



PLANNING COMMISSION  
DATE: 03/27/23

ITEM: Public Hearing: **Minor Subdivision** – Brookman 3<sup>rd</sup> Addition

SUBMITTED BY: Jenni Faulkner, Consulting Planner

REVIEWED BY: Sophia Jensen, City Planner

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### SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a minor subdivision request from Frisbie Properties LLC to divide Lot 3, Block 2 of Brookman 3<sup>rd</sup> Addition into two separate parcels. The proposed minor subdivision would facilitate the separation of 5.01 acres (218,242 sq. ft.) into a proposed Lot 1 consisting of 2 acres (87,121 sq. ft.) and proposed Lot 2 consisting of 3.01 acres (131,121 sq. ft.). Staff is recommending approval of the minor subdivision as presented.

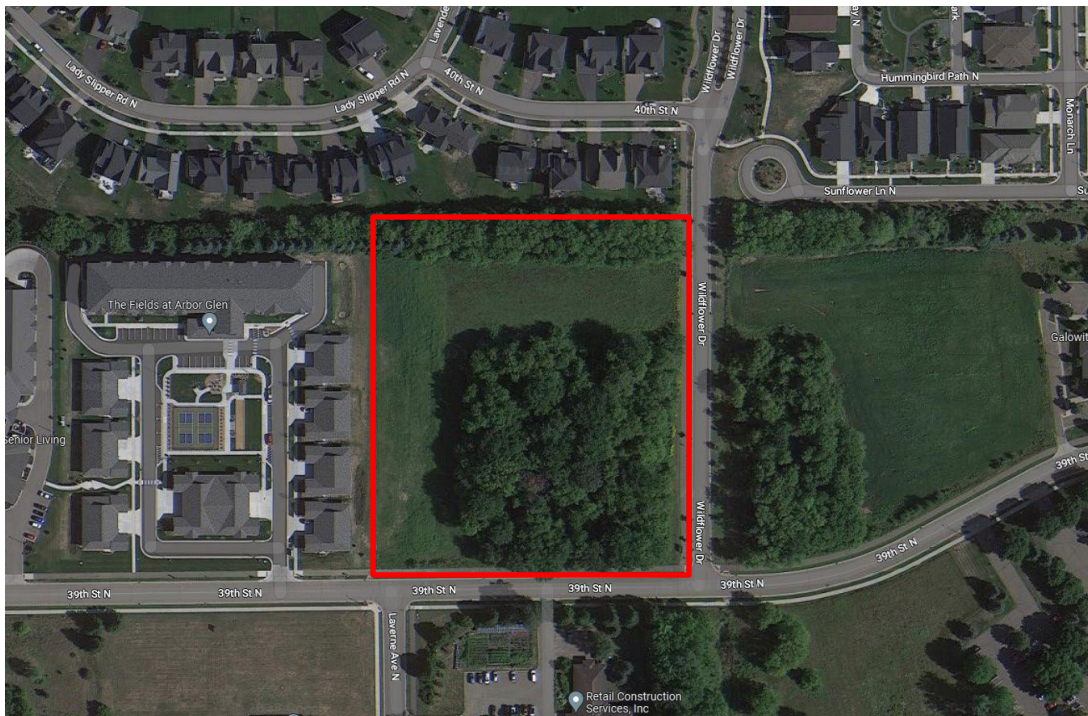
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### GENERAL INFORMATION

*Applicant:* Frisbie Properties LLC,

*Property Owners:* Frisbie Properties LLC,

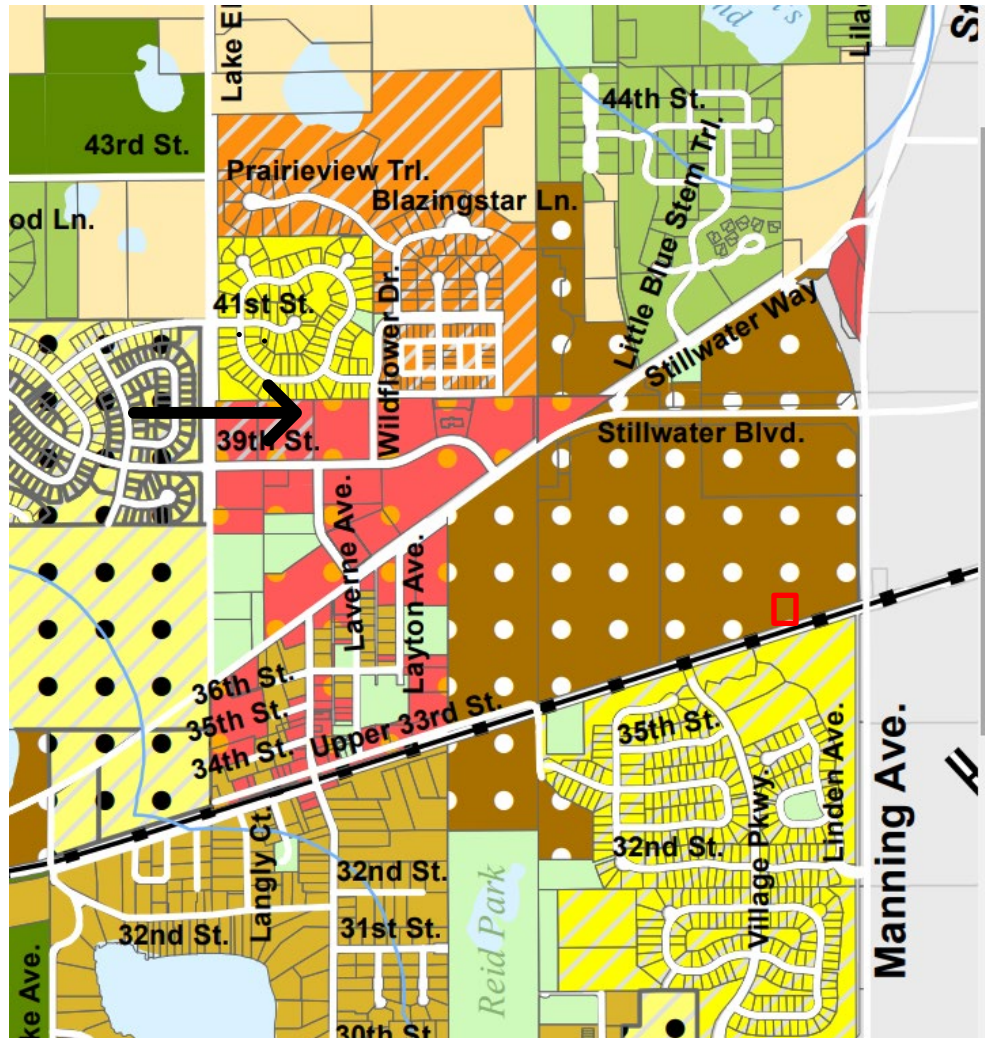
*Location:* Lot 3, Block 2, Brookman 3<sup>rd</sup> Addition. PID Number 13.029.21.22.0014



