



## **STAFF REPORT**

DATE: 9/19/23

### **MOTION**

**TO:** City Council  
**FROM:** Jenni Faulkner, Consultant Planner  
Nathan Fuerst, Consultant Planner  
**AGENDA ITEM:** Comprehensive Plan & Zoning Map Amendment for Ebertz Addition Land Exchange

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### **BACKGROUND:**

The subject property is located at 9923 Hudson Boulevard N and centrally located along the southern border of the City of Lake Elmo, just north of I-94 and west of Keats Avenue N. The proposed use of a Dairy Queen was approved as part of previous Drake Properties PUD (Tesla).

On June 20<sup>th</sup>, 2023, the City Council approved a land exchange between the City of Lake Elmo and Drake Motor Partners LE LLC. The land exchange will benefit the city by giving the city additional frontage on Hudson Blvd. and Drake will benefit by having additional frontage along I-94 (to place their signage). Prior to the applicant obtaining a sign permit, the land exchange is subject to approval of a Comprehensive Plan Amendment and a Zoning Map Amendment. The land exchange has been recorded. The City now owns the parcel guided and zoned commercial and Drake owns the parcel guided and zoned for right-of-way.

The Comprehensive Plan Amendment and Zoning Map Amendment requests are as follows:

1. A Comprehensive Plan Amendment for Parcel #1 from C (Commercial) to ROW (right-of-way);
2. A Comprehensive Plan Amendment for Parcel #2 from ROW (right-of-way) to C (Commercial);
3. A Zoning Map Amendment (rezoning) for Parcel #1 from Commercial PUD (C-PUD) to Public Right-of-Way;
4. A Zoning Map Amendment (rezoning) for Parcel #2 from Public Right-of-Way to Commercial PUD (C-PUD).

### **GENERAL INFORMATION:**

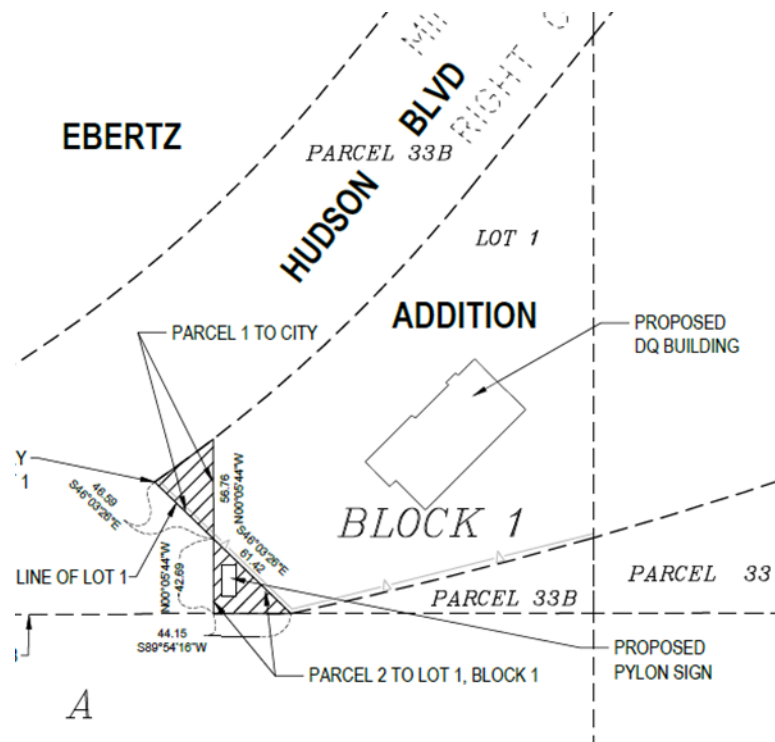
*Property Owner:* Parcel #1: Drake Motor Partners LE LLC  
*(prior to land swap)* Parcel #2: City of Lake Elmo

*Applicant:* Jon Hauser, Drake Motor Partners LE LLC

*Location:* 9923 Hudson Boulevard North  
Parcel #1 – part of Lot 1, Block 1, EBERTZ ADDITION, Washington County, Minnesota. PID 34.029.21.44.0021  
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

