

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

**RESOLUTION NO. 2023-047**

***RESOLUTION APPROVING THE FINAL PLAT AND FINAL PUD PLAN FOR JON HAUSER, DRAKE MOTOR PARTNERS LE LLC, FOR THE EBERTZ SITE (PID 34.029.21.44.0006 AND 34.029.21.44.0004)***

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, the City of Lake Elmo has established a Comprehensive Plan that includes background data, policy statements, standards, and maps that help to guide the future physical, social, and economic development of the City; and

**WHEREAS**, Jon Hauser, Drake Motor Partners LE LLC, has submitted application to the City of Lake Elmo (City) for a Preliminary Plat and Preliminary PUD Plan for four lot subdivision with one lot proposed as an auto dealership, one lot as a fast food restaurant, and two vacant lots located on the north and south sides of Hudson Blvd, west of Keats Avenue, a copy of which is on file in the City of Lake Elmo Planning Department; and

**WHEREAS**, through Resolution 2023-023, the City of Lake Elmo approved a Preliminary Plat and PUD, for a four-lot subdivision with one lot proposed as an auto dealership, one lot as a fast food restaurant, and two vacant lots; and

**WHEREAS**, the Applicant, Jon Hauser, Drake Motor Partners LE LLC, has requested a Final Plat and PUD with the plans submitted to the City on April 14, 2023, along with subsequent revisions; and

**WHEREAS**, the applications for Final Plat and PUD were not found by the city to be complete until May 2, 2023; and

**WHEREAS**, notice was published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 105.12.250; and

**WHEREAS**, the Lake Elmo City Council held a public hearing on May 16<sup>th</sup>, 2023 and heard from those interested;

**WHEREAS**, the Lake Elmo City Council reviewed the Final Plat and PUD requests as its meeting held on May 16, 2023 and voted to approve the item with the following findings of fact:

1. That the final plat and Final PUD Plan is consistent with the preliminary plat and Preliminary PUD Plan approval.
2. That the Final PUD Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.

3. That the Final PUD Plan complies with the general intent of the C- Commercial zoning district with PUD modifications.
4. That the Final PUD Plan generally complies with the Lake Elmo Design Guidelines and Standards Manual.
5. That the final plat generally complies with the City's Subdivision regulations.
6. That the final plat generally complies with the City's design standards.
7. That the final plat generally complies with the City's Zoning Code with the exceptions provided for in the PUD.
8. That the final plat and PUD Plan must be revised to address the comments noted in the City Engineer's memorandum.
9. That the final PUD Plan must be revised to be consistent with City's landscape plan and tree replacement standards pursuant to the Landscape Architects memo.
10. That the final plat and PUD Plan must be revised to address the comments noted in the Fire Department memo.
11. That the final PUD Plan meets the minimum requirements for a PUD.
12. That the final PUD Plan meets items a, c, d, and i from the identified PUD objectives identified in Section 105.12.1130. Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.
  - a) Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches. ***The shared access drive and stormwater ponding areas allow for more efficient use of land.***
  - c) Establishment of appropriate transitions between differing land uses. ***This overall PUD provides a buffer between the interstate highway and residential uses. There are significant site specific plantings proposed to buffer the adjacent residential uses and to the most reasonable extent possible, existing trees are being preserved within the buffer area.***
  - d) Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection and other public facilities than would otherwise be provided under conventional land development techniques. ***This is achieved with shared stormwater ponding.***
  - i) Creation of more efficient provision of public utilities and services, lessened demand on transportation, and/or the promotion of energy resource conservation. ***With the proposed private access drive, there will be less demand on public services.***
13. That the site will be served by public utilities, not have a detrimental impact on traffic, supply adequate off-street parking.
14. That the proposed land uses will be compatible both in terms of internal site plans, and with regard to adjacent land uses.
15. That the site complies with wetland, stormwater management requirements.

16. That the use will maintain standards of architectural design and building quality consistent with the uniform building code and all other applicable city codes,
17. That the proposed use will not create fiscal problems for the city or adversely impact the health, safety, or welfare of the city.
18. That the applicant has proposed significant mitigating efforts to buffer the proposed commercial uses on Block 2 from the adjacent residential uses including no wall signs facing north or west, additional landscaping, and higher quality fencing materials.
19. That the proposed uses will bring commerce and employment to the city.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve Jon Hauser, Drake Motor Partners LE LLC Final Plat, and PUD requests subject to the following conditions:

1. The Final Plat/Final PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
2. Prior to the City releasing the final plat, the applicant shall address all comments in the City Engineer's memo dated May 9, 2023, to the satisfaction of the City Engineer.
3. Prior to the City releasing the final plat the applicant shall revise the landscape plan and tree preservation plan in accordance with the City Landscape Architect's memo dated May 2, 2023 to the satisfaction of the City Landscape Architect.
4. Prior to the City releasing the final plat, the applicant shall demonstrate compliance with the items listed in the April 17, 2023, memo from the Fire Department to the satisfaction of the Fire Chief.
5. All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual dated January 2022, unless approved otherwise by the City Engineer.
6. The applicant shall verify compliance with Valley Branch Watershed (VBWD) comments and that the applicant provide the City evidence that all conditions attached to a VBWD permit will be met before the starting any grading activity on the site.
7. The applicant shall verify compliance with Minnesota Department of Transportation (MnDOT) comments (dated May 4, 2023) and permitting, and that the applicant provide the City evidence that all conditions attached to a MnDOT permit will be met before the starting any grading activity on the site.
8. That the applicant shall obtain all necessary permits including but not limited to all applicable City permits (building, grading, wetland, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval before starting any grading or construction activities.
9. A wetland permit is required for the proposed wetland filling. Required wetland mitigation shall be provided for at the time of permit.
10. The applicant/developer is responsible, at their own expense, for installing all required right of way improvements. Improvements in Hudson Boulevard shall be consistent with Washington County and city standards.
11. Park dedication in the amount of \$102,360.00 shall be paid prior to recording of the final plat.
12. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.

13. A landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
14. The finalization, adoption, and publication of an overlay district ordinance shall occur before the recording of the final plat.
15. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement with the City. Such an Agreement must be approved by the City Attorney and by the City Council. The Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore. The Agreement shall outline any approved phasing plan.
16. The Developer shall pay all outstanding taxes and assessments at the time of recording the final plat.
17. The Developer shall provide the City with a copy of final title insurance policy at the time of recording the final plat.
18. The future owner of Lot 1, Block 1 (the DQ) shall enter into a Site Work Agreement prior to any permit being issued for said lot. This will require separate securities for code compliance.
19. For Lot 1,Block 1, the drive aisle widths shall be modified to meet City Code minimum requirements prior to issuance of a permit.
20. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat/ PUD approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat or final PUD, and said plan shall document the extent of any proposed grading on the site.
21. If necessary, the applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat or final PUD application.
22. The land exchange for the 50-foot-tall ground sign shall be completed prior to issuance of said sign permit. If the land exchange is technically not feasible, then the developer may grant the city an easement and the city may grant the developer an Encroachment Agreement to achieve the same purpose.
23. Approval of the final plat expires if not recorded within 180 days of the approval date. Extensions may be granted per City Code 103.00.100(b)(7).

Passed and duly adopted this 16<sup>th</sup> day of May, 2023 by the Lake Elmo Minnesota City Council.

  
Charles Cadenhead, Mayor

ATTEST:

  
Julie Johnson, City Clerk