



STAFF REPORT

DATE: 2/20/2018
REGULAR
AGENDA ITEM: 19

TO: City Council
FROM: Emily Becker, Planning Director
ITEM: 4564 Kimbro Avenue North Minor Subdivision and Zoning Map Amendment
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The Council is being asked to consider the requests from Beverly Rieks for a minor subdivision to subdivide the property located at 4564 Kimbro Avenue North in to two separate parcels, creating one new lot and for a Zoning Map Amendment to re-zone the aforementioned property from A - Agricultural to RR – Rural Residential.

GENERAL INFORMATION

Applicant: Beverly Rieks, 4564 Kimbro Avenue North, Lake Elmo, MN
Property Owners: Beverly Rieks, 4564 Kimbro Avenue North, Lake Elmo, MN
Location: 4564 Kimbro Avenue North, Lake Elmo, MN, PID# 11.029.21.13.0001
Request: Application for a Minor Subdivision to split said property into two separate parcels with one new lot.
Existing Land Use: Single Family Home
Existing Zoning: A - Agricultural
Surrounding Use/Zoning: RR - Rural Residential with detached single family homes to the north, south and west
Comprehensive Plan: Rural Area Development
History: The site has been used as a single family residence and farming purposes.
Deadline: Application Complete – 2/1/2018

for Action: 60 Day Deadline – 4/2/2018

Extension Letter Mailed – No
120 Day Deadline – N/A

Applicable Regulations: Chapter 153 – Subdivision Regulations
§154.400 – Rural Districts

REVIEW AND ANALYSIS:

Minor Subdivision

Review of Minor Subdivision. The property meets the requirements of Section 153.09: Exceptions to Platting, as it qualifies as a minor subdivision, as the proposed subdivision is a division of land that results in no more than four parcels. City requires that a completed Minor Subdivision application be submitted to the Planning Commission for its review and recommendation to City Council. There is no public hearing requirement for a Minor Subdivision request.

Parkland Dedication. The City requires cash contribution in lieu of land dedication for residential development resulting in three or fewer parcels. This fee is set by Council resolution. The current fee schedule for parkland dedication for residential development up to four lots is \$3600 per new lot created. Therefore, the applicant will need to pay \$3600 for parkland dedication for the one new lot created.

Rezoning Required.

- As outlined above in the General Information section of this report, the property is zoned A – Agricultural, and the minimum lot size for this zoning district is 40 acres.
- The applicant is requesting to subdivide the currently 73.51 acre parcel in to two separate parcels of 10.03 and 63.48 acres in size. The 10.03 acre parcel does not meet the required minimum lot size for the Agricultural zoning district.
- Therefore, in order to subdivide the current parcel as proposed, the property would need to be rezoned from A – Agricultural to RR – Rural Residential.

Septic Design. The Applicant has submitted a septic system design by Ed Eklin Septic System Design. The proposed design is a Type 1 sewage treatment design, and a pressurized mound system is recommended. The proposed septic area is 21,400 square feet and is shown on the attached survey.

Valley Branch Watershed District (VBWD). The applicant has granted the Valley Branch Watershed District an easement over parts of the property per the District's request. The VBWD has issued a permit for the construction of the new home.

Engineering Comments. The City Engineer has provided engineering comments in the attached memo dated January 12, 2018. These comments are also outlined below, as they are pertinent points the Commission should carefully consider. An update has also been provided, as the applicant has addressed many of the comments of the aforementioned memo.

- *Right-of-Way Dedication Required.* The current parcel runs across Kimbro Avenue North, which currently has a prescriptive easement. It will be a condition of approval that 80 feet of right-of-way be dedicated to the City centered on the center line of Kimbro Avenue North (40 feet on each side). Additionally, a 10-foot utility easement corridor will need to be provided along the right-of-way on both sides of Kimbro Avenue North.
 - *Update:* This has been updated since the applicant has received the Engineer's comments. An 80 foot right-of-way is shown as dedicated to the City (40 feet on each

side of the centerline of Kimbro Avenue as traveled. Additionally, a 10 foot utility easement has been provided.

- *Proposed Septic System.* The septic field will need to be set back at least 10 feet from the ROW and not within the easement corridor or right-of-way.
 - *Update:* The septic field is set back 10 feet from the right-of-way and is outside of the utility easement.
- *Driveway.* The driveway should be reconstructed to be perpendicular to Kimbro Avenue within the Kimbro Avenue right-of-way and the driveway should align with the existing driveway on the west side of the road.
 - *Update:* The driveway has been reconfigured to be perpendicular and align with the existing driveway on the west side of the road.

Zoning Map Amendment

Zoning Map Amendment Review. A zoning map amendment requires a public hearing and findings to submit the same together with its recommendation to Council. Any rezoning shall be consistent with the Comprehensive Plan.

