & 2, Block 2.
 5. A deviation to allow compatible, but not the same materials for trash enclosures.
 6. Consider the longer front lot line of Lot 1 Block 1 the front (it's a corner lot).
 7. Required screening from residential to not have a 6-foot-tall fence along the westerly lot line of Lot 1 Block 2 in front of the retaining existing adjacent retaining wall.
 8. Deviation to not meet the one tree per 50 feet of frontage along north side of Hudson Boulevard and parking lot screening due to existing utilities and overhead powerlines that will remain in the boulevard area and proposed sidewalk/trail.
 9. Lighting to exceed 0.4-foot candles at the property line between Lots 1-2, Block 2 and on Lot 1, Block 1.
 10. Comprehensive Sign Plan to allow off-premises signs for entire PUD; multi-colored digital sign; digital sign exceeding 40 sq. feet; freestanding sign height of 50'; consider the private driveway to be street frontage; increase in number of wall signs; increase in size of wall signs; decreased ground sign setback; and increase in square footage allowed for ground sign and wall signs.
 11. Deviations to design guidelines for Lot 1, Block1 including allowing more than 60% parking frontage on a public street and allow primary colors for exterior materials.
4. Comprehensive Sign Plan- A Comprehensive Sign Plan as approved by the Lake Elmo City Council with deviations is also incorporated into this PUD.

SECTION 3. Zoning Map. The zoning map of the City of Lake Elmo shall be republished in the ordinary course to show the aforesaid zoning, and in the interim the Clerk shall appropriately mark the zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance, and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance 2023-011 was adopted on this 16th day of May, 2023, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL


Charles Cadenhead, Mayor

ATTEST:


Julie Johnson, City Clerk

This Ordinance 2023-011 was published on the 19th day of May, 2023