*Request:* Application for a Minor Subdivision to split said property into two parcels

*Existing Land Use and Zoning:* Open field; Current Zoning: Village Mixed Use V-MX

**Zoning Map**



*Surrounding Land Use and Zoning:* North – Low-Density Residential on 40<sup>th</sup> Street N and Lady Slipper Road

East – Future residential site across Wildflower Drive

West – The Fields at Arbor Glen (High Density Residential) connected along 39<sup>th</sup> Street N

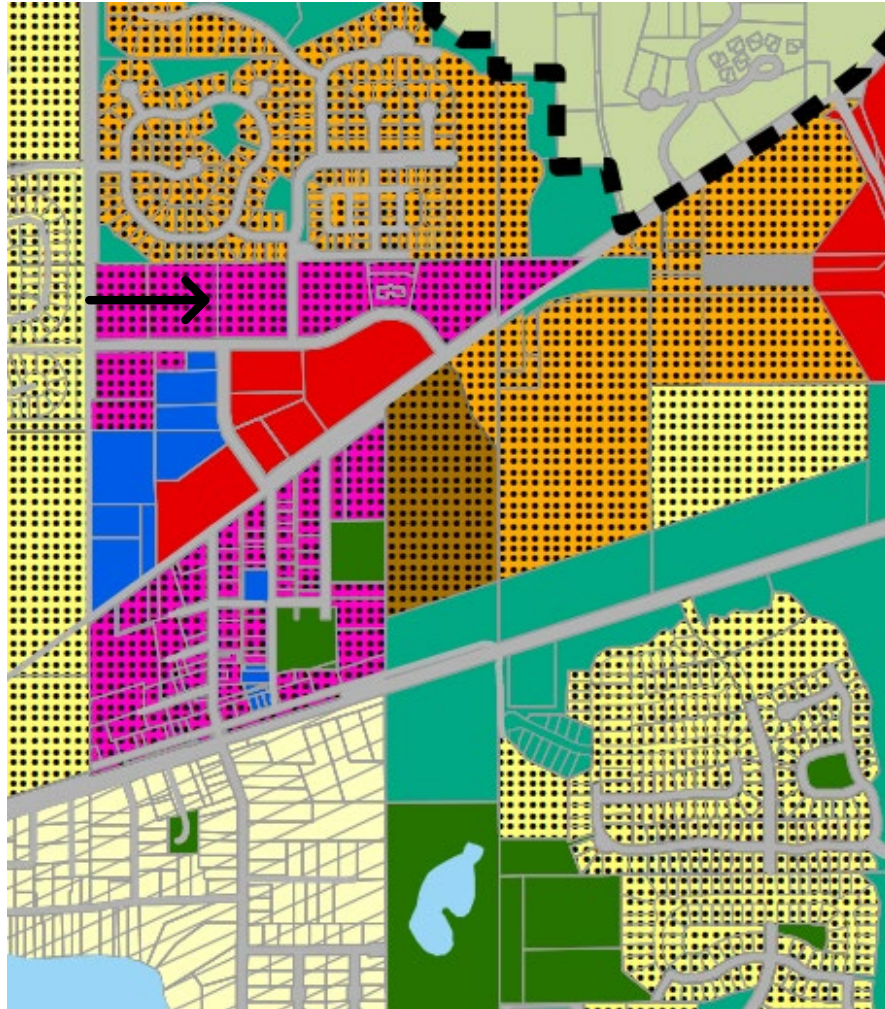
South – Village Mixed Use with Retail and Commercial businesses across 39<sup>th</sup> Street N



*Comprehensive Plan:*

V-MX (Village Mixed Use)

**Future Land Use Map**



*History:*

The City Council approved the Final Plat of Brookman 3<sup>rd</sup> Addition in 1988. Staff have reviewed concepts for a daycare and townhomes at this site. However, neither of those were final plans. Specific plans for a daycare and townhomes are expected to be submitted for review and approval in the coming months.

*Deadline for Action:*

Application Complete – 2-27-2023  
60 Day Deadline – 4-28-2023  
Extension Letter Mailed – No  
120 Day Deadline – N/A

*Applicable Regulations:*

Chapter 153 – Subdivision Regulations

## REQUEST DETAILS

The City of Lake Elmo has received a request from Frisbie Properties LLC (the property owners), for a minor subdivision to divide their parcel of the Brookman 3<sup>rd</sup> Addition into two lots. The purpose of the proposed minor subdivision is to facilitate the creation of two separate lots for future proposed townhomes and a daycare facility on each respective lot. The proposed minor subdivision would create a 2-acre lot on the south end of the parcel for the future daycare and a 3.01-acre lot on the north half of the parcel for future townhomes. No grading or tree removal is proposed with this plat.

The City's Subdivision regulations allow for certain major subdivision procedures and requirements to be waived for when platting when no more than four lots are being created, when no new public infrastructure or rights-of-way or streets are necessary and when the proposed lots meet the minimum road frontage and area requirements of the underlying zoning. This is known as a "minor subdivision" under the ordinance. The minor subdivision process allows for concurrent review and approval of a preliminary and final plat.

The proposed minor subdivision does not require any new public infrastructure or any new public streets as those improvements are in place. Each of the lots the minor subdivision would create exceed the village mixed use zoning requirements concerning lot size and lot frontage (20,000 square feet and 100 feet respectfully). As such, the proposed plat meets all the City requirements for a minor subdivision.

There are exiting drainage and utility easements on the perimeter of the existing lot being subdivided. Those will remain in place. New drainage and utility easements will be dedicated with the new plat along the newly created common lot line.

The City Attorney has provided a Plat Opinion. There are items to be addressed prior to final plat approval and recording of the plat. The City Engineer has provided comments regarding future driveway access, drainage and utility easements, and the need for additional right-of-way on Wildflower. Both of those comment memo items will need to be addressed prior to City Council approval. The comments from the Landscape Architect and Fire Chief relate to future development and are not specific to the proposed subdivision.

