

**Subd. 4. P.U.D. District No. 3.**

The following described property located in the City of Lilydale is hereby zoned Planned Unit Development District No. 3, in accordance with those final plans dated March 11, 1994, with a revision date of March 23, 1994, approved by the City Council on March 28, 1994, which are incorporated herein and made a part hereof and which are on file with the City Clerk of the City of Lilydale:

That part of Government Lot 2, of Section 23, Township 28, Range 23, Dakota County, Minnesota, described as follows:

Beginning at a point on the North and South centerline of said Section 23, distant 1694.61 feet North of the center of said Section 23; thence North 85 degrees 56 minutes 30 seconds East 170.70 feet to the true point of beginning of the tract of land to be described; thence North 0 degrees 115 minutes 0 seconds East a distance of 379.32 feet; thence South 66 degrees 07 minutes 30 seconds East a distance of 173.7 feet; thence South 41 degrees 43 minutes 30 seconds East to the Northerly right-of-way line of Trunk Highway No. 13 (Sibley Memorial Highway); thence Southwesterly along said right-of-way to the intersection with the first mentioned 85 degrees 56 minutes 30 seconds East line extended Easterly; thence South 85 degrees 56 minutes 30 seconds West to the true point of beginning.

Also known as: 941 Sibley Memorial Highway

**Subd. 5. P.U.D. District No. 4**

The following described property located in the City of Lilydale is hereby zoned Planned Unit Development District No. 4, in accordance with those final plans dated June 8, 1994, approved by the City Council on June 9, 1994, which are incorporated herein and made a part hereof and which are on file with the City Clerk of the City of Lilydale:

All that part of Lot 4, Auditors Subdivision No. 2, Mendota in Section 23, Township 28, Range 23 in the Village of Lilydale, Dakota County, Minnesota, which lies southerly of the following described line: Beginning at a point on the east line of the above described tract, distant 300 feet southerly of the northeast corner thereof; running thence due west in a straight line to a point on the west line of the above described tract and there terminating; and which lies southwesterly of the westerly right of way line of Dakota County Road No. 45 (Victoria Road) as established by DAKOTA COUNTY ROAD RIGHT OF WAY MAP NO. 119

and filed as Document No. 1008252; EXCEPT the south 95.00 feet thereof. Subject to all easements of record, if any. Also known as: 1600-1700 South Victoria Road

**Subd. 6. P.U.D. District No. 5**

The following described property located in the City of Lilydale is hereby zoned Planned Unit Development District No. 5 in accordance with those final architectural plans dated March 18, 1996 and final grading and water drainage plans dated March 25, 1996, submitted to the Council on March 25, 1996, and that certain letter from John Uban of Dalgren, Shardlow and Uban to Tom Swain, Chairman of the Lilydale Planning Commission dated March 19, 1996, except for Section 9 on Page 4 of said letter, all of which are incorporated herein by reference and made a part hereof and which are on file with the City Clerk-Treasurer of the City of Lilydale, provided that all construction as shown in such plans, is completed by March 31, 1997, and provided further that Chefs Liquor Drive-In, Inc. obtain a performance bond to insure completion of the entire project by March 31, 1997. The subject property is located in Dakota County, City of Lilydale and described as follows:

That part of Lot 6, Auditor's Subdivision No. 2  
Mendota, being described as follows:

Beginning at a point in the center of Sibley Highway (also known as Mendota Road), said point being 242.5 feet west and 676.7 feet north of the center of Section 23, township 28 North of Range 23 West thence South along a line which is also the West line of said Lot 6 a distance of 368.2 feet, thence South 57° 22' West a distance of 80.7 feet, thence North 32° 38' West a distance of 326.8 feet to the center of said Sibley Highway, thence Northeasterly along the center of said Sibley Highway 279.5 feet to the point of beginning, according to the plat on file and of record in the office of the Register of Deeds in and for Dakota County, Minnesota and also according to the Government survey thereof.

Subject to the easement of the State of Minnesota along the Northwesterly line thereof for the purpose of State Trunk Highway No. 13 (also known as Sibley Memorial Highway).

Subject to the further condition that no part of said lands shall be used for the raising of livestock, poultry, or other animals.

Subject to the easement of the State of Minnesota along the Easterly line thereof for the purpose of Victoria Street.

Also known as 970-974 Sibley Memorial Highway

**Subd. 7. P.U.D. District No. 6**

The following described property located in the City of Lilydale is hereby zoned Planned Unit Development District No. 6 for construction of an Amoco food shop and gas station (the "Project") in accordance with those final plans of Amoco Oil Company dated April 2, 1996, as revised on April 24, 1996 and May 20, 1996, plus sign plans initialed and dated May 20, 1996, and storm and utility plans dated March 22, 1996, as revised May 16, 1996, submitted to the City Council on May 20, 1996, and that certain letter from John Uban of Dalgren, Shardlow and Uban to Mayor Edward Mullarky dated May 14, 1996, revised with regard to section 12 under RECOMMENDATIONS AND CONDITIONS TO THE PUD by an amendment dated May 20, 1996, and further revised under RECOMMENDATIONS AND CONDITIONS TO THE PUD as follows:

- A. The words "car wash" are substituted for the word "garage" in the last sentence of section 4.
- B. The words "including the under carriage." at the end of section 5 are deleted.
- C. The last sentence of section 6 is deleted.
- D. The last sentence of section 7 is changed to read: "However, it is required that five 6 ft. Black Hills spruce trees be used to mitigate the reduced setback."
- E. The last sentence of section 11 is deleted.
- F. The first sentence of the second paragraph of section 12 is changed to read: "The Planning Commission and City Council require just one pylon sign 25 ft. high of 100 sq. ft. located at the northeast corner of the property."
- G. The number "608" is substituted for the number "378" in the last sentence of the second paragraph of section 12.

- H. The last paragraph of section 12 is deleted.
- I. Section 13 is changed to read as follows: "As a condition to approval, City Council recognized that future changes would be necessary along Trunk Highway 13 and Victoria Road to accommodate safe traffic movements. The applicant will support, participate in and be responsible for its share of the costs of any future traffic improvements on Victoria or Highway 13 including, but not limited to, prohibiting left turns out of the property onto Highway 13, a median on Highway 13 restricting turning movements to and from the site, a right turn lane on Victoria at Highway 13 and traffic signals at Highway 13 and Victoria and/or Highways 13 and 35E North and/or South.

As a condition of approval, applicant will place a standard highway department sized "NO LEFT TURN" sign on the property at the exit from the property onto Highway 13.

- J. The developer of the subject property will obtain a bond in favor of the City in the amount of \$30,000.00 providing for payment to the City if the Project is not completed. In addition, the developer will pay a penalty of \$750.00 per day for each day after October 1, 1997 that construction of the Project is not completed.

All documents incorporated by reference herein are on file with the City Clerk-Treasurer of the City of Lilydale. This Planned Unit District will expire on October 2, 1997, unless all construction is completed by October 2, 1997, or unless the Lilydale City Council adopts a resolution by a four-fifths vote extending such date. The subject property is located in Dakota County, City of Lilydale and described as:

That part of Lot Four (4), Auditor's Subdivision No. 2, Mendota in Section Twenty-three (23), Township Twenty-eight (28), Range Twenty-three (23), which lies Northerly of the following described line: Beginning at a point on the East line of the said Lot Four (4) distant three hundred (300) feet Southerly of the Northeast corner thereof; thence running due West in a straight line to a point on the West line of said Lot Four (4) and there terminating; and which lies Southwesterly of the following described line: Beginning at a point on the East line of said Lot Four (4), distant one hundred (100) feet Southerly of the Northeast corner thereof; thence running Northwesterly to a point on the Northwesterly line from the Northeast corner thereof and there terminating, according to the

recorded plat thereof on file and of record in the office of the Register of Deeds in and for said County.

Except that part embraced within Minnesota Department of Transportation Right of Way plat No. 19-115.  
Also known as: 966 Sibley MEMorial Highway, Lilydale, MN.

**Subd. 7. P.U.D. District No. 7**

The Property described below, located in the City of Lilydale, is hereby zoned Planned Unit Development District No. 7 for use as twinhome residential with related improvements and amenities in accordance with (1) plans identified as Sheet Nos. C-01D through C-13D, signed and approved by Kurt A. Leuthold of Barr Engineering Co. and dated May 10, 2000; (2) the two Planning Reports of Dahlgren, Shardlow and Uban ("DSU") dated June 8,2000; (3) DSU Planning Report dated November 21,2000; (4) two "Yardscapes" drawn by DLK of Kopfmann Design, one dated 9/16/00 and one dated 4/10/00/R9/17/00; (5) the final plat of Stonebridge of Lilydale; and (6) the final plat of Stonebridge of Lilydale 2<sup>nd</sup> Addition.

All documents referred to above are incorporated herein by reference and made a part hereof and shall be on file with the City Clerk/Treasurer of the City of Lilydale.

The subject property is located in Dakota County, City of Lilydale, and described as: Lots 1 through 18, Block 1; Lots 1 through 4, Block 2; Lots 1 through 12, Block 3; Lots 1 through 10, Block 4; and Outlots A, B, D, G and H, all in Stonebridge of Lilydale, and Lots 1 through 8, Block 1, Stonebridge of Lilydale 2<sup>nd</sup> Addition.

Ordinance 99-1 adopted on April 26,1999, and those certain ordinances adopted on May 30, 2000, September 25,2000 and October 30,2000 regarding the above-described property and Planned Unit District are hereby superceded to the extent that they are inconsistent with this ordinance.