Consistency with Comprehensive Plan. As mentioned above, the property is guided for Rural Area Development in the Comprehensive Plan Land Use Plan. The Comprehensive Plan allows a density of 0.1 units per acre in this district. Corresponding zoning districts to the Rural Area Development Land Use are A – Agricultural and RR – Rural Residential.

Proposed Zoning – RR – Rural Residential District. The RR District is established for lands that have existing small-scale agricultural activity, as well as single-family residential dwellings. Future residential development may occur at a density of 1 dwelling unit per 10 acres, or through the Open-Space Preservation Development process. These sites are expected to be served by on-site wastewater treatment facilities. Some limited agriculture-related businesses, such as wayside stands, are appropriate as interim uses for this district.

Allowed Uses. The following table provides a side-by-side comparison of what is allowed within the Agricultural District vs. the Rural Residential District (differences highlighted). The applicant intends to use Parcel B, as shown in the attached survey, as a single family detached home. Parcel A will remain vacant for the time being.

	A	RR	Standard
Residential Uses			
Household Living			
Single-Family Detached Dwelling	P	P	154.404 (A)
Secondary Dwelling	P	-	154.404 (D)
Services			
Self Service Storage Facility	I ^a	I ^a	154.404 (G)
Outdoor Recreation			
Outdoor Recreation Facility	C	-	154.306 (C)
Parks and Open Areas	P	P	154.012 (B) (7)
Restricted Recreation	C	-	154.306 (B)
Agricultural and Related Uses			
Agricultural Entertainment Business	I	I	154.914
Agricultural Production	P	P	154.012 (B) (9)

Agricultural Sales Business	I	I	154.913
Agricultural Services	C	-	154.404 (J)
Forestry Operations	P	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	154.012 (B) (9)
Wayside Stand	P	P	154.012 (B) (9)
Industrial and Extractive Uses			
Motor Freight and Warehousing	-	-	154.404 (G)
Accessory Uses			
Bed and Breakfast	C	C	154.012 (B) (12)
Domestic Pets	P	P	154.012 (B) (12)
Family Day Care	P	P	154.012 (B) (12)
Home Occupation	P	P	154.012 (B) (12)
Kennel, Private	C	C	154.012 (B) (12)
Solar Equipment	P	P	154.310 (C)
Stable, Private	C	C	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	154.800
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	
Commercial Wedding Ceremony Venue	I	I	154.310 (D)

Lot Size and Setbacks. The minimum lot size within the RR – Rural Residential zoning district is 10 acres, and the proposed two newly-created parcels will be 27.94 and 10.03 acres in size, meeting minimum requirements. The proposed lot widths will be 1315.30 and 512.59 feet in width. Setbacks will be reviewed at time of building permit application.

Conceptual Requirements.

- While the Zoning Code typically requires a conceptual sewer and water utility plan, conceptual landscape plan, and conceptual grading, erosion control, and storm water management plan for rezoning, the resultant parcels will be used as single family homes, and grading and erosion control will be reviewed at the time of the building permit application.
- Due to the aforementioned, Staff recommends that the aforementioned conceptual requirements be waived.

Site Design and Development Standards. All lots must have at least 20,000 square feet of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.

Planning Commission Review and Public Hearing. The Planning Commission held a public hearing and considered the requests at its February 12, 2018 meeting. There were multiple inquiries regarding the proposed Zoning Map Amendment and Minor Subdivision prior to the public hearing. During the public hearing, there was concern expressed that the Zoning Map Amendment would result in the loss of farmland. There was also question as to why the 10 acre parcel alone could not be rezoned to Rural Residential instead of the entire 73.51 acre parcel. The applicant responded by explaining that there were

no plans to further develop the remaining parcel in the near future and that current operations would not change.

The Planning Commission had the following comments in regards to the requests:

- **Question about Intent of Parkland Dedication.** At the time of the Planning Commission meeting, the proposal was to subdivide the property in to three separate parcels, creating two new parcels. Staff had reported that the parkland dedication fee for the creation of two new parcels with a minor subdivision would result in a fee of \$7200 (\$3600 per new lot created). As a result, the surveyor had asked the Planning Commission if it would be amenable to propose that the lot to the west and north of the newly created parcel be one lot in order to reduce the parkland dedication fee. The Planning Commission was agreeable to this but continued with discussing the intent of the parkland dedication fee and if it made sense to charge a fee for a minor subdivision. It was explained that this fee could not be amended unless an ordinance amendment was passed.

The Planning Commission recommended approval of the proposed Minor Subdivision and Zoning Map Amendment with a vote of 7-0.

DRAFT FINDINGS

Minor Subdivision.

1. That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's RR – Rural Residential zoning district.
3. That the Minor Subdivision complies with the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

Zoning Map Amendment. Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Zoning Map Amendment to rezone the property located at 4564 Kimbro Avenue North:

1. That the proposed rezoning is consistent with the Lake Elmo Comprehensive Plan and Future Land Use Map for this area.

RECOMMENDED CONDITIONS OF APPROVAL:

Minor Subdivision.