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## DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Lot 3, Block 2 Brookman 3<sup>rd</sup> Addition minor subdivision:

- That the Brookman 3<sup>rd</sup> Addition minor subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
  - That the Brookman 3<sup>rd</sup> Addition minor subdivision is consistent with the future development plans of the area and with the standards of the City's V-MX – Village Mixed Use zoning district including lot width and minimum lot area.
  - That the Brookman 3<sup>rd</sup> Addition minor subdivision meets the requirements of the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.
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## **RECOMMENDED CONDITIONS OF APPROVAL**

Staff recommends the following conditions as part of an approval:

1. The City Engineers 'comments shall be addressed prior to Council approval of the final plat, specifically the dedication of additional right-of-way.
2. The City Attorneys comments related to the plat opinion shall be addressed prior to Council approval of the final plat.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the minor subdivision request from Frisbie Properties LLC to divide this parcel of the Brookman 3<sup>rd</sup> Addition into two separate parcels.

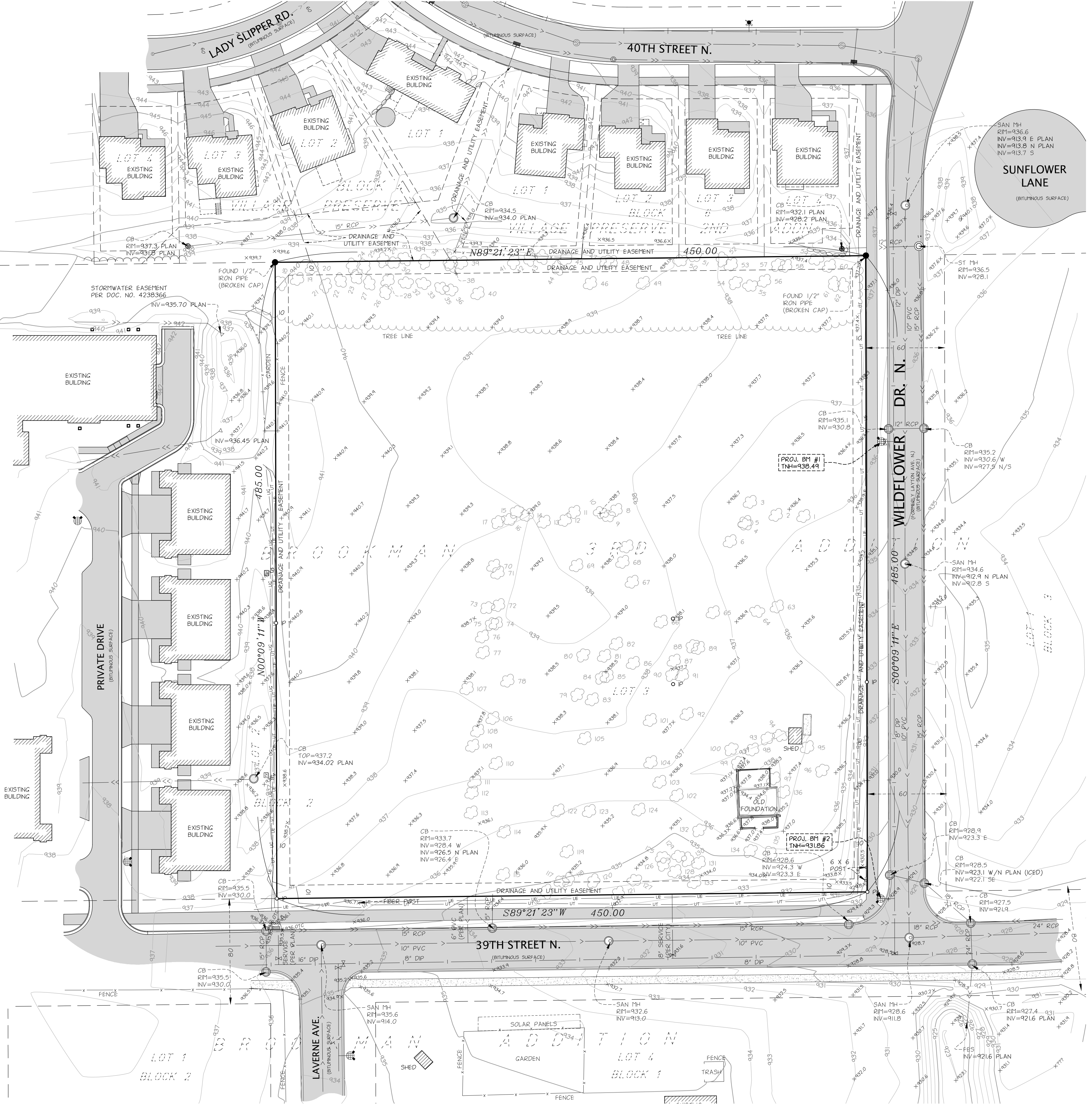
Suggested motion:

***“Move to recommend approval of the Brookman 3<sup>rd</sup> Addition minor subdivision based on the findings of fact and conditions presented in the staff report.”***

## **ATTACHMENTS:**

1. Minor Subdivision Survey
2. Preliminary Plat
3. Final Plat
4. Engineering Comments
5. Fire Comments
6. Landscape Architect Comments
7. Plat Opinion





LEGAL DESCRIPTION:

The following Legal Description is as shown on FSA Title Services as agent for First American Title Insurance Company Title Commitment No. 220174, dated April 21, 2022.

Lot 3, Block 2, Brookman 3rd Addition, Washington County, Minnesota.

AREA

PARCEL AREA = 218,242 SQ. FT. / 5.01 ACRES

TITLE NOTES:

The following exceptions appear on FSA Title Services as agent for First American Title Insurance Company Title Commitment No. 220174, dated April 21, 2022.

9. Drainage Easements per plat of Brookman 3rd Addition. SHOWN GRAPHICALLY.

11. Assessments, covenants, conditions, terms, retrictions, easements and obligations contained in Petition and Waiver Agreement per Doc. No. 4011597. AFFECTS ENTIRE PROPERTY.

12. City of Lake Elmo Ordinance No. 08-145, Renaming Layton Avenue North to Wildflower Drive North, per Doc. No. 4125502. SHOWN GRAPHICALLY.

BENCHMARKS

ELEVATIONS BASED ON AN ASSUMED VERTICAL DATUM DERIVED FROM GPS VALUES (NAVD 88). LOCAL PROJECT BENCHMARKS SHOWN GRAPHICALLY.