*Requests:* Comprehensive Plan Amendment and Zoning Map Amendment

<i>Site Area:</i>	0.04 acres
<i>Existing Zoning:</i>	Parcel #1: Commercial PUD (C-PUD) Parcel #2: Public right-of-way
<i>Future Land Use:</i>	Parcel #1: Commercial (C) Parcel #2: ROW
<i>Proposed Zoning:</i>	Parcel #1: Public right-of-way Parcel #2: Commercial PUD (C-PUD)
<i>Proposed Land Use:</i>	Parcel #1: ROW Parcel #2: Commercial (C)
<i>Surrounding Land Use:</i>	Commercial
<i>Surrounding Zoning:</i>	Commercial PUD (C-PUD) and Commercial (C)
<i>Deadline for Action:</i>	Application Complete – 7/27/2023 60 Day Deadline – 9/25/2023 Extension Letter Mailed – No
<i>Applicable Regulations:</i>	Section 105.12.280 Zoning Amendments 2040 Lake Elmo Comprehensive Plan Minnesota State Statute 462.355 Subd. 3



## **PROPOSAL REVIEW AND ANALYSIS**

### **COMPREHENSIVE PLAN AMENDMENT REVIEW**

The 2040 Comprehensive Plan has the Future Land Use of Parcel #1 designated as Commercial (C) and Parcel #2 as ROW. This Comprehensive Plan Amendment request is a result of a land exchange between the City of Lake Elmo and Drake Motor Partners LE LLC. The parcels' land use designations are requested to be swapped in order to meet requirements of the land exchange and to be consistent with the remaining portion of the site in accordance with the new ownership and land uses.

The decision to change or amend the Comprehensive Plan is a policy matter for the Council. Any change to the Comprehensive Plan should be based on findings and criteria to show that the change would be consistent with the goals and policies of the City.

As a condition of approval of the proposed Comprehensive Plan Amendment, the City will require the submission of the necessary Comprehensive Plan Amendment to the Metropolitan Council and the City receiving formal notification from the Metropolitan Council that they have completed their review and that they have approved the proposed plan amendment.

### **ZONING MAP AMENDMENT REVIEW**

In order to meet the requirements of the land exchange, the City also will need to approve a zoning map amendment (rezoning) to be consistent with the Comprehensive Plan Amendment (from right-of-way to commercial and vice versa). The request will add Parcel 2 to the Drake PUD and remove Parcel 1 from the Drake PUD. The overall nature and function of the site will remain the same.

## **RECOMMENDED FINDINGS**

**Comprehensive Plan Amendment.** Staff recommends approval of the Comprehensive Plan Amendment for the proposed Drake Motor Partners LE LLC parcel, Parcel #1, and the City of Lake Elmo property, Parcel #2, based on the following findings:

1. That the applicant has submitted a request to the City of Lake Elmo to amend the Comprehensive Plan 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 Land Use Plan Map for Parcel 1 from C (Commercial) to ROW (right-of-way); and
3. That the request is to amend the Land Use Plan Map for Parcel 2 from ROW (right-of-way) to C (Commercial); and
4. That the proposed amendment is consistent with the overall goals and objectives of the Lake Elmo Comprehensive Plan.

### **Staff recommends the following condition of approval:**

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that they have reviewed and approved the proposed amendment.

**Zoning Map Amendment.** Staff recommends approval of the Zoning Map Amendment for the proposed Drake Motor Partners LE LLC parcel, Parcel #1, and the City of Lake Elmo property, Parcel #2, based on the following findings:

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.

**Staff recommends the following conditions of approval:**

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.

**FISCAL IMPACT:**

There would be no fiscal impact to the City at this time.

**RECOMMENDATIONS:**

The Planning Commission held a public hearing on August 28, 2023. There were no public comments received. Planning Commission and staff are recommending City Council approval as presented.

