

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

RESOLUTION NO. 2023- 023

***RESOLUTION APPROVING PRELIMINARY PLAT AND PRELIMINARY 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, 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, notice was published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 105.12.250; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on March 13, 2023 and voted to recommend denial of the project. The Planning Commission found that there were too many deviations, additional buffering/landscaping needed, lighting concerns, PUD sign along I94 is too tall, and proposed PUD uses were not supported as proposed; and

WHEREAS, since the Planning Commission meeting, the applicant has offered to make changes to the plans to address screening abutting the residential to the west and north, the lighting, increasing the landscaping, reducing the number of deviations, and significantly reducing the PUD permitted uses; and

WHEREAS, the City Council reviewed the Preliminary Plat and Preliminary PUD application for Jon Hauser, Drake Motor Partners project at its meeting held on March 21, 2023 and made the following findings of fact:

1. That the Preliminary PUD Plan would be consistent with the intent of the 2040 Lake Elmo Comprehensive Plan and the 2040 Land Use Map for this area.
2. That the preliminary PUD Plan complies with the general intent of the C- Commercial zoning district with PUD modifications.
3. That the preliminary PUD Plan generally complies with the Lake Elmo Design Guidelines and Standards Manual.
4. That the preliminary plat generally complies with the City's Subdivision regulations.
5. That the preliminary plat generally complies with the City's design standards.
6. That the preliminary plat generally complies with the City's Zoning Code with the exceptions provided for in the PUD.

7. That the preliminary plat and PUD Plan must be revised to address the comments noted in the City Engineer's memorandum.
8. That the preliminary PUD Plan must be revised to be consistent with City's landscape plan and tree replacement standards pursuant to the Landscape Architects memo.
9. That the preliminary plat and PUD Plan must be revised to address the comments noted in the Fire Department memo.
10. That the preliminary PUD Plan meets the minimum requirements for a PUD.
11. That the preliminary 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 site specific plantings proposed to buffer the adjacent high density residential uses and there is opportunity for future buffering with future uses on the northerly part of the PUD.***
 - 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.***
12. That the site will be served by public utilities, not have a detrimental impact on traffic, supply adequate off-street parking.
13. That the proposed land uses will be compatible both in terms of internal site plans, and with regard to adjacent land uses.
14. That the site complies with wetland, stormwater management requirements.
15. That the use will maintain standards of architectural design and building quality consistent with the uniform building code and all other applicable city codes,
16. That the proposed use will not create fiscal problems for the city or adversely impact the health, safety, or welfare of the city.
17. That the proposed uses will bring commerce and employment to the city.

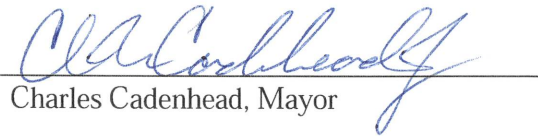
NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Preliminary Plat and Preliminary PUD Plan for Jon Hauser, Drake Motor Partners subject to the following conditions:

1. As part of final PUD submittal, plans shall be revised to indicate the location of the required off-street loading area for Lot 1 Block 2. Provision of City Code 105.12.420 Off Street Loading shall be met.
2. As part of final PUD submittal, the plans shall indicate the percentage of building materials and more detail of types of materials to show compliance with Interstate Corridor Overlay District architectural requirements (105.04.610)
3. As part of final PUD submittal, the Comprehensive Sign Plan shall be revised to accurately reflect the number and size of wall signs proposed for Lot 1, Block 1; to accurately reflect the maximum wall area allowed per façade; to incorporate landscape features around the base of all permanent ground signs; provide foot candle measurements or statement to meet the ordinance.
4. That the application for final plat and final PUD Plans identify all requests for flexibility from the City Code.
5. The applicant shall revise the site plans, utility plans and grading plans to address each review comment and condition of approval to the satisfaction of City staff, as part of the Final Plat application.
6. That prior to the City finding any application for final plat and PUD plan complete the applicant shall address all comments in the City Engineer's memo dated February 28, 2023 to the satisfaction of the City Engineer.
7. That prior to the City finding any application for final plat and PUD plan complete the applicant shall revise the landscape plan and tree preservation plan in accordance with the City Landscape Architect's memo dated February 27, 2023 to the satisfaction of the City Landscape Architect.
8. That prior to the City finding any application for final plat and PUD plan complete the applicant shall revise the preliminary plat and PUD Plan to address any comments received by Washington County.
9. That prior to the City finding any application for final plat and PUD plan complete the applicant shall demonstrate compliance with the items listed in the March 1, 2023, memo from the Fire Department to the satisfaction of the Fire Chief.
10. The City Attorney shall issue a plat opinion certifying that the plat, title evidence, and all agreements and documents required under this title meet the requirements of the city prior to City Council review or approval of the final plat.
11. The Final Plat/Final PUD shall include all necessary and additional public right-of-way and easements.
12. 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.
13. The Preliminary Plat/Preliminary PUD approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
14. The total square feet of buildings on Lots 1, 2, and 3 Block 2 shall not exceed 124,000 sq. feet unless a secondary access is approved by the City.
15. Future development of Lots 2-3 Block 2 shall provide a minimum of 25% open space.
16. A maximum height of 30 feet shall be required for the future development of Lots 2 and 3, Block 2.
17. Setbacks for Block 2 along the shared private drive shall be met as measured from the edge of the shared driveway. All other setbacks shall be that of the C underlying zoning district.

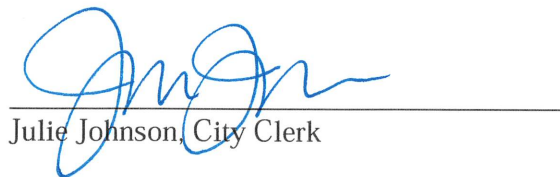
18. The future use of Lot 3, Block 2 shall comply with the screening requirements from abutting residential uses to the north.
19. For purposes of this PUD and allowed signage, the private driveway shall be considered street frontage.
20. All automobile repairs are conducted within an enclosed building and the storage or display of inoperable vehicles or other equipment shall meet all setback requirements of a primary structure and shall be totally screened from view from adjacent public streets and adjacent residential properties.
21. Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.
22. Each food or beverage drive-through business shall maintain refuse receptacles at all exits.
23. Sign permits are required and they must comply with the approved Comprehensive Sign Plan and City Ordinances.
24. 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.
25. 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.
26. 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.
27. A wetland permit is required for the proposed wetland filling. Required wetland mitigation shall be provided for at the time of permit.
28. 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.
29. Park dedication in the amount of \$102,360.00 shall be paid prior to recording of the final plat.
30. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
31. A landscape and irrigation license agreement in a form acceptable to the City shall be executed and recorded with the final plat.
32. The finalization, adoption, and publication of an overlay district ordinance shall occur before the recording of the final plat.
33. Before the execution and recording of a final plat for the development, the developer or applicant shall enter into a Developer's Agreement or a Site Work 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.
34. 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.

35. That the applicant shall submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans and other materials shall meet all of the above conditions before the City will find complete any final plat or final PUD application for the development and before the start of any clearing or grading activity on the site.
36. That the City's preliminary plat/preliminary PUD approval is good for one year from the date of City Council action, unless the applicant requests and the City Council approves a time extension.

Passed and duly adopted this 21st day of March, 2023 by the Lake Elmo Minnesota City Council.


Charles Cadenhead, Mayor

ATTEST:


Julie Johnson, City Clerk