- 1) The property shall be rezoned to RR – Rural residential.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$3600.00 prior to any formal City authorization to split the existing parcel into three lots.
- 3) The applicant address all comments outlined in the City Engineer memo dated January 12, 2018.
- 4) The applicant must submit and receive approval of a building permit application; grading, erosion control, and other applicable plans prior to the commencement of any construction activity on the parcel.

- 5) The applicant must obtain all other necessary City, State, Valley Branch Watershed District and other applicable governing body permits prior to the commencement of any construction activity on the parcel and must adhere to all conditions to which such permits are issued.

Zoning Map Amendment.

- 1) That the City approve the Minor Subdivision request as proposed by the Certificate of Survey dated 12/6/2017.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of the minor subdivision request by Beverly Rieks to split the parcel at 4564 Kimbro Avenue North into two separate parcels, thereby creating one new lot of 63.48 acres and 10.03 acres.

“Move to adopt Resolution 2018-019 approving the Minor Subdivision request for the property located at 4564 Kimbro Avenue North, subject to the 5 outlined conditions of approval.”

Staff and the Planning Commission recommend approval of the request by Beverly Rieks for a Zoning Map Amendment to rezone the property from A – Agricultural to RR – Rural Residential.

“Move to adopt Ord. 08-201 approving the Zoning Map Amendment to rezone the property located at 4564 Kimbro Avenue North from A- Agricultural to RR – Rural Residential, subject to one condition of approval.”

ATTACHMENTS:

- 1. Application Forms
- 2. Minor Subdivision Survey
- 3. City Engineer Memo Dated 1/12/18
- 4. Resolution 2018- approving the Minor Subdivision
- 5. Ord. 08- approving the Zoning Map Amendment

ORDER OF BUSINESS:

- Introduction Planning Staff
- Report by Staff Planning Staff
- Questions from the Commission Chair & Commission Members
- Public Comments Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Date Received: _____
Received By: _____
Permit #: _____



JAN - 5 2018
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan Wireless Communications

Applicant: BEVERLY RIEKS
Address: 4564 KIMBRO AVE. No., LAKE ELMO, MN 55042
Phone #: (651) 331-9910 MOBILE
Email Address: BEVRIEKS@GMAIL.COM

Fee Owner: SAME
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address): NO ADDRESS ASSIGNED - CURRENTLY VACANT AG LAND USE
(Complete (long) Legal Description: (SEE ATTACHED DEED))

PID#: 11-029-21-13-0001

Detailed Reason for Request: MINOR SUBDIVISION TO CREATE ONE NEW 10 ACRE BUILDABLE LOT FOR FAMILY MEMBER TO EVENTUALLY BUILD A NEW SINGLE FAMILY HOME. BOTH THE NEW PARCEL AND REMNANT PARCEL MEET OR EXCEED ALL OF THE CURRENT MINIMUM DESIGN STANDARDS

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

NONE

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: Beverly A Rieks Date: 1-5-18

Signature of fee owner: Beverly A Rieks Date: 1-5-18

Date Received: _____
Received By: _____
Permit #: _____



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

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan Wireless Communications

Applicant: BEVERLY RIEKS
Address: 4564 Kimbro Ave. No. LAKE ELMO, MN 55042
Phone #: (651) 331-9910 - MOBILE
Email Address: BEVRIEKS@GMAIL.COM

Fee Owner: SAME
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address): NO ADDRESS ASSIGNED - CURRENTLY VACANT AG LAND USE
(Complete (long) Legal Description: SEE ATTACHED SURVEY

PID#: 11-029-21-13-0001

Detailed Reason for Request: ZONING MAP AMENDMENT - REZONE FROM AG - AGRICULTURAL TO RR - RURAL RESIDENTIAL TO FACILITATE A MINOR SUBDIVISION OF ONE NEW HOMESITE OF 10 ACRES

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

NONE

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: Beverly Rieks Date: 1-9-18

Signature of fee owner: _____ Date: _____

SURVEY FOR:

Beverly Rieks
4564 Kimbro Ave. No.
Lake Elmo, MN 55042

LEGAL DESCRIPTIONS:

**Existing Parcel
Legal Description**

That part of the Southwest Quarter of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying southerly of the North 54.00 feet thereof.

**Proposed Parcel A
Legal Description**

That part of the Southwest Quarter of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying southerly of the North 54.00 feet thereof, described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Northeast Quarter; thence North 00 degrees 22 minutes 06 seconds West, on an assumed bearing along the west line of said Southwest Quarter of the Northeast Quarter, a distance of 512.59 feet to the point of beginning; thence North 89 degrees 30 minutes 46 seconds East, a distance of 158.74 feet; thence South 59 degrees 02 minutes 27 seconds East, a distance of 402.89 feet; thence South 78 degrees 02 minutes 41 seconds East, a distance of 318.11 feet; thence North 71 degrees 21 minutes 57 seconds East, a distance of 523.19 feet to the east line of said Southwest Quarter of the Northeast Quarter; thence North 00 degrees 14 minutes 05 seconds West, along said east line, a distance of 855.89 feet to the southeast corner of said north 54.00 feet of said Southwest Quarter of the Northeast Quarter; thence South 89 degrees 53 minutes 19 seconds West, along said north 54.00 feet, a distance of 1312.51 feet to the southwest corner of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 22 minutes 06 seconds East, along said west line of the Southwest Quarter of the Northeast Quarter, a distance of 748.71 feet to the point of beginning.