SURVEY NOTES:

- BEARINGS ARE BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM (NAD83). BEARINGS ARE DIFFERENT THAN SHOWN ON THE RECORDED PLAT. ALL INTERIOR ANGLES MATCH THE RECORDED PLAT ANGLES.
- UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILTS PLANS PROVIDED BY THE CITY OF LAKE ELMO.
- THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
- SURVEY PERFORMED UNDER WINTER CONDITIONS ON FEB. 7 AND 20, 2023. SOME IMPROVEMENTS MAY HAVE BEEN OBTAINED BY SNOW/ICE. A SPRING INSPECTION OF THIS SITE IS RECOMMENDED.
- ELECTRIC, GAS AND TELEPHONE LINES SHOWN PER FLAG/PAINT LOCATIONS PURSUANT TO GOPHER STATE ONE CALL LOCATE REQUEST NOTED BELOW. FLAGS WERE PLACED ON TOP OF TALL SNOWBANKS IN SNOW AND ICE CONDITIONS.

TREE LOCATION NOTES:

TREES LOCATED AND IDENTIFIED FEBRUARY 2023 BY REHDER FORESTRY CONSULTING. PLEASE CONTACT MARK REHDER WITH QUESTIONS REGARDING TREES AT PHONE: 612-760-3519 OR EMAIL: mark@rehderforestryconsulting.com.

UNDERGROUND UTILITIES NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. GOPHER STATE ONE CALL LOCATE TICKET NUMBER(S) 230500012. SOME MAPS WERE RECEIVED, WHILE OTHER UTILITIES DID NOT RESPOND TO THE LOCATE REQUEST. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.

CALL BEFORE YOU DIG!

**Gopher State One Call**

TWIN CITY AREA: 651-454-0002  
TOLL FREE: 1-800-252-1166

LEGEND:

- FOUND MONUMENT
  - SET 1/2" IRON PIPE MARKED RLS NO. 5718
  - ▣ CABLE TV PEDESTAL
  - ⊕ AIR CONDITIONER
  - ⊕ ELECTRIC MANHOLE
  - ⊕ ELECTRIC METER
  - ⊕ ELECTRIC PEDESTAL
  - ⊕ ELECTRIC TRANSFORMER
  - ⊕ LIGHT POLE
  - ⊕ CUY WIRE
  - ⊕ POWER POLE
  - ⊕ GAS MANHOLE
  - ⊕ GAS METER
  - ⊕ TELEPHONE MANHOLE
  - ⊕ TELEPHONE PEDESTAL
  - ⊕ SANITARY MANHOLE
  - ⊕ CATCH BASIN
  - ⊕ STORM DRAIN
  - ⊕ FLARED END SECTION
  - ⊕ STORM MANHOLE
- ⊕ FIRE DEPT. CONNECTION
  - ⊕ HYDRANT
  - ⊕ CURB STOP
  - ⊕ WATER WELL
  - ⊕ WATER MANHOLE
  - ⊕ WATER METER
  - ⊕ POST INDICATOR VALVE
  - ⊕ WATER VALVE
  - ⊕ BOLLARD
  - ⊕ FLAG POLE
  - ⊕ MAIL BOX
  - ⊕ TRAFFIC SIGN
  - ⊕ UNKNOWN MANHOLE
  - ⊕ SOIL BORING
  - ⊕ SPOT ELEVATION
  - ⊕ TRAFFIC SIGNAL
- UNDERGROUND ELECTRIC
  - UNDERGROUND CABLE TV
  - UNDERGROUND FIBER OPTIC
  - UNDERGROUND TELEPHONE
  - UNDERGROUND GAS
  - SANITARY SEWER
  - STORM SEWER
  - WATERMAIN
  - CURB [TYPICAL]
  - FENCE
  - 1230
  - CONTOURS
- ⊕ TREE WITH NUMBER AS LOCATED BY RIDER FORESTRY CONSULTANTS.
  - xx

TREE INVENTORY:

Tag	Species	DBH	Cond	Notes
1	Boxelder	33	Fair	2x 18 15
2	Boxelder	25	Fair	2x 14 11
3	Maple, silver	36	Good	
4	Boxelder	15	Fair	
5	Hackberry	8	Fair	
6	Boxelder	30	Fair	
7	Boxelder	12	Fair	
8	Boxelder	11	Fair	
9	Boxelder	46	Fair	3x 19 19 8
10	Boxelder	24	Fair	2x 12 12
11	Boxelder	23	Fair	2x 14 9
12	Boxelder	18	Fair	2x 10 8
13	Boxelder	41	Fair	4x 15 10 10 6
14	Boxelder	24	Fair	2x 14 10
15	Boxelder	32	Fair	3x 12 12 8
16	Boxelder	30	Fair	3x 12 12 6
17	Boxelder	20	Fair	
18	Spruce, white	15	Fair	40ft
19	Spruce, white	12	Fair	40ft
20	Boxelder	22	Fair	
21	Spruce, white	19	Fair	40ft
22	Spruce, white	8	Fair	40ft
23	Boxelder	12	Fair	
24	Boxelder	12	Fair	
25	Boxelder	13	Fair	
26	Boxelder	20	Fair	2x 10 10
27	Spruce, white	13	Fair	40ft
28	Spruce, white	8	Fair	20ft
29	Boxelder	12	Good	
30	Boxelder	12	Fair	
31	Boxelder	14	Good	
32	Spruce, white	12	Fair	20ft
33	Spruce, white	10	Fair	20ft
34	Boxelder	28	Fair	2x 16 12
35	Boxelder	13	Fair	
36	Boxelder	14	Fair	
37	Boxelder	13	Fair	
38	Boxelder	16	Good	
39	Boxelder	14	Fair	
40	Boxelder	12	Fair	
41	Boxelder	15	Fair	
42	Boxelder	12	Good	
43	Boxelder	13	Good	
44	Boxelder	23	Fair	2x 12 11
45	Boxelder	15	Fair	
46	Spruce, blue	8	Fair	30ft
47	Boxelder	12	Fair	
48	Boxelder	16	Good	
49	Boxelder	12	Fair	
50	Boxelder	12	Fair	
51	Boxelder	24	Fair	2x 14 10
52	Boxelder	13	Fair	
53	Boxelder	14	Good	
54	Boxelder	14	Fair	
55	Boxelder	14	Fair	
56	Boxelder	15	Fair	
57	Boxelder	12	Fair	
58	Boxelder	12	Fair	
59	Boxelder	12	Fair	
60	Boxelder	12	Good	
61	Boxelder	12	Fair	
62	Boxelder	16	Fair	
63	Boxelder	26	Fair	
64	Boxelder	17	Fair	
65	Boxelder	16	Fair	
66	Maple, silver	54	Fair	2x 39 15
67	Boxelder	28	Fair	2x 16 12
68	Boxelder	12	Fair	
69	Maple, silver	25	Good	
70	Boxelder	28	Fair	2x 16 12
71	Boxelder	19	Fair	
72	Maple, silver	12	Fair	
73	Boxelder	13	Fair	
74	Boxelder	15	Good	
75	Boxelder	15	Good	
76	Boxelder	12	Fair	
77	Boxelder	12	Fair	
78	Oak, bur	38	Fair	nice
79	Boxelder	12	Fair	
80	Boxelder	12	Fair	
81	Maple, silver	18	Fair	
82	Maple, silver	14	Fair	
83	Elm, american	12	Fair	
84	Maple, silver	19	Good	
85	Maple, silver	19	Fair	
86	Boxelder	14	Fair	
87	Maple, silver	28	Fair	
88	Boxelder	12	Fair	
89	Boxelder	13	Fair	
90	Maple, silver	19	Good	
91	Boxelder	16	Fair	
92	Boxelder	28	Fair	2x 14 14
93	Maple, silver	38	Fair	
94	Maple, silver	27	Fair	2x 14 13
95	Boxelder	60	Fair	4x 19 17 12 12
96	Locust, black	7	Good	
97	Locust, black	10	Fair	
98	Boxelder	12	Fair	
99	Boxelder	12	Fair	
100	Boxelder	12	Fair	
101	Oak, bur	32	Good	
102	Hackberry	10	Good	
103	Boxelder	12	Fair	
104	Boxelder	17	Fair	
105	Oak, bur	40	Fair	
106	Oak, bur	40	Good	
107	Boxelder	21	Fair	
108	Boxelder	13	Fair	
109	Boxelder	13	Fair	
110	Oak, bur	19	Fair	
111	Elm, american	18	Good	
112	Boxelder	14	Fair	
113	Boxelder	13	Fair	
114	Elm, american	14	Good	
115	Elm, siberian	13	Fair	
116	Elm, siberian	14	Good	
117	Maple, silver	14	Fair	
118	Maple, silver	16	Fair	
119	Boxelder	12	Fair	
120	Maple, silver	18	Fair	
121	Maple, silver	12	Fair	
122	Maple, silver	12	Fair	
123	Boxelder	12	Fair	
124	Maple, silver	12	Fair	
125	Hackberry	9	Fair	
126	Hackberry	6	Fair	
127	Oak, red	10	Good	
128	Hackberry	12	Fair	2x 6 6
129	Boxelder	12	Fair	
130	Elm, siberian	16	Fair	
131	Hackberry	6	Fair	
132	Oak, bur	28	Fair	
133	Oak, red	11	Fair	
134	Maple, silver	50	Fair	
135	Maple, silver	38	Fair	
136	Aspen, quaking	12	Fair	