**Subd. 9. PUD District No. 8.**

The Property described below, located in the City of Lilydale, is hereby zoned Planned Unit Development District No. 8 for use as row townhome residential with related improvements and amenities in accordance with (1) plans identified as Sheet Nos. C-01F through C-06F, C-08F through C-12F, C-12F(2) and S-01, signed and approved by Kurt A. Leuthold of Barr Engineering Co. and

dated August 18, 2000; (2) the Paving Plan identified as C-07F, Rev. No. 5, dated 10-30-00 and signed and approved by Kurt A. Leuthold of Barr Engineering Co. on November 9, 2000; (3) the following plans and drawings submitted to the City of Lilydale by letter from Rancone Development dated September 12, 2000: two "Yardscapes" drawn by DLK of Kopfmann Design, one dated 9/16/00 and one dated 4/10/00/R9/17/00, Drawing of Stonebridge Entry Monument by E.S.G. Architects dated 11 Sept.00, Drawing of Stonebridge Heights Bridge Monument by E.S.G. Architects dated 18 May, 2000, Stonebridge Overall Entry Plan and Elevation by E.S.G. Architects dated 11 Sept. 00, Lighting Plan, Sheet containing pictures of lights and poles, color drawing of Stonebridge Townhomes and Preliminary Site Plan and Lighting Plan AO.1 prepared by ESG Architects, Inc. dated 9/13/00 under the heading "Revisions"; (4) three "Yardscapes" drawn by DLK of Kopfmann Design, one dated 7/5/00, one dated 10/27/99 Revised 1/27/00,4/10/00 and R7/5/00 and one dated 9/21/00; (5) the Planning Report of Dahlgren, Shardlow and Uban dated November 21, 2000; and, (6) the final plat of Stonebridge of Lilydale 2<sup>nd</sup> Addition.

All documents referred to above are incorporated herein by reference and made a part hereof and shall be on file with the City Clerk/Treasurer of the City of Lilydale.

The subject property is located in Dakota County, City of Lilydale, and described as: Lots 1 through 15, Block 2; Lots 1 through 8, Block 3; and Outlots A, B and C, all in Stonebridge of Lilydale 2<sup>nd</sup> Addition.

Ordinance 99-1 adopted on April 26,1999, and those certain ordinances passed by the City Council on September 25, 2000 and October 30,2000 regarding the above- described property and Planned Unit District are hereby superseded to the extent that they are inconsistent with this ordinance.

**Subd. 10. PUD District No. 9.**

The property described below ("subject property"), located in the City of Lilydale, is hereby zoned Planned Unit Development District No. 9 for use as an (a) Italian restaurant, (b) Italian deli, (c) Italian supermarket, and (d) Italian wine shop for off-sale of imported Italian wine, imported Italian cordials and imported Italian grappa, with related improvements and amenities on Lot 2, Block 1 of the subject property and associated parking on Outlot A and Outlot F of the subject property in accordance with (1) all plans, plats and specifications included in PUD Districts 7 and 8 to the extent they affect the subject property; (2) the following documents dated June 8,2001, and prepared by Trellage-Ferrill for Owner Buon Giorno: (a) undated color rendering of Front, Side and Rear Elevations for Buon Giorno Italian Market; (b) Cover Sheet and Site Plan labeled A0.1; (c) Site

Plan labeled A1.1; (d) Enlarged Site Plan labeled A1.2; (e) Exterior Elevations labeled A3.1; (f) Building Sections labeled A3.2; and, (g) Exterior Details labeled A3.5; (3) letters from Kurt Leuthold of Barr Engineering Company to John Uban Re Stonebridge of Lilydale dated May 16, 2001, and July 18,2001; (4) Memorandum from Benshoof & Associates, Inc. Re Parking Demand for Stonebridge Development dated May 9, 2001; (5) Memoranda from Jim Langseth of Barr Engineering Company to Councilmember William Hankee regarding Stonebridge of Lilydale dated June 21, 2001, and July 20,2001; (6) Phase 3 Plansheets C-01G and C-03G through C-07G dated June 14, 2001, including all revisions thereof, prepared and signed by Kurt Leuthold of Barr Engineering Company; (7) Public Hearing Report of C. John Uban of Dahlberg, Shardlow and Uban dated June 22,2001; (8) Memorandum from John Uban to Bernie Weitzman dated July 25,2001, regarding Stonebridge Phase III Plans; (9) Memorandum from John Uban to Bernie Weitzman dated August 2,2001, regarding Review of Final Plat for Stonebridge of Lilydale 3<sup>rd</sup> Addition; and, (10) the final plat for the subject property.

All documents referred to above are incorporated herein by reference and made a part hereof and shall be on file with the City Clerk/Treasurer of the City of Lilydale.

Subject to applicable Minnesota statutes and regulations and Lilydale ordinances, an on-sale and an off-sale intoxicating liquor license and an on-sale wine license may be issued by the City of Lilydale for use on Lot 2, Block 1 of the subject property.

Notwithstanding that an off-sale intoxicating liquor license may be issued by the City of Lilydale for use on Lot 2, Block 1 of the subject property, the off-sale of intoxicating liquor on the subject property is prohibited except for the off-sale of imported Italian wine, imported Italian cordials and imported Italian grappa.

The subject property is located in Dakota County, City of Lilydale, and described as: Lot 2, Block 1 and Outlot A, Stonebridge of Lilydale 3<sup>rd</sup> Addition, and Outlot F, Stonebridge of Lilydale.