Should the City Council agree with the recommendations and findings, it should approve the proposed amendment to the Land Use Plan of the Comprehensive Plan and rezoning with the recommended findings and conditions of approval listed in the staff report. The following approvals will be required:

***“Move to adopt Resolution 2023-083 to approve a Comprehensive Plan Land Use Map Amendment from C (Commercial) to R-O-W (right-of-way) for Parcel #1 and from R-O-W (right-of-way) to C (Commercial) for Parcel #2. This approval is based on the findings listed in the Staff report and subject to the conditions listed in the staff report.”***

***[AND]***

***“Move adopt Resolution 2023-084 to approve 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). This approval is subject to the City’s decision to amend the Comprehensive Plan for this the parcels and is based on the findings listed in the Staff report and subject to the conditions listed in the staff report.”***

***[AND]***

***“Motion to adopt Ordinance 2023-019 amending Chapter 105 of the Lake Elmo City Code of ordinances by rezoning part of the property at PID 34.029.21.44.0021 from C-PUD (Commercial Planned Unit Development) to R-O-W (Public Right-of-Way) and part of PID 34.029.21.44.0012 from R-O-W (Public Right-of-Way) to C-PUD (Commercial Planned Unit Development). This approval is subject to the City’s decision to amend the Comprehensive Plan for this the parcels and is based on the findings listed in the Staff report and subject to the conditions listed in the staff report.”***