FRISBIE PROPERTIES

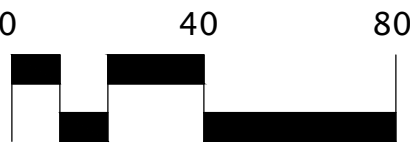
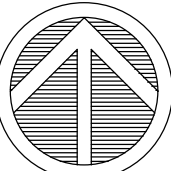
CONTACT:

Matt Frisbie  
FRISBIE COMPANIES  
matt@frisbiecompanies.com  
Cell: 612-770-5784

COUNTY/CITY:

WASHINGTON COUNTY

CITY OF LAKE ELMO



REVISIONS:

DATE	REVISION
02-15-2023	INITIAL ISSUE
02-21-2023	ADD OL, SERVICE
03-01-2023	ESMT, UTILITY ADD

CERTIFICATION:

I hereby certify that this plan 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.

Daniel L. Thurmes Registration Number: 25718  
Date: 02-15-2023

PROJECT LOCATION:

XXXXXX  
39TH STREET N.  
PID#1302921220014

Suite #200  
1970 Northwestern Ave  
Stillwater, MN 55082  
Phone 651.275.8969  
Fax 651.275.8976  
dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME SURVKH16  
PROJECT NO. KH23016

BOUNDARY/TOPOGRAPHIC SURVEY



# PRELIMINARY PLAT

WILDFLOWER AND 39TH

KNOW ALL PERSONS BY THESE PRESENTS: That Frisbie Properties, LLC, a Minnesota limited liability company, fee owner of the following described property situated in the County of Washington, State of Minnesota, to wit:

Lot 3, Block 2, Brookman 3rd Addition, Washington County, Minnesota.

Have caused the same to be surveyed and platted as WILDFLOWER AND 39TH and does hereby dedicate to the public for public use forever the easements created by this plat for drainage and utility purposes only.

In witness whereof said Frisbie Properties, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: Frisbie Properties, LLC, a Minnesota limited liability company

\_\_\_\_\_, President  
Matthew J. Frisbie

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Matthew J. Frisbie, President of Frisbie Properties, LLC, a Minnesota limited liability company, on behalf of the corporation.

\_\_\_\_\_  
(signature) (printed name)  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

I, Daniel L. Thurmes, do hereby certify that I have surveyed and platted or directly supervised the surveying and platting of the property described on this plat as WILDFLOWER AND 39TH; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on the plat have been correctly set; that all water boundaries and wet lands as of this date, as defined in Minnesota Statutes Section 505.01, Subd. 3, are shown and labeled; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

\_\_\_\_\_  
Daniel L. Thurmes, Licensed Land Surveyor, Minnesota License No. 25718

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
The foregoing Surveyor's Certificate was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, by Daniel L. Thurmes, Licensed Land Surveyor.

\_\_\_\_\_  
(signature) (print)

Notary Public,  
Dakota County, Minnesota  
My Commission Expires January 31, 2025

PLANNING AND ZONING COMMISSION OF THE CITY OF LAKE ELMO  
Approved by the Planning and Zoning Commission of the Lake Elmo, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

By \_\_\_\_\_, Chairperson  
By \_\_\_\_\_, Secretary

CITY COUNCIL OF THE CITY OF LAKE ELMO  
This plat was approved by the City Council of the City of Lake Elmo, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_ and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2, Minnesota Statutes

By \_\_\_\_\_, Mayor  
By \_\_\_\_\_, Clerk

WASHINGTON COUNTY SURVEYOR  
Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

By \_\_\_\_\_  
Washington County Surveyor

By \_\_\_\_\_

WASHINGTON COUNTY AUDITOR/TREASURER  
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable for the year 202\_\_\_\_, on the land hereinbefore described, have been paid. Also pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered, on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

By \_\_\_\_\_ Washington County Auditor/Treasurer  
By \_\_\_\_\_ Deputy

WASHINGTON COUNTY RECORDER  
Document Number \_\_\_\_\_

I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded in Washington County Records.