Ordinance 99-1 adopted on April 26,1999, and those certain ordinances passed by the City Council on September 25, 2000 and October 30,2000 regarding the above- described property and Planned Unit District are hereby superceded to the extent that they are inconsistent with this ordinance.

**Subd. 11. PUD District No. 10.**

The property described below ("subject property"), located in the City of Lilydale, is hereby zoned Planned Unit Development District No. 10 for use as an office building with related improvements and amenities on Lot 3, Block 1 of the subject property and associated parking on Outlot A and Outlot F of the subject property in accordance with (1) all plans, plats and specifications included in PUD Districts 7, 8 and 9 to the extent they affect the subject property; (2) Site Grading Plan Sheet 1 of 1 for Welsh Companies prepared by John Oliver & Associates, Inc. signed by William J. Monen, dated October 22, 2001, Reg. No. 26777 showing Rev. No. 1 dated October 31, 2001; (3) Site Grading Plan Sheet 1 of 2, landscape plan for Welsh Companies, Rev. 2 dated October 11, 2001, and Rev. 3 dated October 24, 2001, prepared by Alan Whidby Landscapes; (4) Sheet A301, Building Elevations, prepared by Genesis Architecture, signed by Lynn D. Short, A.I.A., and dated October 31, 2001; (5) Memoranda from Benschopf & Associates, Inc. Re: Updated Review of Parking for Commercial Portion of Stonebridge Development dated October 3, 2001, and October 8, 2001; (6) Memorandum from Jim Langseth of Barr Engineering Company to Councilmember William Hanke regarding Stonebridge of Lilydale Phase 3 Plan Review dated October 4, 2001; (7) Phase 3 Plansheets C-03H Grading and Erosion Control Plan, C-04H Storm Water Plan, C-05H Sanitary Sewer Plan, C-06H Watermain Plan and C-07H Paving Plan, all dated October 2, 2001, prepared and signed by Kurt Leuthold of Barr Engineering Company; (8) Letter from C. John Uban of Dahlberg, Shardlow and Uban to the Planning Commission dated September 28, 2001; and, (9) the final plat for the subject property.

All documents referred to above are incorporated herein by reference and made a part hereof and shall be on file with the City Clerk/Treasurer of the City of Lilydale.

The subject property is located in Dakota County, City of Lilydale, and described as: Lot 3, Block 1 and Outlot A, Stonebridge of Lilydale 3<sup>rd</sup> Addition, and Outlot F, Stonebridge of Lilydale.

Ordinance 99-1 adopted on April 26, 1999, and those certain ordinances passed by the City Council on September 25, 2000 and October 30, 2000 regarding the above-described property and Planned Unit District are hereby superceded to the extent that they are inconsistent with this ordinance.

**Subd. 12. PUDDistrictNo.11.**

The property described below ("subject property"), located in the City of Lilydale, is hereby zoned Planned Unit Development District No. 11 for use as an dental/office building with related improvements and amenities on Outlot B of the subject property and associated parking on Outlot A and Outlot F of the

subject property in accordance with (1) all plans, plats and specifications included in PUD Districts 7, 8, 9 and 10 to the extent they affect the subject property, including the final plats for the subject property; (2) sheet numbered A101, entitled "Floor Plan" prepared by Genesis Architecture showing floor plan and elevations signed by Lynn D. Sloat and dated 11/01/01; (3) Site Plan - Outlot B, showing site plan and landscaping plan prepared by Genesis Architecture, signed by Lynn D. Sloat, and dated 11/6/01; and (4) Lighting Design plan No. 0-114027 dated 10-05-01 prepared by Hubbell Lighting, Inc. showing illuminance in horizontal footcandles.

All documents referred to above are incorporated herein by reference and made a part hereof and shall be on file with the City Clerk/Treasurer of the City of Lilydale.

The subject property is located in Dakota County, City of Lilydale, and described as: Outlots A and B, Stonebridge of Lilydale 3<sup>rd</sup> Addition, and Outlot F, Stonebridge of Lilydale. Ordinance 99-1 adopted on April 26, 1999, and those certain ordinances passed by the City Council on September 25, 2000 and October 30, 2000 regarding the above-described property and Planned Unit District are hereby superceded to the extent that they are inconsistent with this ordinance.

**Subd. 13. PUD District No. 12.**

The property described below ("subject property"), located in the City of Lilydale, is hereby zoned Planned Unit Development District No. 12 for use as a city hall and adjacent parking for the City of Lilydale including for meetings and administrative offices and as a precinct venue for voting. The subject property may also be rented to and/or used by such other groups and organizations and for such purposes as the City of Lilydale, in its sole discretion, may determine, including, but not limited to, for meetings, private parties and other events and for the citizens of Lilydale to conduct their homeowner association meetings and other similar meetings. The subject property may not be leased to business enterprises on a month-to-month basis or for longer lease terms for conduct by such business enterprises of any ongoing commercial or retail businesses. Improvements to the subject property shall be in accordance with that certain Contract dated April 28, 2003, between the Economic Development Authority of the City of Lilydale, Minnesota, as "Owner", and Nedegaard Construction Company, Inc., as "Contractor", entitled "Abbreviated Standard Form of Agreement Between Owner and Contractor for Construction Projects of Limited Scope Where the basis of payment is a STIPULATED SUM", including all Contract Documents enumerated therein.