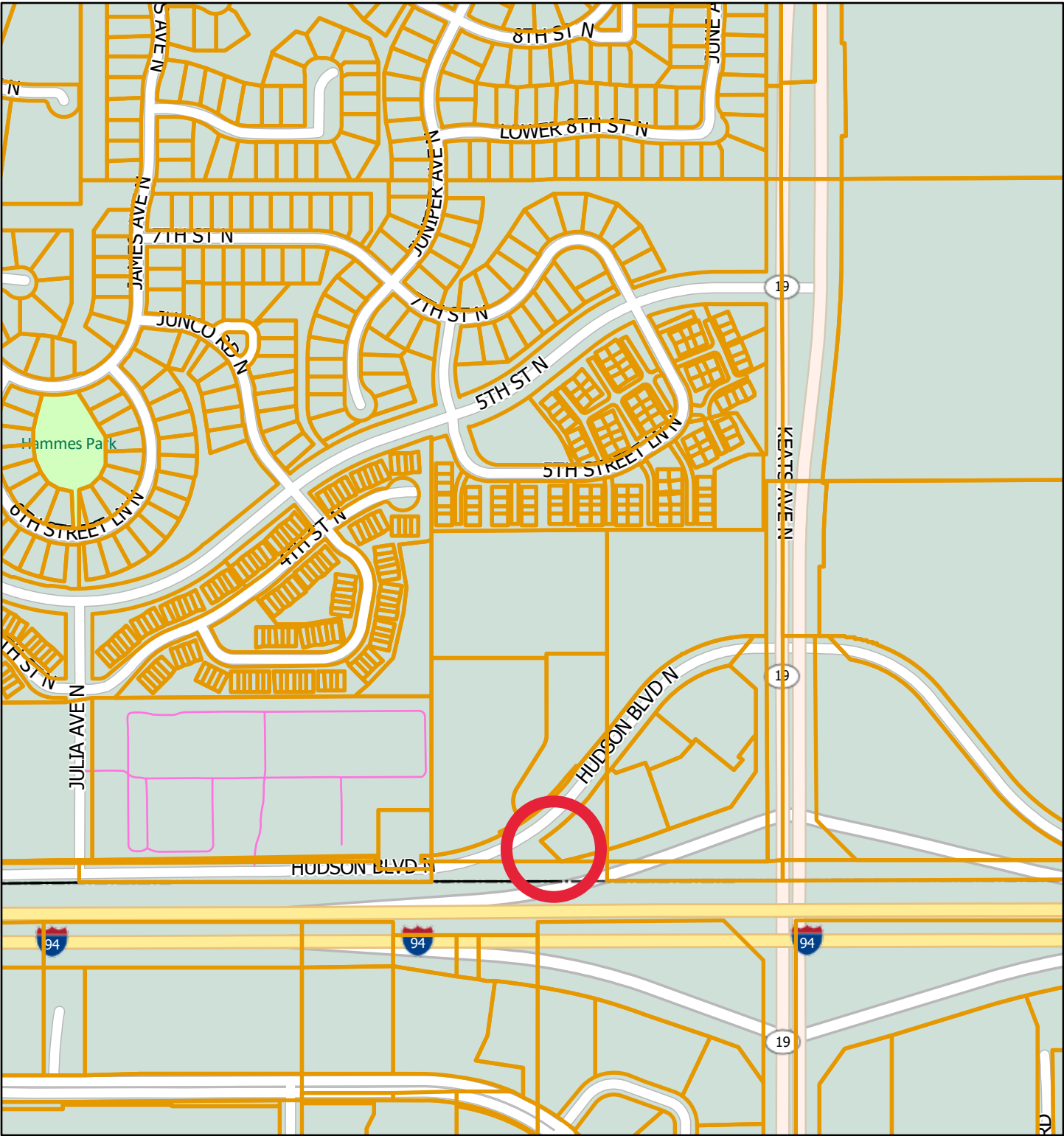
***[AND]***

***“Motion to adopt Resolution 2023-085 authorizing summary publication of Ordinance 2023-019.”***

**ATTACHMENTS:**

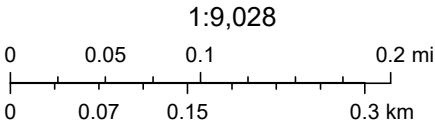
- Site Map
- Resolutions
- Ordinance
- Comprehensive Plan Amendment Application
- Zoning Map Amendment Application
- Narrative
- Existing Zoning/Land Use Exhibit
- Proposed Zoning/Land Use Exhibit

# Drake Zoning and Land Use Change



8/16/2023, 11:23:40 AM

- Parcels
- Municipals



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

**RESOLUTION NO. 2023- 083**

*RESOLUTION APPROVING DRAKE MOTOR PARTNERS LE LLC REQUEST FOR  
AMENDMENT TO THE CITY OF LAKE ELMO COMPREHENSIVE PLAN LAND USE MAP  
FROM COMMERCIAL (C) TO RIGHT-OF-WAY (ROW) AND FROM RIGHT-OF-WAY TO  
COMMERCIAL (C).*

**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**, 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 34.029.21.44.0021) is proposed to be amended from Commercial (C) to Right-of-way (ROW) with a Comprehensive Plan Amendment.

**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 (C) with a Comprehensive Plan Amendment.

**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 Comprehensive Plan 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 Land Use Plan Map for Parcel 1 from C (Commercial) to ROW (right-of-way); and
3. That the request is to amend the Land Use Plan Map for Parcel 2 from ROW (right-of-way) to C (Commercial); and
4. That the proposed amendment is consistent with the overall goals and objectives of the Lake Elmo Comprehensive Plan.

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

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that they have reviewed and approved the proposed amendment.

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

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk



**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 34.029.21.44.0021) 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:

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Julie Johnson, City Clerk

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

**RESOLUTION NO. 2023-085**

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE  
2023-019**

**WHEREAS**, the Lake Elmo City Council has adopted Ordinance No. 2023-19, an ordinance that amends the City's Zoning Code Chapter 105 of the Lake Elmo City Code by rezoning part of the property at PID 34.029.21.44.0021 from C-PUD (Commercial Planned Unit Development) to R-O-W (Public Right-Of-Way) and part of PID 34.029.21.44.0012 from R-O-W (Right-Of-Way) to C-PUD (Commercial Planned Unit Development)

**WHEREAS**, the ordinance is lengthy; and

**WHEREAS**, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo that the City Clerk shall cause the following summary of Ordinance No. 2023-019 to be published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the City of Lake Elmo has adopted Ordinance No. 2023-019, an ordinance that amends the Zoning Ordinance Code by rezoning part of the property at part of the property at PID 34.029.21.44.0021 from C-PUD (Commercial Planned Unit Development) to R-O-W (Public Right-Of-Way) and part of PID 34.029.21.44.0012 from R-O-W (Right-Of-Way) to C-PUD (Commercial Planned Unit Development). This ordinance alters the zoning from one parcel to another parcel to facilitate the Drake Motor Partners PUD for an automobile dealership and fast-food restaurant and two vacant lots which was approved by the Lake Elmo City Council on May 16, 2023.

The full text of Ordinance 2023-019 is available for inspection at Lake Elmo City Offices during regular business hours.