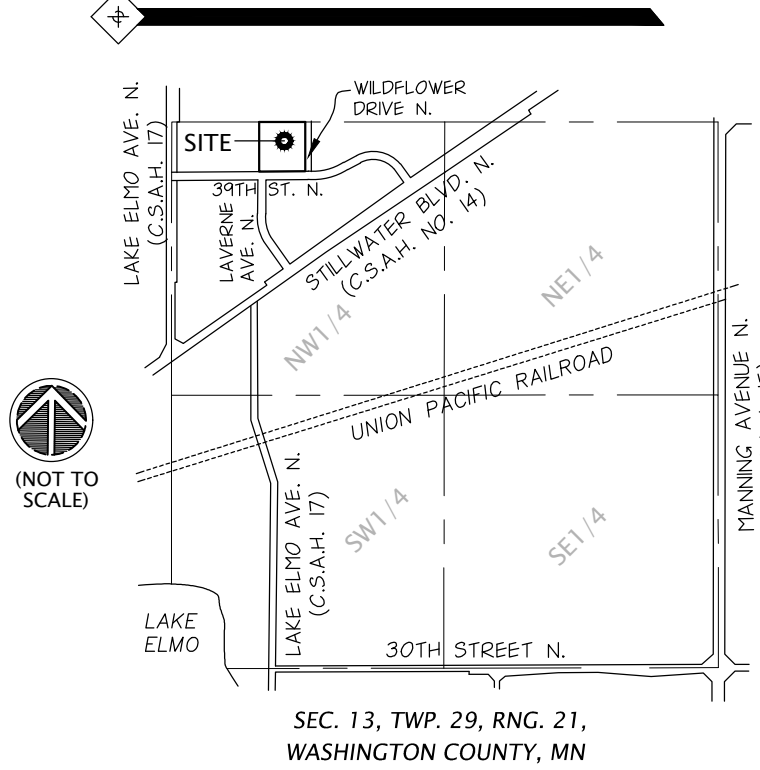
By \_\_\_\_\_  
Washington County Recorder

By \_\_\_\_\_  
Deputy

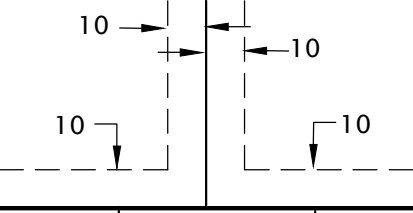
THE ORIENTATION OF THIS BEARING SYSTEM IS BASED UPON NORTH LINE OF THE NW1/4 OF THE OF SECTION 13, TWP. 29, RNG. 21 WHICH IS ASSUMED TO HAVE THE BEARING OF N89°21'23"E.

- DENOTES SET 1/2 INCH X 1/8 INCH IRON PIPE MARKED R.L.S. 25718 UNLESS OTHERWISE INDICATED.
- DENOTES FOUND 1/2 INCH IRON PIPE MARKED AS SHOWN.
- ⊕ DENOTES FOUND WASHINGTON COUNTY MONUMENT AS NOTED

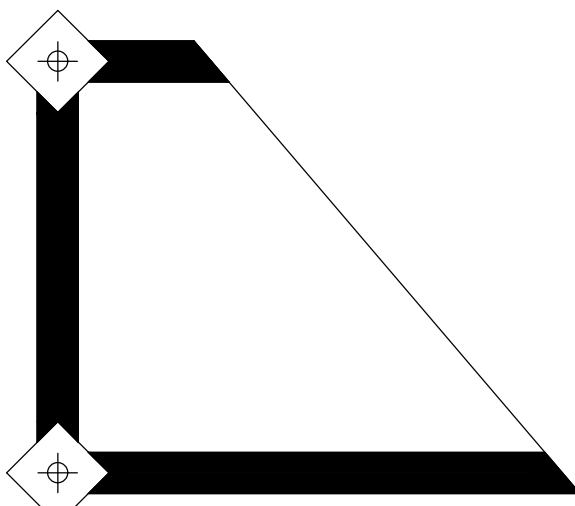
VICINITY MAP



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN AS THUS: (NOT TO SCALE)



BEING 10 FEET IN WIDTH AND ADJOINING PLAT BOUNDARIES UNLESS OTHERWISE SHOWN ON THE PLAT.



CORNERSTONE LAND SURVEYING, INC.



# 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: March 14, 2023

To: Sophia Jensen, City Planner  
Cc: Jenni Faulkner, Planning Consultant  
Chad Isakson, PE, Assistant City Engineer  
From: Jack Griffin, PE, City Engineer

Re: Frisbie Properties 2-Lot Minor Subdivision  
(NW Corner of 39th Street & Wildflower Dr)  
PID 1302921220014

Engineering has reviewed the 2 lot minor subdivision application for Frisbie Properties located at the northwest corner of 39th Street and Wildflower Drive (PID 1302921220014) received on March 1, 2023. The review consisted of the following documentation:

- Preliminary Plat dated February 27, 2023.
- Final Plat dated February 27, 2023.
- Concept Overlay dated February 27, 2023.
- Topographic Survey dated March 1, 2023.

1. Site Access. The Minor Subdivision will result in two separate lots. In order to maintain city approved access spacing, Lot 1 will be allowed only one access to 39th Street North. Lot 2 will be allowed only one access to Wildflower Drive. The specific access location for each Lot will be reviewed and approved by the city with any future site improvement plans/applications. No specific access location is approved with this Minor Subdivision.
2. Lot Development Limitations. The future development on both Lot 1 and Lot 2 will be limited to structures requiring only a single access per the state fire code.
3. Public right-of-way. Additional public right-of-way dedication should be provided along Wildflower Drive to provide the necessary right-of-way for the construction of a future dedicated southbound right turn lane along Wildflower Drive, at the intersection with 39th Street. The additional right-of-way dedication is needed for a width of 10-feet for a distance of 240 feet along the easterly property line of the parcel. A 10-foot-wide lot drainage and utility easement is still required along the right-of-way frontage.
4. Drainage and Utility Easements. A 10-ft drainage and utility easement must be dedicated as part of the minor subdivision along each property line and in particular along all public right-of-way.
5. The drainage and utility easements must be reserved for the use of small/dry utilities and remain free from all site design encroachments including trees, retaining walls, stormwater basins, and slopes exceeding 4%.