All documents referred to above are incorporated herein by reference and made a part hereof and shall be on file with the City Clerk/Treasurer of the City

of Lilydale.

The subject property is located in Dakota County, City of Lilydale, and described as:

Outlot C, STONEBRIDGE OF LILYDALE 2<sup>nd</sup> ADDITION, according to the recorded plat thereof, Dakota County, Minnesota.

And

That part of Outlot B, STONEBRIDGE OF LILYDALE 2<sup>nd</sup> ADDITION, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Beginning at the most westerly corner of Outlot C, STONEBRIDGE OF LILYDALE 2<sup>nd</sup> ADDITION; thence South 78 degrees 57 minutes 49 seconds East, assumed bearing along the southwesterly line of said Outlot C, a distance of 77.67 feet; thence North 57 degrees 32 minutes 48 seconds East, along the southeasterly line of said Outlot C, a distance of 84.91 feet to the easterly line of said Outlot C; thence South 13 degrees 54 minutes 20 seconds East, along said easterly line, a distance of 43.83 feet to the southeasterly corner of said Outlot B; thence South 58 degrees 33 minutes 59 seconds West, along the southeasterly line of said Outlot B, a distance of 34.92 feet; thence southwesterly, along said southeasterly line, a distance of 90.44 feet, along a tangential curve, concave to the southeast, having a central angle of 02degrees 12 minutes 45 seconds and a radius of 2341.83 feet to a line which bears South 33 degrees 38 minutes 46 seconds East from the point of beginning; thence North 33 degrees 38 minutes 46 seconds West, along said line, a distance of 94.55 feet to the point of beginning.

Ordinance 99-1 adopted on April 26,1999, and those certain ordinances passed by the City Council on September 25,2000, and October 30,2000, regarding the above-described property and Planned Unit District are hereby superceded to the extent that they are inconsistent with this ordinance.

**Subd. 14. PUD District No. 13.**

The property described below ("subject property"), located in the City of Lilydale, is hereby zoned Planned Unit Development District No. 13 for use as an office building with related improvements and amenities on Lot 1, Block 1 of the subject property and associated parking on Outlot A and Outlot F of the subject property in accordance with (1) all plans, plats and specifications included in

PUD Districts 7 through 12 to the extent they affect the subject property; (2) Floor Plans and Roof Plan, Sheet A1, prepared for K/A and City Submittal by Pope Associates, Commission No. 41300-03064, date 06/30/04; (3) Elevations drawing, Sheet A2, prepared for K/A and City Submittal by Pope Associates, Commission No. 41300-03064, dated 06/30/04; (4) Elevations drawing, Sheet A3, prepared for K/A and City Submittal by Pope Associates, Commission No. 41300-03064, dated 06/30/04; (5) Landscape Plan, Sheet 1 of 1, for Pope Associates prepared by James R. Hill, Inc. dated 06/18/04, CAD File 21586LP, Project No. 21601; (6) Grading Plan, Sheet 1 of 1, prepared for Pope Associates by James R. Hill, Inc., Project No. 21601, dated 6/18/04; (7) Boundary and Topographic Survey, Sheet 1 of 1, prepared for Rancone Development by James R. Hill, Inc., Project No. 21586, dated 6/8/04; (8) Memorandum from Benschopf & Associates, Inc. Re: Review of Parking for Proposed Office Development Addition to Stonebridge Development dated April 29, 2004; (9) Phase 3 Plansheets C-03H Grading and erosion Control Plan, C-04H Storm Water Plan, C-05H Sanitary Sewer Plan, C-06H Watermain Plan and C-07H Paving Plan, all dated October 2, 2001, prepared and signed by Kurt Leuthold of Barr Engineering Company; (10) Letter from C. John Uban of Dahlberg, Shardlow and Uban to the Planning Commission dated June 22, 2004, Re: Kraus Anderson Office Building for Lotl, Stonbridge PUD; and, (11) the final plat for the subject property.

All documents referred to above are incorporated herein by reference and made apart hereof and shall be on file with the City Clerk/Treasurer of the City of Lilydale.

The subject property is located in Dakota County, City of Lilydale, and described as: Lot 1, Block 1 and Outlot A, Stonebridge of Lilydale 3<sup>rd</sup> Addition, and Outlot F, Stonebridge of Lilydale.

Ordinance 99-1 adopted on April 26, 1999, and those certain ordinances passed by the City Council on September 25, 2000 and October 30, 2000 regarding the above-described property and Planned Unit District are hereby superseded to the extent that they are inconsistent with this ordinance.