**BE IT FURTHER RESOLVED** by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: September 19, 2023

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Charles Cadenhead, Mayor

ATTEST:

---

Julie Johnson, City Clerk

(SEAL)

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

**ORDINANCE NO. 2023-019**

**AN ORDINANCE AMENDING CHAPTER 105 OF THE LAKE ELMO  
CITY CODE OF ORDINANCES BY REZONING PART OF THE  
PROPERTY AT PID 34.029.21.44.0021 FROM C-PUD (COMMERCIAL  
PLANNED UNIT DEVELOPMENT) TO R-O-W (PUBLIC RIGHT-OF-  
WAY) AND PART OF PID 34.029.21.44.0012 FROM R-O-W (RIGHT-  
OF-WAY) TO C-PUD (COMMERCIAL PLANNED UNIT  
DEVELOPMENT)**

**SECTION 1. Zoning Map Amendment.** The following property is hereby rezoned from Commercial Planned Unit Development (C-PUD) to Public Right-of-way (R-O-W) and rescinded from PUD Ordinance 2023-011 adopted on May 5, 2023:

That part of Lot 1, Block 1, EBERTZ Addition, Washington County, Minnesota, lying west of the following described line: Commencing at the most westerly comer of said Lot 1, thence South 46 degrees 03 minutes 26 seconds East, plat bearing, along the southwesterly line of said Lot 1, a distance of 46.59 feet to the Point of Beginning of the line to be described; thence North 00 degrees 05 minutes 44 seconds West, a distance of 56.76 feet to the northwesterly line of said Lot 1 and there terminating.

**SECTION 2. Zoning Map Amendment.** The following property is hereby rezoned from Public Right-of-way (R-O-W) to Commercial Planned Unit Development (C-PUD) and subject to PUD Ordinance 2023-011 adopted May 5, 2023:

That part of Parcel 33B, Minnesota Department of Transportation Right of Way Plat No. 82-43, Washington County, Minnesota, described as follows:

Commencing at the most westerly comer of Lot 1, Block 1, EBERTZ ADDITION, said Washington County; thence South 46 degrees 03 minutes 26 seconds East, plat bearing, along the southwesterly line of said Lot 1, a distance of 46.59 feet to the Point of Beginning; thence continuing South 46 degrees 03 minutes 26 seconds East, along last said line, a distance of 61.42 feet to the south line of said Parcel 33B; thence South 89 degrees 54 minutes 16 seconds West, a distance of 44.15 feet to a line bearing South 00 degrees 05 minutes 44 seconds East from the Point of Beginning; thence North 00 degrees 05 minutes 44 seconds West, a distance of 42.69 feet to the Point of Beginning.

**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 2023-019 was adopted on this 19<sup>th</sup> day of September, 2023, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

LAKE ELMO CITY COUNCIL

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance 2023-019 was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## **COMPREHENSIVE PLAN AMENDMENT APPLICATION**

Applicant: Jon Hauser  
Address: 496 S. Broadway, Denver, CO 80209  
Phone # 303-825-6200  
Email Address: hauser@drakeres.com

Fee Owner: Drake Motor Partners LE LLC  
Address: 496 S. Broadway, Denver, CO 80209  
Phone # 303-825-6200  
Email Address: hauser@drakeres.com

Engineer: Tom Meyer  
Address: 105 S. Fifth Avenue, Suite 513, Minneapolis, MN 55401  
Phone # 612-638-0241  
Email Address: tmeyer@landform.net

Property Location (Address): 9923 Hudson Boulevard N  
Complete Legal Description: See attached exhibit

PID#: 3402921440004

Detailed Reason for Request:  
See attached narrative.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant:  Date: 7-24-23

Signature of fee owner:  Date: 7-24-23

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## ***ZONING MAP AMENDMENT APPLICATION***

Applicant: Jon Hauser, Drake Motor Partners LE LLC  
Address: 496 S. Broadway, Denver, CO 80209  
Phone # 303-825-6200  
Email Address: hauser@drakeres.com

Fee Owner: Drake Motor Partners LE LLC  
Address: 496 S. Broadway, Denver, CO 80209  
Phone # 303-825-6200  
Email Address: hauser@drakeres.com

Engineer: Tom Meyer  
Address: 105 S. Fifth Avenue, Suite 513, Minneapolis, MN 55401  
Phone # 612-638-0241  
Email Address: tmeyer@landform.net

Property Location (Address): 9923 Hudson Boulevard N  
Complete Legal Description: See attached exhibit

PID#: 3402921440004

Detailed Reason for Request: See attached narrative.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant:  Date: 7/24/2023

Signature of fee owner:  Date: 7/24/2023

RECEIVED  
JUL 25 2023

BY: .....