**From:** [Dustin Kalis](#)  
**To:** [Sophia Jensen](#)  
**Subject:** RE: Lake Elmo Land Use Review - March 1st Batch  
**Date:** Wednesday, March 1, 2023 1:36:49 PM

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The Fire Department does not have specific comments regarding the 2 lot minor subdivision. Previous comments regarding the daycare and future townhome proposal have not changed:

Minor Subdivision - Frisbie: PID 12.029.21.22.0014

The Fire Department has reviewed this development concept and has the following comments:

- All roads and drive lanes shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses.
- On-street parking shall be provided in approved locations following review by Engineering and Public Works.
- An approved signage and marking plan shall be determined for all No Parking and Fire Lane access roads.
- Fire hydrants shall be provided in approved locations following review by Engineering and Public Works.
- Building address numbers shall be plainly visible from the street fronting the property and shall contrasting color from the background.
- Child Care Center shall have a fire sprinkler system installed compliant with provisions of 2016 NFPA Standard 13 and the Minnesota State Fire Code. City permit required prior to initiation of work.
- Future townhomes: may require a fire sprinkler system installed compliant with provisions of 2016 NFPA Standard 13D and the Minnesota State Fire Code. City permit required prior to initiation of work.

**Dustin Kalis | Fire Chief**

**Lake Elmo Fire Department**

Fire Station #1 - 3510 Laverne Ave. N. | Lake Elmo, MN | 55042  
651-747-3933 office | [www.lakeelmo.org](http://www.lakeelmo.org)

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**From:** Sophia Jensen

**Sent:** Wednesday, March 1, 2023 10:55 AM

**To:** Jack Griffin <Jack.Griffin@focusengineeringinc.com>; Dustin Kalis <DKalis@lakeelmo.org>; Sarah Evenson <sarah@hkgi.com>

**Cc:** Jenni Faulkner <jenni.faulkner@bolton-menk.com>

**Subject:** Lake Elmo Land Use Review - March 1st Batch

You are being asked to review the following applications as a stakeholder in the area of a pending application. Please see link below.

Minor Subdivision - Frisbie: PID 12.029.21.22.0014 Frisbie properties LLC has submitted a 2 lot minor subdivision application. Zoning: Village Mixed Use. Reviewers: Engineer, Fire, Landscape Architect. **Please have feedback to Sophia Jensen by Wednesday March 15<sup>th</sup> 2023.**

[https://drive.google.com/drive/folders/1CpNPhLjg9FP-1lt6YyRtCS6K1BuHbWnp?usp=share\\_link](https://drive.google.com/drive/folders/1CpNPhLjg9FP-1lt6YyRtCS6K1BuHbWnp?usp=share_link)

Thank you,  
Sophia Jensen  
City Planner

City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042  
651-747-3911



# MEMORANDUM

**TO:** Sophia Jensen  
**FROM:** Tim Solomonson, PLA  
**DATE:** 3/15/2023  
**RE:** Minor Subdivision – Frisbie: PID 1302921220014 – Wildflower Dr N and 39<sup>th</sup> St N

## The Frisbie Minor Subdivision

### Submittals

Minor Subdivision Application dated 2/27/23, received 3/1/2023

### Review History

- N/a

**Location:** Wildflower Dr N and 39<sup>th</sup> St N

**Current Land Use Category:** Village Mixed Use(Zoned and FLU)

**Adjacent and Surrounding Land Use:** Fully built out Low Density Residential to the north and surrounded by Village Mixed Use on all other sides.

**Special Landscape Provisions in addition to the zoning code:** none

### Tree Preservation: 105. 12. 470

- A Survey and Preliminary Platting Plan have been provided but a tree preservation plan that meets all Code requirements has not been submitted.
  - A survey signed by a licensed survey does not meet the requirements for a tree preservation plan.

### Landscape Requirements: 105. 12. 480

- A Survey and Preliminary Platting Plan have been provided but a landscaping plan that meets all Code requirements has not been submitted.

### Recommendation:

- Submit Landscape and Tree Preservation plans per code requirements above.

### Hoisington Koegler Group, Inc.

Hoisington Koegler Group Inc.  
800 Washington Ave. N., Suite 103  
Minneapolis, Minnesota 55401  
(612) 338-0800 www.hkgi.com

A handwritten signature in black ink, appearing to read 'Tim Solomonson', with a long horizontal flourish extending to the right.

**Tim Solomonson, PLA (MN)**

City of Lake Elmo Municipal Landscape Architect

P: (612) 802-0142

E: tim@hkgi.com



Offices in 150 South Fifth Street  
Suite 700  
Minneapolis Minneapolis, MN 55402  
(612) 337-9300 telephone  
St. Cloud (612) 337-9310 fax  
www.kennedy-graven.com  
Affirmative Action, Equal Opportunity Employer

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**SAMANTHA C. ZUEHLKE**  
Attorney at Law  
Direct Dial (612) 337-9205  
Email: szuehlke@kennedy-graven.com

March 16, 2023

**VIA E-MAIL ONLY**

Ms. Jenni Faulkner  
Senior Planner  
Bolton & Menk, Inc.  
12224 Nicollet Avenue  
Burnsville, MN 55337

***RE: City of Lake Elmo - Plat Opinion for WILDFLOWER AND 39TH***

Dear Jenni:

At the City's request, I have reviewed the title commitment issued by FSA Title Services, as issuing agent for First American Title Insurance Company, Commitment No. 220174, with an effective date of April 21, 2022 (the "Commitment"). I have also reviewed a plat prepared by Cornerstone Land Surveying, Inc., which is titled **WILDFLOWER AND 39TH** (the "Plat").

The Commitment purports to cover the following legal description:

Lot 3, Block 2, Brookman 3rd Addition, Washington County, Minnesota.

Abstract Property

(the "Property").

Based on my review of the Commitment and the Plat, I have the following comments relative to the proposed Plat:

1. **Plat execution.** The Plat must be signed by:
  - a. The fee owner: Lake Elmo Business Park Company, a Minnesota general partnership.