#### **Subd. 15. PUD District No. 14.**

The property described below ("Subject Property") located in the City of Lilydale, Minnesota, is hereby zoned Planned Unit Development District No. 14 for use as condominium residential with related improvements and amenities in accordance with: Site Information (Sheet C-SII, dated 7/25/06); Site Plan (Sheet C-SP1, dated 7/25/06); Open Space Plan (Sheets L1A & LIB, dated 10/16/06); Landscape Restoration Plan (Sheets L2A & L2B, dated 9/18/06); Planting Plan (Sheet L3, dated 9/18/06); Architectural Site Plan, Parking Plan, Floor Plan, and Exterior Elevations (Sheets A010, A200-A205 & A400, dated 8/1/06); Grading & Drainage Plan (Sheet C-GI, dated 7/25/06, Rev. 11/14/06 including future

revisions); Erosion & Sediment Control Plans (Sheets C-ERC1, C-ERC2, C-ERC3, dated 7/25/06); Site Utility Plan (Sheet C-UI, dated 7/25/06); Slope Storm Sewer Plan (Sheet C-ST1, dated 7/25/06 including future revisions); General Details (Sheet C-DI, dated 7/25/06); Watermain Construction (Sheets C-WM1 and C-WM2, dated 7/25/06); Watermain Details (Sheet C-D2, dated 7/25/06); the recommendations, conditions and suggestions in the Planning Report of Ciara Schlichting, AICP, DSU-Bonestroo to the Lilydale Planning Commission dated November 20, 2006; the recommendations, conditions and suggestions in the Planning Report of Ciara Schlichting, AICP, DSU-Bonestroo to the Lilydale Planning Commission dated October 30, 2006; the recommendations, conditions and suggestions in the PUD Development Application Engineer's Review Report prepared by Barr Engineering Co., James R. Langseth, P.E., dated October 30, 2006; the recommendations, conditions and suggestions in the Memorandum from Jim Langseth of Barr Engineering Company dated January 22, 2007, regarding the subject of "PUD Development Approval Conditions"; the recommendations contained in the Cultural Resource Assessment dated January 17, 2006 prepared by The 106 Group; the recommendations and conditions contained in the Planning Report of Ciara Schlichting, AICP, DSU-Bonestroo to the Lilydale City Council dated January 25, 2007; and the lighting plan and signage plan recommended by the aforesaid January 25, 2007 Planning Report.

All documents referred to above are incorporated herein by reference and made a part hereof and shall be on file with the City Cleric/Treasurer of the City of Lilydale.

The Subject Property is located in Dakota County, City of Lilydale, and legally described as follows, to-wit:

All that part of Lots 5 and 6, AUDITOR'S  
SUBDIVISION NO. 2 Mendota, lying  
northeasterly of a line lying 100 feet  
northeasterly of and parallel with the following  
described line: Beginning at a point on the north line  
of Section 23, Township 28, Range 23, distant  
1793.65 feet east of the northwest corner of said  
Section 23; thence southeasterly at an angle of 56  
degrees 32 minutes with said North line for 2000  
feet and there terminating, said line being the  
Easterly right of way line of Interstate Highway  
35E; and that part of Government Lot 2, Section 23,  
Township 28, Range 23, Dakota County, Minnesota,  
lying easterly of the easterly right of way line of  
Interstate Highway 35E, northerly of the northerly  
right of way line of Trunk Highway No. 13 (Sibley  
Memorial Highway); northerly and westerly of the

northerly and westerly right of way of Lower Mendota Road (Lilydale Road) and Southerly of the Southerly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railway, excepting therefrom the following described tract of land, to-wit:

Beginning at a point on the north and south centerline of said Section 23, distant 1694.61 feet north of the center of said Section 23, said north and south centerline is assumed to bear North 00 degrees 10 minutes 39 seconds East; thence North 86 degrees 07 minutes 09 seconds East 170.70 feet to the true point of beginning of the tract of land to be described; thence North 00 degrees 25 minutes 39 seconds East, a distance of 379.32 feet; thence South 65 degrees 56 minutes 51 seconds East, a distance of 173.70 feet; thence South 41 degrees 32 minutes 51 seconds East to the northerly right of way line of Trunk Highway No. 13 (Sibley Memorial Highway); thence southwesterly along said right of way to the intersection with the first mentioned North 86 degrees 07 minutes 09 seconds East line extended easterly; thence South 86 degrees 07 minutes 09 seconds West to the true point of beginning.

**904.08. Permitted Uses.**

Any land use designated in this ordinance as Limited Industrial District may be used for Single-Family Residence District, Multi-family District and General Business District permitted uses. Any land use designated in this ordinance as General Business District may be used for Single-family Residence District and Multi-family Residence District permitted uses. Any land use designated in this ordinance as Multi-family Residence District may be used for Single-family Residence District permitted uses.

**Section 4. Effective Date.** This Ordinance shall be in force and effect from  
and after its passage and publication according to law.

**904.09 Lot Area, Height, Lot Width and Yard Requirements for B-1 Use**

**hDistrictsSubd. 1.** No structure or building shall exceed two (2) stories or thirty-five (35) feet in height, whichever is lesser in height, except as

provided below in this Ordinance.