This parcel is subject to part of an 80 foot wide Roadway Dedication for Kimbro Avenue North and subject to additional 10 foot wide easements for Drainage and Utility purposes adjoining the Roadway Dedication. This parcel is also subject to Drainage easements in favor of the Valley Branch Watershed District.

**Proposed Parcel B
Legal Description**

That part of the Southwest Quarter of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying southerly of the North 54.00 feet thereof, described as follows:

Beginning at the southwest corner of said Southwest Quarter of the Northeast Quarter; thence North 00 degrees 22 minutes 06 seconds West, on an assumed bearing along the west line of said Southwest Quarter of the Northeast Quarter, a distance of 512.59 feet; thence North 89 degrees 30 minutes 46 seconds East, a distance of 158.74 feet; thence South 59 degrees 02 minutes 27 seconds East, a distance of 402.89 feet; thence South 78 degrees 02 minutes 41 seconds East, a distance of 318.11 feet; thence North 71 degrees 21 minutes 57 seconds East, a distance of 523.19 feet to the east line of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 14 minutes 05 seconds East, along said east line, a distance of 405.90 feet to the southeast corner of said Southwest Quarter of the Northeast Quarter; thence South 89 degrees 54 minutes 37 seconds West, along the south line of said Southwest Quarter of the Northeast Quarter, a distance of 1309.57 feet to the point of beginning.

This parcel is subject to part of an 80 foot wide Roadway Dedication for Kimbro Avenue North and subject to additional 10 foot wide easements for Drainage and Utility purposes adjoining the Roadway Dedication. This parcel is also subject to Drainage easements in favor of the Valley Branch Watershed District.

ROADWAY DEDICATION AND DRAINAGE/UTILITY EASEMENTS

That part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter, all in Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying 40.00 feet on each side of the following described centerline:

Beginning at a point on the north line of said Southwest Quarter of the Northeast Quarter, distant 25.33 feet easterly of the northwest corner thereof; thence in a straight line to a point on the south line of said Southwest Quarter of the Northeast Quarter, distant 20.93 feet easterly of the southwest corner thereof, and said described centerline there terminating.

Also that part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter, all in Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying 10.00 feet on each side of the above roadway dedication strip.

VALLEY BRANCH WATERSHED DISTRICT

**Proposed VBWD Easement
Legal Description
(Parcel A)**

That part of the Southwest Quarter of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying southerly of the North 54.00 feet thereof, described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Northeast Quarter; thence North 00 degrees 22 minutes 06 seconds West, on an assumed bearing along the west line of said Southwest Quarter of the Northeast Quarter, a distance of 512.59 feet; thence North 89 degrees 30 minutes 46 seconds East, a distance of 158.74 feet to the point of beginning; thence South 59 degrees 02 minutes 27 seconds East, a distance of 402.89 feet; thence South 78 degrees 02 minutes 41 seconds East, a distance of 318.11 feet; thence North 71 degrees 21 minutes 57 seconds East, a distance of 523.19 feet to the east line of said Southwest Quarter of the Northeast Quarter; thence North 00 degrees 14 minutes 05 seconds West, along said east line, a distance of 197.64 feet; thence North 59 degrees 14 minutes 54 seconds West, a distance of 158.06 feet; thence North 81 degrees 30 minutes 01 seconds West, a distance of 188.70 feet; thence South 06 degrees 00 minutes 52 seconds West, a distance of 131.00 feet; thence South 09 degrees 40 minutes 44 seconds West, a distance of 221.59 feet; thence South 39 degrees 15 minutes 52 seconds West, a distance of 109.25 feet; thence South 00 degrees 56 minutes 24 seconds West, a distance of 83.95 feet; thence South 51 degrees 59 minutes 59 seconds East, a distance of 61.85 feet to the point of beginning.

**Proposed VBWD Easement
Legal Description
(Parcel B)**

That part of the Southwest Quarter of the Northeast Quarter of Section 11, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying southerly of the North 54.00 feet thereof, described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Northeast Quarter; thence North 00 degrees 22 minutes 06 seconds West, on an assumed bearing along the west line of said Southwest Quarter of the Northeast Quarter, a distance of 512.59 feet; thence North 89 degrees 30 minutes 46 seconds East, a distance of 158.74 feet to the point of beginning; thence South 59 degrees 02 minutes 27 seconds East, a distance of 402.89 feet; thence South 75 degrees 59 minutes 54 seconds West, a distance of 29.70 feet; thence North 80 degrees 04 minutes 05 seconds West, a distance of 66.86 feet; thence North 55 degrees 00 minutes 40 seconds West, a distance of 135.44 feet; thence North 71 degrees 30 minutes 11 seconds West, a distance of 125.75 feet; thence North 13 degrees 34 minutes 31 seconds West, a distance of 87.81 feet to the point of beginning.