## Comprehensive Plan Amendment and Rezoning Narrative

Lake Elmo, MN

Prepared for:  
Drake Real Estate Services



July 24, 2023



SUBMITTED TO  
Lake Elmo Planning & Zoning  
3880 Laverne Avenue N  
Lake Elmo, MN 55042



PREPARED BY  
Landform Professional Services, LLC  
105 5<sup>th</sup> Ave S, Suite 513  
Minneapolis, MN 55401

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## Introduction

On behalf of Drake Motor Partners LE LLC, Landform is pleased to submit this application for a Comprehensive Plan Amendment and Rezoning for a portion of the parcel located at 9923 Hudson Boulevard North as part of the land exchange with the City.

The site includes the following PIDs:

*Parcel #1 (Dairy Queen site) – 34.029.21.44.0004*

*Parcel #2 (City Right-of-way) – 34.029.21.44.0012*

The legal description of the parcels is as follows:

*Parcel #1 – Lot 1, Block1, EBERTZ ADDITION, Washington County, Minnesota.*

*Parcel #2 – Parcel 33B, Minnesota Department of Transportation Right of Way Plat No. 82-43, Washington County, Minnesota.*

## Project Contacts

Owner:	Drake Motor Partners LE LLC 496 South Broadway Denver, CO 80209 <a href="mailto:hauser@drakeres.com">hauser@drakeres.com</a> 303-825-6200	Applicant:	Jon Hauser 496 South Broadway Denver, CO 80209 <a href="mailto:hauser@drakeres.com">hauser@drakeres.com</a> 303-825-6200
Engineer:	Tom Meyer, PE 105 South 5 <sup>th</sup> Avenue Suite 513 Minneapolis, MN 55401 <a href="mailto:tmeyer@landform.net">tmeyer@landform.net</a> 612-638-0241	Dairy Queen Engineer:	Joseph Radach, PE 8915 Vernon Street Rockford, MN 55373 <a href="mailto:jradach@contoured.com">jradach@contoured.com</a> 612-730-2265

## Background

The site was previously platted as part of the Ebertz Addition. An exhibit is attached with the submittal that describes and illustrates the land exchange and provides a legal description for the portion of each parcel that has been exchanged. An equal portion of land, approximately 0.02 acres, has been swapped between the two parties. A land exchange was proposed between the City and the property owner to accommodate the location of a pylon sign for the Ebertz Addition with proximity to Highway 94. The benefit to the City is having more land abutting the Hudson Boulevard right-of-way.

The purpose of the comprehensive plan amendment and rezoning is to make the sections of the parcels exchanged by the City and Drake Motor Partners LE LLC consistent with the proposed uses and comprehensive plan. A Comprehensive Plan Amendment and Rezoning will allow the proposed right-of-way and commercial uses on the exchanged sections of either parcel.

The proposed use of Lot 1, Block 1, Ebertz Addition is a Dairy Queen fast-food restaurant. A pylon sign for Ebertz Addition development will be located on the area of Parcel 2 to Lot 1, Block 1. The proposed Dairy Queen use and a

comprehensive sign plan for the pylon sign were approved with the PUD approvals. Parcel 2 will be combined with Lot 1, Block 1 and Parcel 1 to the City will be combined with the existing right-of-way.

## Comprehensive Plan Amendment

We are requesting approval of a Comprehensive Plan Amendment to re-guide the following:

*Parcel 1 to the City:* Amend future land use designation from Commercial (C) to Right-of-way (ROW)

*Parcel 2 to Lot 1, Block 1:* Amend future land use guidance from Right-of-way (ROW) to Commercial (C)

The Comprehensive Plan Amendment is required to be consistent with the planned uses.

## Rezoning

We are requesting approval of a Zoning Map Amendment to re-zone the following:

*Parcel 1 to the City:* Rezone from Commercial PUD (C-PUD) to Public Right-of-Way

*Parcel 2 to Lot 1, Block 1:* Rezone from Public Right-of-Way to Commercial PUD (C-PUD)

The proposed rezoning is consistent with the comprehensive plan, in accordance with the comprehensive plan amendment also requested with this application.

## Summary

We respectfully request approval of the Comprehensive Plan Amendment and Rezoning to allow for the land exchange between the City right-of-way and Lot 1, Block 1, Ebertz Addition. We anticipate the application will be heard at the Planning Commission on September 11<sup>th</sup> with the final action by City Council on October 3<sup>rd</sup>.