**Subd. 2.** A side yard abutting a street shall not be less than thirty (30) feet in width.

**Subd. 3.** The following minimum requirements shall be observed subject to the performance standards and additional requirements, exceptions and modifications as set forth below.

**Subd. 4. Performance Standards, All Districts.** The guiding of urban development so as to develop a compatible relationship of uses depends upon certain standards being maintained. Uses permitted in the various districts, Conditional Uses and Accessory Uses shall conform to the following standards.

- (1) Noise. Any use producing noise shall be in conformance with the minimum standards as adopted and enforced by the Minnesota Pollution Control Agency.
- (2) Smoke and Particulate Matter. Any use established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated and maintained as to meet the minimum requirements of the Minnesota Pollution Control Agency regarding emission of smoke and particulate matter.
- (3) Toxic or Noxious Matter. The discharge of toxic or noxious matter shall conform with the minimum standards as adopted by the Minnesota Pollution Control Agency.
- (4) Odors. The discharge of odors shall conform with the air quality standards as adopted by the Minnesota Pollution Control Agency.
- (5) Vibrations. Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge shall be prohibited if such vibrations are perceptible beyond the log line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
- (6) Glare And Heat. Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located. Lighting in all instances shall be diffused or directed away from "R" Districts and

public streets .

- (7) Explosives. Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation shall be located not less than four hundred (400) feet from an "R" District and shall be allowed only by conditional use permit.
- (8) Screening. Any use in the "R" or "C" District abutting on an "R" District shall effectively screen any open storage from the eye level vision by providing and maintaining a wall, fence or thirty (30) foot wide planting stripe to screen and reduce the noise, dust and vision between the two uses. Such wall or fence shall be six (6) feet in height and at least ninety (90) percent opaque during all seasons.
- (9) Waste Material. Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system nor the sanitary sewer system, but shall be disposed of in a manner approved by the City Engineer. The City Council may establish appropriate regulations and standards therefor.
- (10) Bulk Storage (Liquid) . All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemical and similar liquids shall comply with the requirements of the Minnesota State Fire Marshal's and Minnesota Department of Agriculture Offices and have documents from those offices stating the use is in compliance.
- (11) Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of the Atomic Energy Commission.
- (12) Electrical Emission. All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.
- (13) Maintenance Standards. In all districts, all structures, required landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.
- (14) Lighting Standards. Lights for illuminating parking areas, loading areas or yards for safety and security purposes, shall be permitted if no adjacent property owner, within 150 feet of the light source, shall have his/her use or enjoyment of that property interfered with.
- (15) Drainage Standards. No land shall be developed and no use shall be

permitted that results in water run-off causing flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facility. In no event shall drainage be allowed into a sanitary sewer.

- (16) Storage Standards. All material and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: recreational equipment and construction and landscaping materials and equipment currently being used on the premises.

There shall be no outside storage of either materials or products except through the issuance of a conditional use permit.

- (17) Water Pollution. All uses and activities shall conform to water pollution standards controls and regulations of the Minnesota Pollution Control Agency and all other applicable governmental rules, regulations and laws relative thereto.

Subd. 5. Additional Requirements, Exceptions And Modifications. The requirements and regulations specified heretofore in this Ordinance shall be subject to the following;

- (1) Height limitations set forth elsewhere in this Ordinance shall be increased fifty (50) percent when applied to the following structures:
- (2) Church spires.
  - (3) Belfries.
  - (4) Cupolas and domes which do not contain usable space.
  - (5) Monuments.
  - (6) Water towers.
  - (7) Fire and hose towers.
  - (8) Observation towers.
  - (9) Flag poles.
  - (10) Chimneys.
  - (11) Smokestacks.
- (12) Parapet walls extending not more than three (3) feet above the limiting height of the building.
- (13) Cooling towers.
- (14) Elevator penthouses.

#### **904.10 Open Space District**

##### **Subd. 1 Purpose.**

The purpose of this District is to provide areas within the City for the preservation of sensitive natural areas, the protection and enhancement of wildlife habitat, and any significant archeological resources. The Open Space District may be applied to either public or private land where appropriate. Areas included in the Open Space District are unsuitable for residential, commercial, industrial and most institutional development due to steep slopes, flooding, high water table, restrictive soil conditions, significant and valuable vegetation and/or wildlife habitat.

**Subd. 2 Permitted Uses.**

- (1) Permanent open space.
- (2) Public and private natural conservation and wildlife management area.

**Subd. 3 Conditional Uses.**

- (1) Nature Centers and administrative buildings.
- (2) Recreational and interpretative trail systems.
- (3) Picnic Facilities.
- (4) Utility uses, height limits refer to tower ordinance.
- (5) Land alteration needed to accomplish a permitted or conditional use.

**Subd. 4 Special Provisions.**

- (1) In no case shall a public or private structure occupy more than 10 percent of the land within any separate parcel of land zoned Open Space.
- (2) If, in its review of the site and building plans for development within the Open Space District, the City finds that the protection of the natural features warrant performance standards beyond that which would be provided by applicable setback, buffering and related standards required for the B-1 General Business District, the City may require additional or more restrictive development standards to protect such features.