CERTIFICATE OF SURVEY

MINOR SUBDIVISION

Part Northeast Quarter of Section 11 Township 29 North, Range 21 West City of Lake Elmo, Minnesota

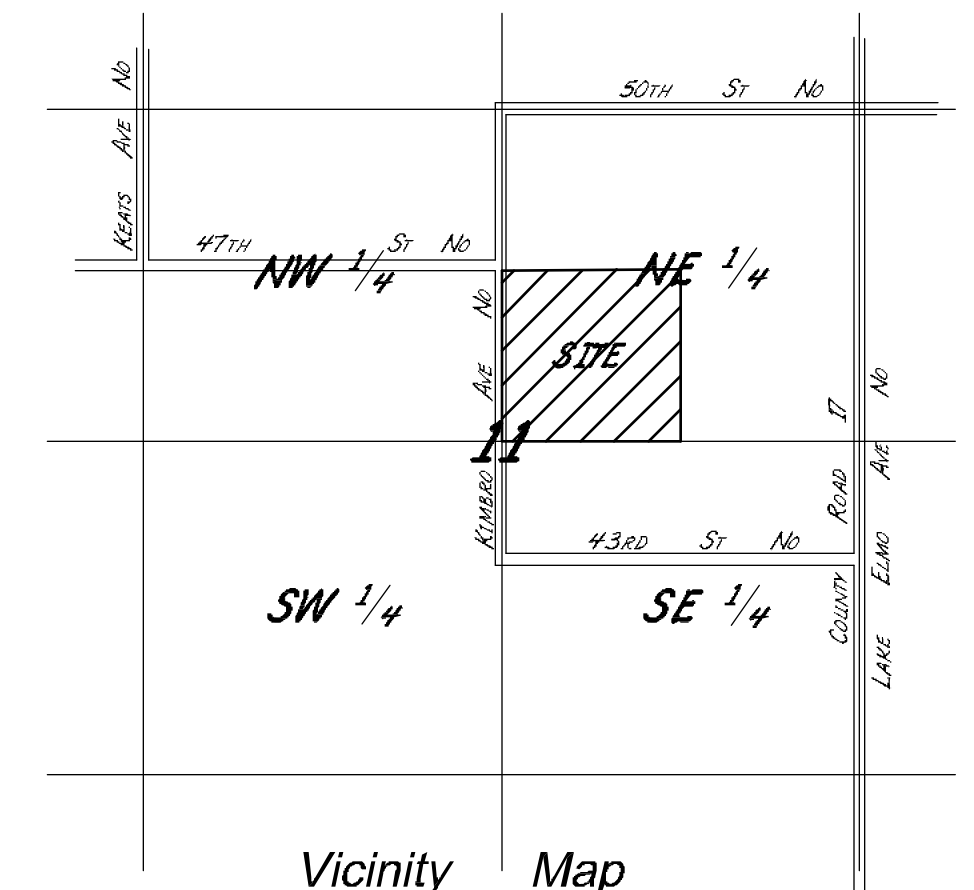
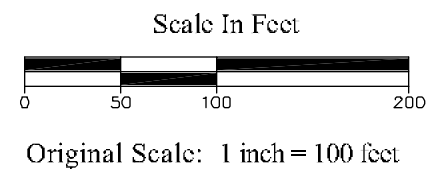
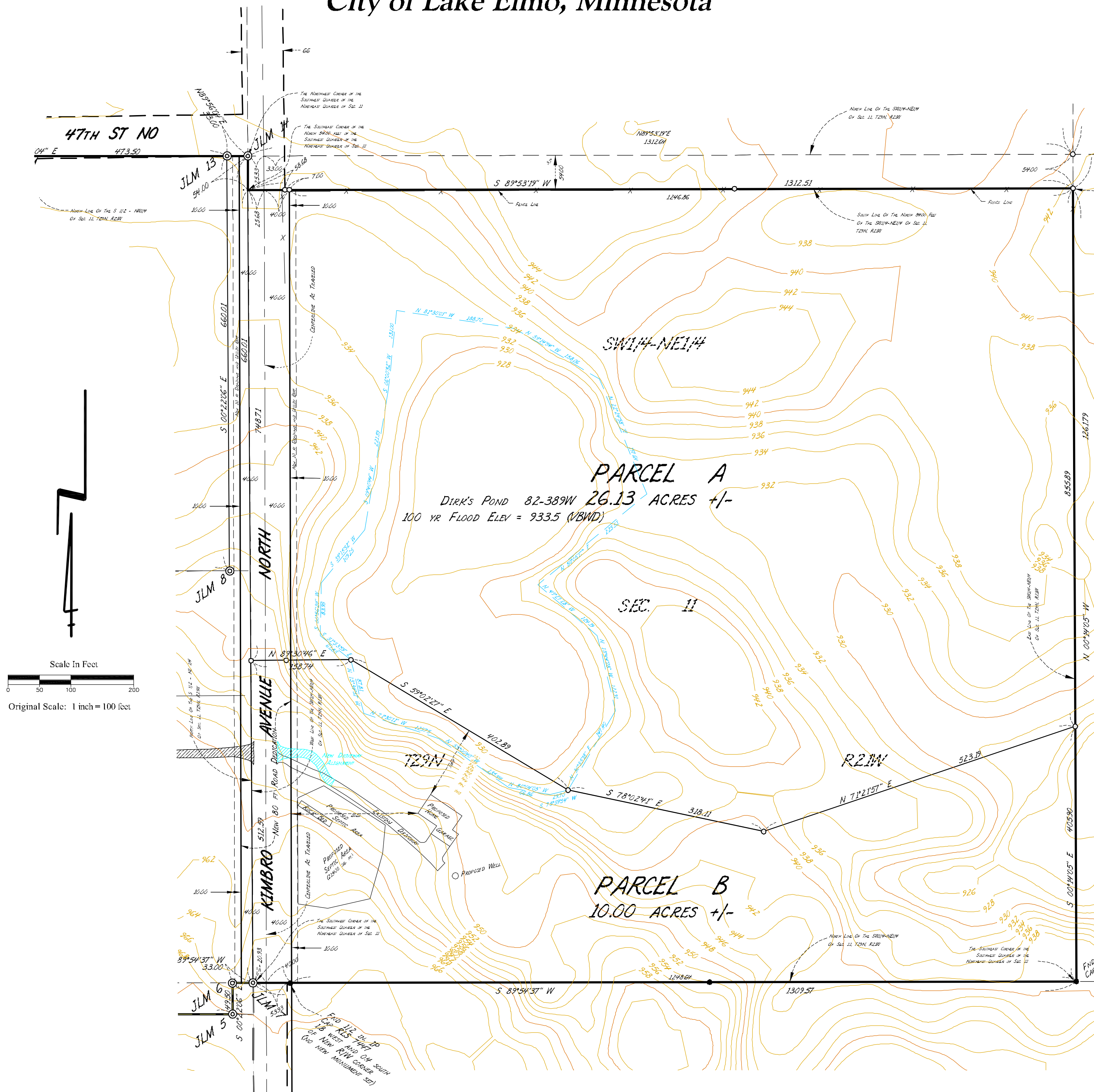
Folz Freeman Surveying LLC
LAND PLANNING and SURVEYING
FFS 12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
(651) 439-8833 www.FFSurveying.com

