

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

**RESOLUTION NO. 2023- 084**

*RESOLUTION APPROVING A ZONING MAP AMENDMENT OF PARCEL #1 FROM COMMERCIAL PLANNED UNIT DEVELOPMENT (C-PUD) TO PUBLIC RIGHT-OF-WAY AND PARCEL #2 FROM PUBLIC RIGHT-OF-WAY TO COMMERCIAL PLANNED UNIT DEVELOPMENT (C-PUD).*

**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**, the City of Lake Elmo has established a Zoning Ordinance (Chapter 105) within the City Code including zoning districts and a zoning map; and

**WHEREAS**, in July of 2023, the applicant entered into a land use exchange agreement with the City of Lake Elmo; and

**WHEREAS**, the land exchange agreement requires a Comprehensive Plan amendment, and zoning map amendment; and

**WHEREAS**, Parcel #1 (part of Lot 1, Block 1, EBERTZ ADDITION, Washington County, Minnesota. PID 34.029.21.44.0004) is proposed to be amended from Commercial Planned Unit Development (C-PUD) zoning to Right-of-way (ROW); and

**WHEREAS**, Parcel #2 (part of Parcel 33B, Minnesota Department of Transportation Right of Way Plat No. 82-43, Washington County, Minnesota. PID 34.029.21.44.0012) is proposed to be amended from Right-of-way (ROW) to Commercial Planned Unit Development (C-PUD) zoning; and

**WHEREAS**, the public notice was published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109, and MN State Statute 473.858; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing about the proposed amendments on August 28, 2023; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation of approval to the City Council as part of a staff report dated August 28, 2023; and


**WHEREAS**, the City Council considered the said matters at its September 19, 2023, meeting and made the following findings of fact:

1. That the applicant has submitted a request to the City of Lake Elmo to amend the Zoning Map in accordance with the procedures as established by the Lake Elmo Planning Department and the Lake Elmo Planning Commission; and
2. That the request is to amend the Zoning Map for Parcel 1 from Commercial PUD (C-PUD) to Public Right-of-Way; and
3. That the request is to amend the Zoning Map for Parcel 2 from Public Right-of-Way to Commercial PUD (C-PUD).
4. That the proposed amendment is consistent with the overall intent and purpose of the City of Lake Elmo Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve Drake Motor Partners LE LLC Zoning Map Amendment subject to the following conditions:

1. The rezoning shall not be effective until such time as the Met Council approves the Comprehensive Plan Amendment.
2. The applicant shall record the Zoning Map Amendment with the County Recorder upon Met Council approval.
3. Parcel 1 shall be rescinded from PUD adopted with Ordinance 2023-011 on May 5, 2023.
4. Parcel 2 shall be included in the PUD adopted with Ordinance 2023-011 on May 5, 2023.

This resolution was adopted by the City Council of the City of Lake Elmo on this 19th day of September 2023.

  
Charles Cadenhead, Mayor

ATTEST:

  
Julie Johnson, City Clerk