**Subd. 5 Included Land.**

All land within the City and shown on the official zoning map of the City as OS Open Space is included in the Open Space District.

**904.11 M-1 Mixed Use Redevelopment District**

**Subd. 1 Purpose.** The purpose of this district is to encourage mixed use development in high profile locations in the City in accordance with the Comprehensive Plan. Multi-family residential must be integrated thematically with supportive office and commercial uses while all segments of the property must be within walking distance of each other and have a strong pedestrian element and scale. Parking must either be underground or screened from

pedestrian ways. An open space element must also be included that would allow passive recreational opportunities and a formal gathering place of Lily dale residents to enjoy views of the river and to congregate as a community. Retail commercial must be included on the street level and include those goods and services needed by the local residents. All buildings must be of high quality and have interesting and integrated architectural details and features.

**Subd. 2 Permitted Uses.** Within the M-1 Mixed Use Redevelopment District no structure or land shall be used except for one or more of the following uses, or uses deemed by the City Council as substantially similar to the uses listed below and as regulated in the R-2 Multi-Family Residence District:

- (A) Apartments, condominiums, townhomes
- (B) Public uses, including parks and open space

**Subd. 3 Accessory Uses.** Within the M-1 Mixed Use Redevelopment District, the following uses shall be permitted accessory uses:

- (A) Private garages, off-street parking and loading spaces as regulated by the B-1 District for commercial uses and the R-2 District for residential uses.
- (B) Signs as regulated by the Zoning Ordinance
- (C) Fences as regulated by the Zoning Ordinance
- (D) Decorative landscape features.

**Subd. 4 Conditional Uses.** If the following uses are within a building devoted to a permitted principal use and if the total land area of all the conditional uses do not exceed 25 percent of the building area of the principal use, they are permitted with a conditional use permit in the M-1 Mixed Use Redevelopment District. In addition, if the following uses are in a mixed-use development but not in the same building, they are permitted with a conditional use permit only if all the structures are architecturally similar and integrated thematically while developed with a village theme and strong pedestrian element.

- (A) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, sundry items, books, newspapers, magazines, computer software, apparel, and the sale or rent of video tapes.
- (B) Personal-service establishments including barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores, and similar personal services.

(C) Restaurants without drive-up facilities, provided their access for customers and service is separate from access to residential uses

(D) Offices.

All Conditional Uses shall adhere to the provisions outlined in Section 902.08 Subdivision 4 and 5 of the City Code regarding the criteria for granting conditional uses permits and the procedure for approval of a conditional use permit.

**Subd. 5 Density Requirements.** The maximum density in the M-I Mixed Use Redevelopment District shall be 12 dwelling units per acre for residential and a Floor Area Ratio of 0.30 for non-residential uses.

**Subd. 6 Dimension Requirements.** All uses in the M-I District shall adhere to the following minimum lot dimension requirements:

(A) Minimum Lot Size 2 acres

(B) Front Yard 30 feet

(C) Front Yard Abutting Highway 13 or I-35E 40 feet

(D) Side Yard Adjacent to Residential Uses 75 feet Side Yard Adjacent to Business Uses 30 feet Side Yard Adjacent to Highway 13, I-35E 40 feet Side Yard Adjacent to Mixed Uses 0 feet

(E) Rear Yard Adjacent to Residential Uses 75 feet Rear Yard Adjacent to Business Uses 30 feet Rear Yard Adjacent to Highway 13, I-35E 40 feet Rear Yard Adjacent to Mixed Uses 0 feet

(F) Setback to Parking (interior) 10 feet Setback to Parking (perimeter) 20 feet Setback to Parking (Hwy. 13, I-35E) 30 feet

(G) Building Height 35 feet

**Subd. 7 Special Provisions.**

(A) Park dedication shall be not less than 10 percent of the total land area of the site. The open space shall be integrated into the overall design of the site and be open to both the residents and employees of the mixed-use development and to residents of the City.

(B) The maximum Floor Area Ratio for non-residential uses may be increased to 0.75 FAR when the majority of the parking is located in the building or within a multi-level structure.

(C) Building materials, screening, and landscaping shall adhere to the provisions outlined in Subdivisions (7), (8) and (9) of B-1 General Business District. In order to mitigate the transition between dissimilar uses, increased landscaping, screening, higher quality building materials, may be required.

(D) All developments shall submit for approval a current traffic analysis study addressing such issues as traffic generation, site access, impact on Highway 13 and I-35E, transit opportunities, and internal traffic circulation. New developments may be required to provide funds for required improvements.

(E) All developments are required to submit for approval a current storm water management plan.

(F) All developments must resolve any issues related to the provision of public sewer and water.

**Subd. 8 Included Land.** All land within the City and shown on the official zoning map of the City as M-1 Mixed Use is included in the M-1 Mixed Use Redevelopment District.