LEGEND

- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED
- ⊙ DENOTES FOUND CAST IRON MONUMENT, 4" ROUND TOP "JUDICIAL LANDMARK" WITH MARKINGS AS INDICATED.
- DENOTES BOUNDARY LINE
- DENOTES SUBDIVISION LINE
- DENOTES ROADWAY DEDICATION
- DENOTES DRAINAGE AND UTILITY EASEMENT
- DENOTES DRAINAGE EASEMENT TO VALLEY BRANCH WATERSHED DISTRICT
- X- DENOTES EXISTING FENCE LINE

NOTES

- ELEVATIONS ARE NAVD MEAN SEA-LEVEL, 1988 ADJUSTMENT
- ORIENTATION OF THIS BEARING SYSTEM IS ORIENTED TO THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83, 1986 ADJ



Revised 1/4/18: Added VBWD Easement Legal Descriptions.
Revised 1/10/18: Added more detail to septic tank area.
Revised 1/31/18: Added more details per City Engineer Memo.
Revised 2/2/18: Added more details per City Planner request.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.
Timothy J. Freeman 12/6/17
Timothy J. Freeman, LS
Minnesota License No. 16989 Date

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4285

Date: January 12, 2018

To: Emily Becker, Planning Director
From: Jack Griffin, P.E., City Engineer

Re: Rieks Minor Subdivision (4564 Kimbro Ave.)
Site Improvements Plan Review

The Beverly Rieks Minor Subdivision located at 4564 Kimbro Avenue was received January 8, 2018 consisting of the following documentation:

- Certificate of Survey, dated 12/6/2017.