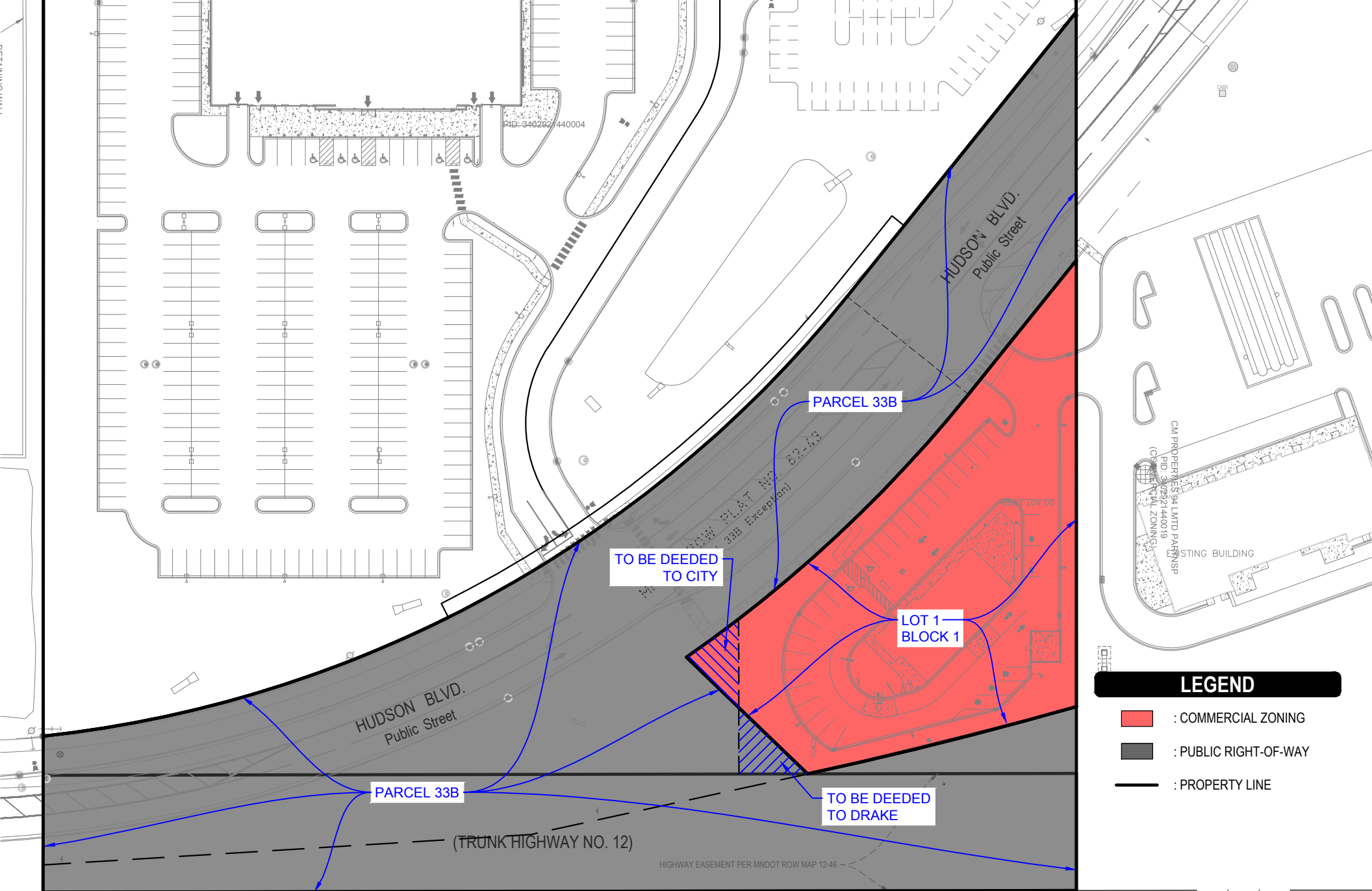
## Contact Information

This document was prepared by:

Nicholas Ouellette  
Landform  
105 South Fifth Avenue, Suite 513  
Minneapolis, MN 55401