The Plat is set up for signature by Frisbie Properties, LLC, a Minnesota limited liability company. *The Commitment and a search of the Wisconsin Secretary of State records indicate that Frisbie Properties, LLC is a Wisconsin limited liability company, and revisions to the Plat must be made per 2.a., below.*



The Plat must be executed with all the formalities of a deed of title. If the Property has been, or will be conveyed to Frisbie Properties, LLC, I require review of the documents of conveyance from Lake Elmo Business Park Company, general partnership, to Frisbie Properties, LLC. I require a certificate of good standing from the Wisconsin Secretary of State and evidence that the fee owner of the Property is authorized to convey the easements dedicated on the Plat and that the person signing is authorized to execute the Plat on the fee owner's behalf. *I require review of these instruments.*

- b. The Commitment indicates that there is no mortgage on the Property. *I require verification that no mortgages will be recorded against the Property prior to the recording of the Plat.*

## **2. Plat Corrections:**

- a. The fee owner as on the Commitment and on the Plat must match exactly. If the Property is to be conveyed to Frisbie Properties, LLC, I require review of the documents as described in 1.a., above. Additionally, the Commitment and the Wisconsin Secretary of State indicate that Frisbie Properties, LLC, is an entity registered in Wisconsin, rather than Minnesota, and, if Frisbie Properties, LLC, is the fee owner of record, the Plat must be revised accordingly. *I require review of this revision.*
- b. The fee owner's certificate should be revised from "Have caused the same to be surveyed" to "Has caused the same to be surveyed". *I require review of this revision.*
- c. The fee owner's certificate should be revised from "public use forever the easements as created by this plat for drainage and utility purposes only." to "public use the drainage and utility easements as created by this plat.". *I require review of this revision.*
- d. The fee owner's certificate should be revised from "Signed: Frisbie Properties, LLC, a Minnesota limited liability company" to "Signed: Frisbie Properties, LLC". *I require review of this revision.*
- e. The fee owner's acknowledgment should be revised from "on behalf of the corporation" to either "on behalf of the company" or it may be omitted entirely. *I require review of this revision.*
- f. The fee owner's acknowledgment section appears to not leave enough space for both the Notary's signature and printed name. The line for both the Notary's

signature and printed name must be revised to allow for both to appear on the Plat.  
*I require review of this revision.*

- g. The surveyor's certificate should be revised from "do hereby certify that I have surveyed and platted or directly supervised the surveying and platting of the property described on this plat as WILDFLOWER AND 39TH;" to "do hereby certify that this plat was prepared by me or under my direct supervision;". *I require review of this revision.*
- h. The surveyor's certificate should be revised from "monuments depicted on the plat have been correctly set;" to "monuments depicted on this plat have been, or will be correctly set within one year;". *I require review of this revision.*
- i. The surveyor's certificate should be revised from "wet lands as of this date, as defined in Minnesota Statutes Section 505.01, Subd. 3, are shown and labeled;" to "wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat;". *I require review of this revision.*
- j. The surveyor's certificate should be revised from "The foregoing Surveyor's Certificate was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, by Daniel L. Thurmes, Licensed Land Surveyor." to "This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, by Daniel L. Thurmes." *I require review of this revision.*
- k. The surveyor should confirm the information in the notary block for the surveyor's certificate. *I require review of any revisions to the Plat.*
- l. The heading for the Planning Commission review and approval certificate should be revised from "PLANNING AND ZONING COMMISSION OF THE CITY OF LAKE ELMO" to "LAKE ELMO PLANNING COMMISSION". *I require review of this revision.*
- m. The Planning Commission review certificate should be revised from: "Planning and Zoning Commission of the Lake Elmo, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_" to "Planning Commission of the City of Lake Elmo, this \_\_\_\_\_ day of \_\_\_\_\_". *I require review of this revision.*
- n. The Planning Commission signature lines should be revised to include spaces following the commas on the byline (for example: "\_\_\_\_\_, Secretary". *I require review of this revision.*

- o. The City Council certificate should be revised from “this \_\_\_\_\_ day of \_\_\_\_\_,” to “this \_\_\_\_\_ day of \_\_\_\_\_.” *I require review of this revision.*
  - p. The City Council certificate should be revised from “Subd. 2, Minnesota Statutes” to “Subd. 2.” *I require review of this revision.*
  - q. The County Auditor/Treasurer approval should be revised from “Subd. 9, taxes payable for the year 202\_\_, on the land hereinbefore described, have been paid. Also pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered” to “Subd. 9 and Section 272.12, taxes payable in the year 202\_\_, on real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered”. *I require review of this revision.*
3. **Title Commitment Exceptions.** The Commitment is subject to the following exceptions:
- a. Drainage and utility easements as shown on the plat of Brookman 3rd Addition, if any. *The drainage and utility easements as shown on Lot 3 of Brookman 3rd Addition encompass the entire perimeter of Lot 3, where the drainage and utility easements on the Plat encompass the perimeter of the new Lots 1 and 2 of Block 1. The City and the developer should discuss if the easements that were dedicated by the plat of Brookman 3rd Addition should be vacated.*
  - b. Overhead and/or underground utility lines that may currently exist and rights of the utility companies to use and maintain any such existing lines. *The developer and surveyor should provide the location of these utility lines, if any, so that the City may determine if they interfere with any utilities dedicated to the public by the Plat.*
  - c. Assessments, covenants, conditions, terms, restrictions, easements, and obligations contained in Petition and Waiver Agreement between the developer and the City of Lake Elmo, dated May 28, 2014, filed January 2, 2015, as Document No. 4011597, which does not contain a forfeiture or revisionary clause. The Petition and Waiver Agreement was amended on August 13, 2014 to increase the assessment amount to \$103,708. *The Agreement levies funds to finance certain public improvements and permits those charges to be assessed against on the Property. The City should determine if there are any pending special assessments against the Property as those assessments will need to be paid off at the time of recording of the final plat.*
  - d. City of Lake Elmo Ordinance No. 08-145, renaming Layton Avenue North to Wildflower Drive North, dated July 5, 2016, recorded August 25, 2017, as Document No. 4125502. *The Ordinance only renames the foregoing street name. No further action is required.*
4. **Property taxes and assessments.** All real estate taxes due in the year the Plat is to be recorded must be paid prior to recording. All assessments must also be paid.



Taxes payable in 2022 are in the amount of \$2,874 and are paid (PID No. 13.029.21.22.0014). According to Washington County property tax records, taxes due and payable in 2023 have been proposed in the amount of \$2,658.00. There are no delinquent taxes of record which must be paid prior to recording.

**5. Title Commitment.**

The Commitment is dated April 21, 2022. I require review of a Commitment that is less than 90 days old.

This letter does not purport to set forth every matter relevant to a determination of whether title to the Property is marketable, and no one should rely upon it for that purpose. The sole purpose of this letter is to identify required signatories to the Plat and related issues of interest to the City in connection with platting, as evidenced by the Commitment.

This opinion is conditioned upon the issuance of a title policy in the amount of \$100,000 in favor of the City of Lake Elmo, insuring the City's interests as they appear on the Plat.

Please contact me if you have any questions regarding this information. Thank you.

Sincerely,

*Samantha C. Zuehlke*

Samantha C. Zuehlke