Engineering has the following review comments:

1. The Certificate of Survey should be updated to provide an accurate scale and key dimensions should be labeled on the drawing to clearly document the proposed Minor Subdivision. The legend should be updated to identify each line type used on the survey, or each line type must be labeled.
2. Kimbro Avenue North is a collector rural section roadway requiring a minimum 80-foot right-of-way. As part of the minor subdivision, a 40-foot right-of-way dedication must be provided as measured from the existing centerline of Kimbro Avenue. An updated certificate of survey should clearly identify the proposed right-of-way dedication with dimensions labeled.
3. In addition to right-of-way dedication, a 10-foot utility easement corridor should be dedicated adjacent to the right-of-way along the length of Kimbro Avenue. The certificate of survey should be updated to clearly identify the proposed easement and the easement width should be labeled on the drawing.
4. The proposed septic system area should be located so that there is no encroachment into the dedicated Kimbro Avenue right-of-way or 10-foot utility easement corridor.
5. The certificate of survey shows an existing driveway to a new proposed home. The driveway should be reconstructed to be perpendicular to Kimbro Avenue within the Kimbro Avenue right-of-way and the driveway centerline should align with the existing driveway on the west side of the road.
6. The County Viewer indicates the current property is larger than indicated on the Certificate of Survey. The County Viewer shows the current property at 73.51 acres. If the property currently extends to the west side of the Kimbro Avenue roadway centerline, then additional right-of-way/easement dedication should be provided up to the full 80-foot right-of-way with 10-foot utility easements on both sides.

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

RESOLUTION NO. 2018-019

*A RESOLUTION APPROVING A MINOR SUBDIVISION OF
PROPERTY LOCATED AT 4564 KIMBRO AVENUE NORTH*

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

WHEREAS, Beverly Rieks, 4564 Kimbro Avenue North, Lake Elmo, MN, (Applicant) has submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to subdivide the property located at 4564 Kimbro Avenue North in to three separate parcels in accordance with the certificate of survey dated December 6, 2017 and signed by Timothy J. Freeman, P.L.S., License #16989, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the Lake Elmo Planning Commission reviewed the proposed Minor Subdivision at a meeting held on February 12, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Minor Subdivision as part of a memorandum to the City Council for the February 20, 2018 Council Meeting; and

WHEREAS, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on February 20, 2018.

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

1. That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's RR – Rural Residential zoning district.
3. That the Minor Subdivision complies with the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

4. That the Minor Subdivision subdivides the following parcel, creating one new lot, resulting in two lots total of 10.03 acres and 63.48 acres:

S1/2-NW1/4 DESC AS FOLL BEG AT PT ON N LN SD S1/2-NW 1/4 WHICH IS 33FT WLY FROM NE COR THEREOF THN N89DEG57'35"W ASM BRG ALG SD N LN DIST 473.50FT TO JLM THN S00DEG37'33"E DIST 629.38FT TO JLM THN S89 DEG22'10"W DIST 27.32FT TO JLM THN S00DEG02'25"W DIST 30.35FT TO JLM THN S89DEG57'35"E PARL WITH SD N LN DIST 496.96FT TO JLM WHICH IS 33FT WLY FROM E LN SD S1/2-NW1/4 THN N00DEG15'35"W PARL WITH SD E LN & 33FT WLY THEREFROM DIST 660FT TO POB ALSO THAT PT SD S1/2-NW1/4 DESC AS FOLL BEG AT NE COR SD S1/2-NW1/4 MRKD BY JLM THN S00 DEG15'35"E ASM BRG ALG E LN SD S1/2-NW1/4 DIST 1315.69FT TO SE COR SD S1/2-NW1/4 DIST 1315.69FT TO SE COR SD S1/2-NW1/4 THN N89DEG58'39"W ALG S LN SD S1/2-NW1/4 DIST 33FT TO JLM THN S00DEG15'35"E PARL WITH SD E LN S1/2-NW1/4 DIST 49.50FT TO JLM THN N89DEG58'39"W ALG S LN OF N 3RDS OF NE1/4-SW1/4 DIST 1278.78FT TO SW COR SD N 3 RDS MRKD BY JLM THN N00DEG 15'03"W ALG W LN SD NE1/4-SW 1/4 DIST 49.50FT TO NW COR SD NE1/4-SW1/4 MRKD BY JLM THN N 89DEG58'39"W ALG S LN SD S1/2- NW1/4 DIST 399.89FT TO JLM THN N00DEG19'18"W DIST 656.23FT TO JLM THN S89DEG57'35"E PARL TO N LN SD S1/2-NW1/4 DIST 1182.41FT TO JLM THN CONT S89DEG57'35"E PARL WITH N LN SD S1/2-NW DIST 496.96FT TO JLM WHICH IS 33FT WLY FROM E LN SD S1/2-NW 1/4 THN N00DEG15'35"W PARL TO SD E LN & 33FT WLY THEREFROM DIST 660FT TO JLM WHICH IS ON N LN SD S1/2-NW1/4 33FT WLY FROM NE COR THEREOF THN S89DEG 57'35"E ALG N LN SD S1/2-NW1/4 DIST 33FT TO POB ALSO THAT PT SD S1/2-NW1/4 DESC AS FOLL COM AT NE COR SD S1/2-NW1/4 THN WLY ALG N LN THEREOF ON ASM BRG N89DEG57'35"W DIST 526.50 FT THN S00DEG02'25"W DIST 629.65FT TO POB THN CONT ALG LAST DESC LN DIST 30.35FT THN N89 DEG57'35"W DIST 1182.41FT THN N00DEG19'18"W DIST 16.5FT THN N89DEG22'10"E DIST 1182.60FT TO POB Section 11 Township 029 Range 021