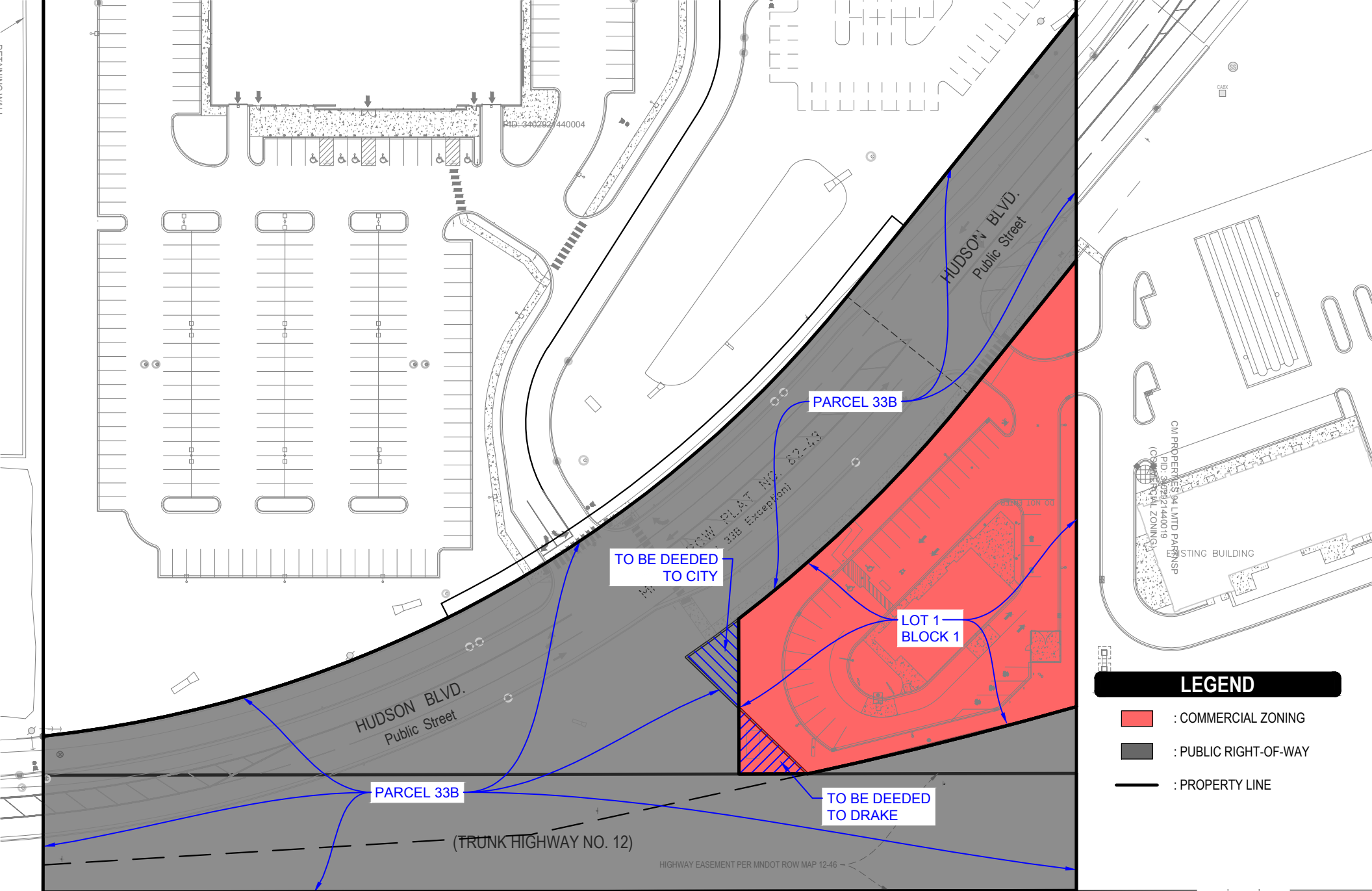
Any additional questions regarding this application can be directed to Tom Meyer at [tmeyer@landform.net](mailto:tmeyer@landform.net) or 612.638.0241.





### LEGEND

- : COMMERCIAL ZONING
- : PUBLIC RIGHT-OF-WAY
- : PROPERTY LINE



**LEGEND**

- : COMMERCIAL ZONING
- : PUBLIC RIGHT-OF-WAY
- : PROPERTY LINE