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the Minor Subdivision request, provided the following conditions are met:

- 1) The property shall be rezoned to RR – Rural residential.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$3600.00 prior to any formal City authorization to split the existing parcel into three lots.
- 3) The applicant must submit and receive approval of a building permit application; grading, erosion control, and other applicable plans prior to the commencement of any construction activity on the parcel.

- 4) The applicant must obtain all other necessary City, State, Valley Branch Watershed District and other applicable governing body permits prior to the commencement of any construction activity on the parcel.
- 5) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained if needed.

Passed and duly adopted this 20th day of February 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

ORDINANCE NO. 08-201

**AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE
BY AMENDING THE OFFICIAL ZONING DISTRICT MAP
OF THE CITY OF LAKE ELMO**

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-201, as follows:

Section 1: Zoning Map Amendment. The following properties are hereby rezoned from A – Agricultural to RR – Rural Residential:

S1/2-NW1/4 DESC AS FOLL BEG AT PT ON N LN SD S1/2-NW 1/4 WHICH IS 33FT WLY FROM NE COR THEREOF THN N89DEG57'35"W ASM BRG ALG SD N LN DIST 473.50FT TO JLM THN S00DEG37'33"E DIST 629.38FT TO JLM THN S89 DEG22'10"W DIST 27.32FT TO JLM THN S00DEG02'25"W DIST 30.35FT TO JLM THN S89DEG57'35"E PARL WITH SD N LN DIST 496.96FT TO JLM WHICH IS 33FT WLY FROM E LN SD S1/2-NW1/4 THN N00DEG15' 35"W PARL WITH SD E LN & 33FT WLY THEREFROM DIST 660FT TO POB ALSO THAT PT SD S1/2-NW1/4 DESC AS FOLL BEG AT NE COR SD S1/2-NW1/4 MRKD BY JLM THN S00 DEG15'35"E ASM BRG ALG E LN SD S1/2-NW1/4 DIST 1315.69FT TO SE COR SD S1/2-NW1/4 DIST 1315.69FT TO SE COR SD S1/2-NW1/4 THN N89DEG58'39"W ALG S LN SD S1/2-NW1/4 DIST 33FT TO JLM THN S00DEG15'35"E PARL WITH SD E LN S1/2-NW1/4 DIST 49.50FT TO JLM THN N89DEG58'39"W ALG S LN OF N 3RDS OF NE1/4-SW1/4 DIST 1278.78FT TO SW COR SD N 3 RDS MRKD BY JLM THN N00DEG 15'03"W ALG W LN SD NE1/4-SW 1/4 DIST 49.50FT TO NW COR SD NE1/4-SW1/4 MRKD BY JLM THN N 89DEG58'39"W ALG S LN SD S1/2- NW1/4 DIST 399.89FT TO JLM THN N00DEG19'18"W DIST 656.23FT TO JLM THN S89DEG57'35"E PARL TO N LN SD S1/2-NW1/4 DIST 1182.41FT TO JLM THN CONT S89DEG57' 35"E PARL WITH N LN SD S1/2-NW DIST 496.96FT TO JLM WHICH IS 33FT WLY FROM E LN SD S1/2-NW 1/4 THN N00DEG15'35"W PARL TO SD E LN & 33FT WLY THEREFROM DIST 660FT TO JLM WHICH IS ON N LN SD S1/2-NW1/4 33FT WLY FROM NE COR THEREOF THN S89DEG 57'35"E ALG N LN SD S1/2-NW1/4 DIST 33FT TO POB ALSO THAT PT SD S1/2-NW1/4 DESC AS FOLL COM AT NE COR SD S1/2-NW1/4 THN WLY ALG N LN THEREOF ON ASM BRG N89DEG57'35"W DIST 526.50 FT THN S00DEG02'25"W DIST 629.65FT TO POB THN CONT ALG LAST DESC LN DIST 30.35FT THN N89 DEG57'35"W DIST 1182.41FT THN N00DEG19'18"W DIST 16.5FT THN N89DEG22'10"E DIST 1182.60FT TO POB
Section 11 Township 029 Range 021

Section 2: This Zoning Map Amendment is conditioned on the City receiving recorded documents or recorded document numbers for the deeds of conveyance which effectuate the Minor Subdivision approved by Resolution 2018-019 within one year of the effective date of this

Ordinance.

Section 3: The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official zoning map of the City of Lake Elmo.

Section 4: Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-201 was adopted on this 20th day of February, 2018, by a vote of ___ Ayes and ___ Nays.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk