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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, September 10, 2012 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. July 23, 2012
 - b. August 13, 2012
 - c. August 27, 2012
4. Public Hearing
 - a. **CONDITIONAL USE PERMIT AMENDMENT – GATSBY INVESTORS, LLC:** Gatsby Investors, LLC, 595 Lake Ridge Drive, Shoreview, Minnesota, has submitted an application for a Conditional Use Permit Amendment related to a grading plan that would result in the moving of over 400 cubic yards of material per acre at 9242 Hudson Boulevard North. The proposed grading project would allow the expansion of the ski and snowboard demonstration area currently used by Summit Ski and Board Shop for outfitting customers, training, demonstrations, and marking and promotional events.
5. Updates
 - a. City Council Updates
 - i. Zoning Text Amendment – Shoreland Standards
 - ii. Malmquist RAD-2 development proposal extension was approved
 - b. Staff Updates
 - i. Upcoming Meetings:
 1. September 24, 2012
 - c. Commission Concerns
6. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of July 23, 2012**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00pm.

COMMISSIONERS PRESENT: Williams, Boyer, Hall, Obermueller, Haggard, and Fliflet.

COMMISSIONERS ABSENT: Ziertman and Pelletier.

STAFF PRESENT: City Administrator Zuleger, Planning Director Klatt, and City Planner Johnson.

Approve Agenda:

There were no objections to the agenda as presented.

Approve Minutes:

July 9, 2012 – M/S/P: Hall/Obermueller, move to approve the minutes, Vote: 3-0, Commissioner Williams, Fliflet, and Haggard abstained.

Public Hearing: *Comprehensive Plan Amendment*

Administrator Zuleger welcomed the Planning Commission and residents in attendance. He addressed the complicated issue of buffering and the challenging issues before the Planning Commission.

Planning Director Klatt presented the Comprehensive Plan amendment. He outlined the overall process for submitting a Comprehensive Plan amendment and noted that a land use update for the Village Area will follow later this summer into the fall.

Planning Director Klatt also highlighted the current status of the Memorandum of Understanding with the Metropolitan Council, as well as the Staging Plan. Both of these items are important components of the land use plan.

Planning Director Klatt explained the housing chapter of the Comp Plan Update, which is required to be updated along with the update land use plan.

Commissioner Boyer asked if density examples can be placed on the City website.

Commissioner Fliflet asked about a parcel that is shown as park in the existing land use map that is shown as a residential use in the planned land use map.

Planning Director Klatt noted that this most likely reflects a previous mistake that can be remedied in the next update.

Chairman Williams opened the public hearing at 7:41pm

Wayne Prowse, 697 Julep Ave. N., noted that many residents who have lived in the I-94 area for many years are concerned that the new development will be far too dense compared to the existing development. These residents are most concerned about buffering new development. Mr. Prowse explained that there was a buffer in the previous Comprehensive Plan that was taken off the table. He also asked if he could read a letter from Tom Kreimer.

Chairman Williams noted that there may be many residents who wish to speak. Therefore, the public hearing should continue forward.

Commissioner Bloyer asked about the demand of 1 unit per acre residential development.

Administrator Zuleger noted that the City has received some interest in this type of development.

Commissioner Bloyer asked if the City would be inconsistent with the MOU if we approve these changes allowing one acre lots in the Comprehensive Plan.

Todd Ptacek, 812 Julep Ave. N., wanted to thank the Planning Commission and Staff for their hard work. He also asked if both sewer interceptors are available and ready to serve the I-94 Corridor.

Planning Director Klatt noted that they are available.

Mr. Ptacek asked about serving the Village Area from the Cottage Grove interceptor due to the need in that area.

Administrator Zuleger explained that the plans for the extension of sewer to the Village Area are ongoing. The survey completed by the City highlighted the fact that there is a need to serve the exiting residents and businesses within the Village area.

Mr. Ptacek wanted to clarify that both the I-94 and Village areas are going to experience growth.

Ben Roth, 10819 3rd St. Place, is the President of the Forest neighborhood. Mr. Roth wanted to reiterate that the density of the I-94 Corridor far outweighs the entire city. In addition, he wanted to note that the High Density residential area is right across the street from the Forrest neighborhood. He and his neighbors are concerned about this density.

Tom Schuette, Azure Properties, is here to speak in opposition to the additional buffering that is being proposed. He noted that it will be extremely difficult to develop the area at the density of 2.5 units/acre if large buffer areas are put forth at Stonegate. In addition, he does not see a reason to buffer residential areas from residential areas.

Dave Carland, Dale Properties, noted that the growth proposed in the I-94 Corridor is not dense by the standards of other cities in the Metro area. In addition, buffering can be much more effective through plantings and topographical methods. An arbitrary number is not good planning.

Curt Monteith, 331 Julep Ave., wanted to make sure that there is sufficient areas for recreation in the I-94 Corridor. The land use maps do not show any recreation areas. He would like this issue to be addressed.

Planning Director Klatt noted that the City does have a park plan. In addition, parkland dedication is part of the development process for future development.

Chairman Williams noted the letters submitted to the Planning Commission are entered into the public record.

Chairman Williams closed the Public Hearing closed at 8:17pm.

Commissioner Haggard asked about the 25 units per acre

Planning Director Klatt explained that the range was created for the purpose of creating more open space. If the commission is more comfortable with 15 units per acre, then we can pursue that.

Chairman Williams noted that the density calculation includes the whole parcel.

Commissioner Fliflet felt that better buffering must occur for the Forrest. This could be accomplished by switching land uses across from the Forrest with the areas just South of Oakland Jr. High School on Manning Ave.

Chairman Williams noted his concern about buffering the Forrest from the BP land use to the South.

Mr. Roth noted that there are beautiful business parks and not attractive business parks. The City will have to ensure that whatever is developed south of the Forest will not be a nuisance.

Chairman Williams asked how the Lake Elmo Fire Department has been consulted in regards to building height.

Administrator Zuleger noted that the City is looking at purchasing a new fire truck with a 100' ladder. This size truck would be able to serve up to 5 stories. The City should allow for review from the Fire Department.

Planning Director Klatt noted that the Eagle Point Business Park does allow for 50' tall buildings.

Commissioner Fliflet asked if partnering with our neighboring communities would be more financially sound than purchasing a new truck.

Administrator Zuleger noted that we are exploring all avenues to meet the needs of the community. We are exploring relationships with our neighboring communities to install automatic aid.

Chairman Williams asked if "big-box" retail stores will be allowed in the current zoning proposal.

Planning Director Klatt noted that these uses, club sales, are allowed as conditional uses, allowing the City to further review the development proposals.

Commissioner Haggard asked about the mixed use areas. How are these areas determined?

Planning Director Klatt noted that property owners would have 3 options. The property could be developed with the underlying zoning. The property could be rezoned for a different allowed use. Or a master plan could be submitted that would allow a mix of uses.

Commissioner Haggard noted that a rezoning would require the support of 4 members of the Council. Rezoning actions require a super-majority vote.

Planning Director Klatt noted that this is correct.

Chairman Williams noted that everything to the South of the future 5th St. will be at least medium density, if not higher density.

Commissioner Fliflet proposed making some of the land in south of 5th street higher density so that area near Stonegate can be lower density.

Planning Director Klatt noted that the plan must meet an average of 3.5 units/acre. However, if the City continues to accept projects at 2.5 units per acre, eventually this will conflict with the understanding with the Met Council. In addition, the work group has attempted to build market realities into the plan.

Chairman Williams noted that platting a small strip of low density housing is uncommon.

Commissioner Fliflet wanted it made clear she was proposing to make the whole low density area less dense and the higher density area denser.

Commissioner Bloyer noted that he would not support this proposal.

Commissioner Hall noted that the benefit of Commissioner Fliflet's idea allows for people to know what they are getting into North of 5th St. vs. South of 5th St.

Commissioner Obermueller noted that it is less than a quarter mile from Stonegate to 5th St.

Chairman Williams went through the options regarding a possible motion.

Commissioner Fliflet asked how the Planning Commission could receive all the public comment necessary to make a good decision.

Administrator Zuleger noted that we have some specific proposed changes. The Stonegate issue and Forrest issue could be tabled while still accepting the remainder of the Comp Plan.

Planning Director Klatt explained that there are elements of the zoning code that may address buffering.

Commissioner Haggard commented that parks could be used as a part of buffering.

Administrator Zuleger noted that Mr. Carland stated that there are other ways to buffer development than low density development nearby or distance. The concept plan of development proposals and preliminary plat process is important.

Chairman Williams noted that the City should allow clustering to try and get at this buffering issue.

Commissioner Hall asked if the density swap would affect the cost of extending public utilities.

Planning Director Klatt noted that less density means greater cost for extending public services.

Chairman Williams noted that it would be beneficial to understand the current market as it relates to 1 acre a unit housing development.

Administrator Zuleger noted that development folks have explained that 2.5 units per acre is the sweet spot for single family housing.

Chairman Williams proposes postponing the look at the Comprehensive Plan Amendment until more research about the housing market is completed.

Administrator Zuleger likes this idea because it brings more economic reality into the Comprehensive Plan.

Commissioner Haggard noted that the language about the REC units should state that we are shooting for the associated number, but that we are not going to greatly exceed it.

Commissioner Hall stated that it is important that we show good faith efforts to the Met Council so that we keep a good working relationship.

Administrator Zuleger noted that the MOU demands that the minimum REC number is our goal.

Chairman Williams noted that the development landscape isn't going to change so quickly in the next 5 years as to make the REC count increase above the minimum expectation.

Commissioner Bloyer feels that growth should occur now because we have a good opportunity to develop low density housing.

Chairman Williams make a formal motion to postpone action on the Comprehensive Plan until further information is gathered about additional density and REC calculation and the housing market.

M/S/P, Williams/Fliflet, motion to postpone consideration of the Comprehensive Plan until the next Planning Commission meeting, Vote: 6-0.

Commissioner Obermueller noted that she is concerned about the process not moving forward.

Planning Director Klatt notes that this material should be addressed at the next Planning Commission.

M/S/P, Haggard/Williams, motion to reopen the discussion to discuss the Housing Plan, Vote: 6-0.

Chairman Williams asked what the percentage of the housing stock in Washington County is considered affordable. In addition, Chairman Williams noted a discrepancy in the amount of households in the housing chart.

Commissioner Haggard asked about the targets regarding affordable housing, as well as the amount of affordable housing in the surrounding communities.

Planner Johnson noted that he can conduct some research regarding the home prices of the surrounding areas.

Commissioner Haggard also felt that the City should not reduce its fees for senior or affordable housing.

M/S/P, Williams/Fliflet, restate the motion to postpone consideration of the Comprehensive Plan Amendment, Vote: 6-0.

Public Hearing: Zoning Code Updates

Planning Director Klatt presented the new Zoning Ordinance. The ordinance includes a new introduction and use classification sections that define the uses. Planning Director Klatt went on to describe the new zoning districts that are being proposed with the Zoning Ordinance update.

Regarding the new residential districts, Staff is aiming to incorporate some element of clustering of development in order to provide more open space within the residential development.

Planning Director Klatt explained that the commercial districts include a provision to replace the City's current General Business district with a new commercial district. He also notes that design standards will follow and be incorporated into the zoning code at a later date. In addition, Staff is recommending that changes to the zoning code occur in phases.

Moving forward, Planning Director Klatt explained the current provisions in the Code related to buffering. He went on to explain some proposed changes to the buffering provisions that would provide a greater buffer than the previous provision. It includes a 200' standard that may be reduced to 100' through the use additional screening above and beyond the normal standard. Another proposal

includes a provision to reduce the setback to 150' if the buffer area is platted as a communally owned outlot of open space. Finally, another buffering option would allow for the platting of 1 acre lots abutting existing rural development to serve as a transition between the rural and sewer residential development.

Chairman Williams asked if design standards would be included in each district.

Planning Director Klatt noted that the preference would be to adopt standards for residential development and commercial development.

Chairman Williams asked if we can approve the proposed zoning code updates without the design standards.

Planning Director Klatt noted that we can adopt the proposed updates and keep moving forward with design standards and adopt in a phased approach.

Commissioner Fliflet noted that the current design standards are not up to the necessary standard.

Planning Director Klatt explained that the current standards are a placeholder for future design standards.

Commissioner Fliflet noted that General Retail does not cover all types of retail. She noted a lack of specificity may be problematic in terms of uses that the City is not interested in promoting.

Planning Director Klatt explained that the uses that create greater impacts are not included in the general retail category for the reason to protect the community from a nuisance situation.

Commissioner Hall asked about the case when one part of the business is listed as a conditional use. Would the entire business be listed as a conditional use?

Planning Director Klatt noted that the whole use would be listed as a conditional use.

Commissioner Fliflet asked what if the use does not show up in a section

Klatt noted that if is not listed than it is not allowed.

Chairman Williams noted that the Planning Director has the authority to determine what uses belong where.

Commissioner Haggard asked if the zoning code should be changed for the high density residential section to reflect the lower allowed density discussed in the Comprehensive Plan Amendment.

Planning Director Klatt noted that any development proposal must be consistent with the Comp Plan.

Chairman Williams suggested that a change to the PUD requirement must reflect any proposal over 15 units/acre vs. 25 units/acre.

Commissioner Obermueller asked about the OP-A zoning district.

Planning Director Klatt noted that this district may include additional flexibility and would replace the old RAD-2 district.

Chairman Williams opened the Public Hearing at 10:24pm.

Bill Roettger, 568 Julep Ave., noted that there is no language regarding the intended average density of development in the zoning districts. In addition, completing buffer requirements based upon lineal feet will not produce enough vegetation. A better standards could be arrived at through sq. footage (number of trees dependent on sq. footage of lots platted.)

Todd Ptacek, 812 Julep Ave., noted that some good compromises have been made in the Staff's proposal.

Wayne Prowse, 697 Julep Ave., noted that year-long plantings will not suffice as an effective buffer. He wanted to reiterate that the original language of the buffering should be remembered.

Tom Shuette, Azure Properties, asked that there should be an allowance for higher densities if some of the property is used in low-density buffering.

Planning Director Klatt explained that the density figures are an average over the entire parcels.

Mr. Shuette explained that his previous proposals did not work because there was not enough allowable density. He would prefer that some density be made available to ensure that a development can go forward.

Planning Director Klatt noted that the minimum standards for lots in that zoning district would allow for some spread of densities over the overall parcel.

Mr. Shuette explained he is concerned about getting to the minimum REC units in his property.

Administrator Zuleger noted that the City should gather some information from a knowledgeable group that would draft a report to solve the buffering issue.

Chairman Williams noted that he supports this idea, and he would also like to keep the public hearing open until next meeting.

Planning Director Klatt shared the views of Tom Kreimer, who was unable to attend. These comments included that he does not support any buffer smaller than 200' and also does not support any possible reductions.

M/S/P, Williams/Hall, move to recess the public hearing until our next meeting,
Vote: 6-0.

City Council Updates - None

Staff Updates

Next Meeting is scheduled for August 13. We may want to postpone the next planned public hearing until we are further along in the process.

Commission Concerns

Commissioner Fliflet noted that emails or letters that arrive the day of the meeting should either be read into the record, or the Commission should be given a recess to read the materials.

Planning Director Klatt explained that the City has not accepted materials after noon on the day of the meeting, but we can address how this should be handled in the future.

Commissioner Haggard commented that Staff did a great job in compiling all this material.

Meeting Adjourned at 10:46pm.

Respectfully submitted,

Nick Johnson



**City of Lake Elmo
Planning Commission Meeting
Minutes of August 13, 2012**

Vice Chairman Fliflet called to order the meeting of the Lake Elmo Planning Commission at 7:00pm.

COMMISSIONERS PRESENT: Bloyer, Pelletier, Hall, Obermueller, Haggard, and Fliflet.

COMMISSIONERS ABSENT: Williams.

STAFF PRESENT: City Administrator Zuleger, Planning Director Klatt, and City Planner Johnson.

Approve Agenda:

There were no objections to the agenda as presented.

Approve Minutes - None

Public Hearing: *Comprehensive Plan Amendment*

Planning Director Klatt began his presentation by noting that this item is a continuation from the previous meeting on 7/23/12. He continued by explaining the revisions that Staff undertook to reflect the discussion and review completed at the previous meeting. Most of these revisions are grammatical in nature, ensuring that the plan is consistent. Some additional changes include the swapping of future land use near Oakland Jr. High School from Medium Density Residential to High Density Residential, with the land near the Forrest neighborhood changing conversely. Also, representative from Trans-City Investments have made a formal request to keep their property guided as Business Park as opposed to the current High Density Residential zoning in the Future Land Use Map. Staff is recommending approval of the proposed Comprehensive Plan Amendments and proceed to the Zoning Code discussion.

Commissioner Haggard asked if the buffering requirements in the Comp Plan are intended to buffer different zoning districts or buffer developments within the same districts.

Planning Director Klatt explained that the buffering requirements are intended to buffer rural development from the new sewerred zoning districts.

Commissioner Pelletier requested an explanation about the land change near Oakland Jr. High.

Planning Director Klatt explained that this change was made to provide relief to the forest neighborhood from high density residential development in close proximity.

Commissioner Fliflet asked about why the growth projections include some numbers for 2015 that seem so unrealistic. In addition, does inclusion of these figures make it more difficult to reduce growth figures with the Metropolitan Council.

Planning Director Klatt explained that these figures are targets. In addition, this Comprehensive Plan is a first step to show the Met Council positive momentum towards growth. The City could also petition to push back the 2030 figures.

Commissioner Hall noted that back-loading the numbers may not be the best strategy because it might not follow the natural flow of development.

Planning Director Klatt explained that if we weren't showing these figures, we would not be in compliance with the revised MOU with the Met Council. If the Planning Commission were interested in changing these numbers, the discussion would move towards revising the MOU, which is a different course of action entirely.

Commissioner Bloyer said that he supports Mr. Klatt and Commissioner Hall that we should move forward in good faith and work on reducing the overall REC figures in the future. In addition, is there any reason that we should not honor the request by Trans-City Investments?

Planning Director Klatt explained that there is already an existing industrial use on that property now. It should be noted that if we change the property from high density housing to Business Park, the household numbers must be adjusted accordingly.

Commissioner Hall asked if changing this parcel to BP would dilute the demand for other parcels with this zoning designation.

Planning Director Klatt noted that it is possible that this parcel could be incorporated in a future Business Park.

Commissioner Fliflet asked why it may not be appropriate to allow for a mixed-use designation in all of the land planned for commercial use along Hudson Blvd.

Planning Director Klatt explained that the proposed Zoning Ordinance allows for multi-family residential land uses in parcels zoned as commercial through a Conditional Use Permit. Changes to the Zoning Ordinance can work through these proposals. In addition, developers do have the tool of Planned Unit Development at their disposal. Overall, there are mechanisms in place that will provide for more flexibility. However,

when placing residential uses near commercial uses, it is important for the City to have additional review as to prevent nuisance situation.

Vice Chairman Fliflet welcomed members of the audience who wished to speak a chance to address the Planning Commission.

Todd Ptacek, 812 Julep Ave. N., wanted to highlight how the plans have changed since the 2005 Comprehensive Plan. In addition, Mr. Ptacek asked about the number of REQ units associated with Commercial Use in the 2005 Plan and the current proposed Land Use Plan. Mr. Ptacek wanted it made clear that the commercial land use has a much lower REC count.

Jay Morreale, 785 Jasmine Ave. N., wanted to know what the density is in the Urban Low Density area.

Planning Director Klatt explained the base density of this district is 2.5 units/acre.

Mr. Morreale felt that none of the changes that were discussed to buffer the Stonegate neighborhood at the previous Planning Commission were shown in the current revisions.

Planning Director Klatt explained that these changes would not be shown in the land use map, but in the zoning regulations. These changes

Mr. Morreale asked about the area designated High Density Residential near the Stonegate Park. He believes that this area should remain Low Density Residential.

Administrator Zuleger noted that a developer would be able to do acre lots in the LDR district to buffer rural development if they so wished as long as the average met the 2.5 unit/acre minimum.

Wayne Prowse, 697 Julep Ave., explained that the current proposals do not reflect the buffering proposals of the 2005 Comprehensive Plan. He noted that the residents of Stonegate are opposed to the ability of developers to forego the 1-acre lots mechanism in favor of buffering. In addition, the language of the 2005 Comp Plan notes that there will be a 1000' buffer.

Planning Director Klatt explained that the language regarding the 1000' buffer relates to the instance of wastewater inefficiency fees. He also noted that there will always be differences of opinion regarding what is reasonable vs. unreasonable in terms of buffering.

Commissioner Fliflet wanted it known that the buffering provisions will be addressed in the zoning discussion.

Tim Hood, Trans-City Investments), asked that the property owned by Trans-City Investment either be zoned Commercial or Business Park

Curt Monteith, 331 Julep Ave. N., showed some slides regarding what the proposed land use plan would look like around the southern boundary of Stonegate. He asked that the Planning Commission be thoughtful of these residents.

Ifran Ali, 2390 Golf Drive, Woodbury, asked that places of worship be allowed in residential zones as conditional uses. He noted that places of worship in residential zones adds positive benefits such as balanced growth and economic activity.

Commissioner Obermueller asked what the REC counts are related to places of worship.

Planning Director Klatt explained that the REC counts associated with Churches are difficult to calculate due to the many different uses that occur at a place of worship.

Gary Rieder asked that the City be considerate of the future traffic that the future land uses may generate.

Commissioner Bloyer asked how long the Trans-City Investment had been at its current location.

Commissioner Fliflet noted that the company could continue to operate in that location as a non-conforming use regardless of the zoning.

Commissioner Bloyer asked why Trans-City Investment would like to change the zoning.

Tim Hood of Trans-City Investments explained that they currently operate under a CUP, but would someday like to expand.

Commissioner Fliflet noted that the map does not show how adequate public facilities will be addressed in the land use map, and that may be ok.

Planning Director Klatt explained that there are allowances for different uses in the zoning code of the commercial zoning district.

Commissioner Pelletier noted that she would like to see more flexibility in the zoning. She stated that she feels uncomfortable with the plan as it currently exists in regard to the amount of land zoned as Commercial.

Planning Director Klatt noted that there are many zones that allow public facilities, including community facilities and schools.

Commissioner Pelletier asked about the wastewater inefficiency fees.

Planning Director Klatt explained that Staff removed this element from the Comprehensive Plan Amendment so that these penalties were not a major factor in the document.

Commissioner Pelletier noted that the Planning Commission may not be ready to vote on this matter.

Planning Director Klatt suggested that this item may be tabled until the buffering discussion can take place.

Commissioner Pelletier asked if the current plan hit the targets in the MOU.

Planning Director Klatt noted that it does, with residential units and commercial units. He then recommended that a motion be made to table the Comprehensive Plan discussion until after the zoning discussion.

M/S/P, Fliflet/Pelletier, motion to table the discussion on the Comprehensive Plan until after the zoning discussion, Vote: 6-0.

Planning Director Klatt began the presentation on the proposed Zoning Ordinance. He noted the proposed articles that would be added to the current Zoning Ordinance. Klatt began working through the changes and refinements that have been made since the last meeting and discussions on 7/23/12. Regarding Article 6, a new standard for buffering includes calculations for landscaping and screening known as opacity. In addition some changes have been made to the residential districts to encourage clustering of lots in order to encourage open space. Klatt continued on through several other refinements.

After these notes, Planning Director Klatt moved on to the new buffering requirements in Article 6 and Article 10. The first buffer standard is based on opacity, including plantings and other screening mechanisms. These may include plantings, berms, and fences, which are allocated based upon a point system including distance. Klatt also explained that these buffer requirements are mandatory and reviewed at the time of subdivision/preliminary plat. This technique allows for transition techniques between rural and sewered development. Klatt also noted that in place of the opacity system, a developer would be able to plat one-acre lots instead. Moving on, Klatt went through the opacity system for buffering. Finally, Klatt explained that the purpose of this addition to the Zoning Ordinance is to clearly spell out the buffering requirements to the development community. In addition, the new ordinance does not allow the Council to waive the buffer requirements simply based on discretion. However, this proposed ordinance requires the developer to proceed through the opacity exercise.

Commissioner Haggard noted that through this system, with a 5' berm, there would only be 4 trees every 100 feet near the Stonegate neighborhood. She felt that this amount of landscaping is not adequate.

Commissioner Fliflet suggested that the developer should not have as much flexibility simply planting shrubs. These would not provide an adequate buffer.

Planning Director Klatt explained that the ordinance can be refined to require a certain amount of taller plantings.

Administrator Zuleger suggested removing plants that are less than three ft. tall from the allowed types of plantings. This would ensure greater buffering.

Commissioner Obermueller questioned how this system might conflict with our current fence code. In addition, she asked if the City has an existing ordinance pertaining to berms.

Planning Director Klatt noted that Staff can check on the fence ordinance. Regarding the berm question, he noted that the City does not have a related ordinance.

Commissioner Fliflet noted that new sewered development should not need to be buffered from other new sewered development. On the contrary, rural development is not buffered enough.

Planning Director Klatt noted that it depends on what the purpose of the buffering is, being complete screening or providing a transition area.

Commissioner Fliflet noted that the medium density residential should not be buffered from low density residential when those plantings can be used to buffer the Stonegate neighborhood.

Commissioner Obermueller asked if the development community will perceive Lake Elmo as difficult to work with.

Administrator Zuleger commented on the market study.

Commissioner Haggard noted that we could raise the standards for the RE district.

Planning Director Klatt noted that we will not have many instances of this situation.

Commissioner Bloyer explained that it would take enormous amounts of very tall plantings to make an effective visual buffer. The elevation of the Stonegate neighborhood makes it extremely difficult to shield it from a visual impact of development in the I-94 Corridor.

Planning Director Klatt explained that the buffering provision was always the most difficult topic in discussing the I-94 Corridor.

Commissioner Haggard felt that screening in the existing districts are important as well.

Vice Chair Fliflet opened the Public Hearing at 9:44pm.

Greg Milnar, 9073 9th St., noted that he is concerned that there is a provision in the Code that does not allow for more than 50% of the same species in the opacity buffer requirements. Some trees provide better visual buffers. In addition, he noted that protection for existing trees is just as important as other provisions.

Tom Kreimer, 772 Jewel Ave N., noted that he worked on the I-94 Corridor Project. He noted that while the landscaping requirements are nice, but distance of the buffer area reduced. In addition, he would like to see a 1-acre lot requirement as opposed to an alternative. This would allow a graduation of density.

Todd Ptacek, 812 Julep Ave., noted that the setback for the RE backyard is 100'. It should be reasonable to expect a similar standard. In addition, berming can be effective, but it has to be quite significant. In addition, all of the provisions from the 2005 Comp Plan have not been followed. Finally, large commercial properties do not include high REC counts. These commercial developments should be evaluated based on REC counts.

David Carland, Stonehenge USA, noted that Dale Properties has owned property in the I-94 Corridor for 40 years. Mr. Carland noted that it is the charge of the City to deliver a development plan that is economically feasible. In addition, the development community market is not moving towards 1-acre lots.

Ifraan Ali, 2390 Golf Dr., Woodbury, asked that places of worship be considered as conditional uses in the commercial and residential districts.

Curt Monteith, 331 Julep Ave., showed a demonstration of what berming would look like in the rear of his property. He noted that the buffering issue is an extremely challenging topic and he hopes that we can work it out.

Wayne Prowse, 697 Julep Ave., noted that the opacity requirements will not work. In addition, he is disappointed that the distance requirement has been reduced. He would like it to be considered that 1-acre lots be platted near the sewer residential development. Again, he noted that the transition methods from 2005 Comp Plan be considered.

Jay Morreale, 785 Jasmine Ave., noted that there is a market for one-acre lots in the Twin Cities. He added that he felt like the new proposals are not very considerate of the existing residences.

Vice Chair Fliflet closed the Public Hearing closed at 10:30pm.

Commissioner Fliflet suggested beginning with the request to include religious institutions in commercial and residential districts.

Commissioner Hall noted that the City has allowed enough opportunity for churches to be located in Lake Elmo. Therefore, he would not support this proposal.

Commissioner Fliflet asked where these institutions are currently allowed in the City.

Planning Director Klatt noted that they are only allowed in PF zones, and current churches had properties rezoned to this designation. Staff would recommend that we should revisit this topic at another time.

Administrator Zuleger noted that Staff is trying to provide a fair and equitable policy to meet development requirements while preserving quality of life for existing residences. Administrator Zuleger had 5 overall points. He noted that Staff is trying to work with buffering requirements while avoiding a land taking. The second point is that the market study has shown that there is market feasibility for one-acre lots, but we have to explore this. Administrator Zuleger's 3rd point is that we need to know our land use to complete our financial analysis of extending infrastructure. The 4th point is that the MOU supercedes the 2005 Comp Plan. Also, moving the density from 3.5 units per acre to 2.5 units per acre was a major victory. Finally, regarding Mr. Monteith's comments about a good faith effort, the Planning Commission needs to understand that they have discretion at the Preliminary Plat stage to address buffering needs.

Commissioner Fliflet moved on to the Trans-City Investment request.

Commissioner Hall noted that he is concerned about removing that much high density residential because it would not be consistent with REC needs.

Administrator Zuleger asked if the Trans-City Investments would be able to expand under the CUP.

Planning Director Klatt noted that they would not be able to expand.

Commissioner Fliflet thinks it makes no sense to have the Trans-City Investment parcel zoned high density residential if they have no intention of halting the current industrial use of the property.

M/S/P, Boyer/Fliflet, motion to make the Trans-City Investment parcel BP and swap two other parcels to High Density Residential, Vote: 6-0.

Commissioner Obermueller noted that she felt these swaps were not disciplined.

Commissioner Fliflet decided to move the discussion towards the one-acre buffer idea for buffering.

Commissioner Haggard asked about whether the current trail plan calls for a greenway area.

Planning Director Klatt noticed that there is a provision for a greenbelt near the southern border of the Stonegate neighborhood in the trail plan.

Commissioner Boyer said that he is opposed to mandating a one-acre lot solution.

Commissioner Fliflet said that she agrees with the residents that old buffering requirements have not been honored. The current proposal does not go far enough to protect the existing residents. Regarding the Met Council, Fliflet wants to know what would be required to make this one-acre lot scenario work with our MOU numbers.

Mr. Carland noted the market drives the single-family product line, and the notion that density can be made up somewhere else is not as simple as moving the border around.

Commissioner Fliflet does not agree that there is no market for one-acre lots.

Commissioner Haggard asked if there are any other solutions available.

Obermueller noted that design standards can make sure that the development is attractive.

Mr. Ptacek asked for a distance buffer.

Mr. Carland said that the developer is willing to work for a trail as a buffer solution.

Commissioner Fliflet moved on to opacity. She does not think the requirements should include buffering within new residential areas.

Commissioner Hall noted that he believed that the opacity work was done in good faith to try and satisfy all parties. He believes that this is a good faith effort by Planning Staff. In addition, some compromises must be made on both sides.

Planning Director Klatt noted that there are 4 options to resolve this issue.

1. Work with the opacity mechanism;
2. Create new zoning district of lower density residential;
3. Create a greenbelt; or
4. Review this at preliminary plat.

Commissioner Fliflet noted that only working through preliminary plat does not provide the existing residents the appropriate protection.

Administrator Zuleger asked if a greenbelt would work through parkland dedication.

Mr. Carland noted that if you use a greenbelt to buffer, it must have a public trail.

Mr. Prowse noted that he was not happy with a greenbelt solution.

Planning Director Klatt explained the parkland dedication scenario.

Commissioner Obermueller asked who maintains the greenbelt.

M/S/P- Fliflet/Pelletier, motion to add a greenbelt area around the Stonegate neighborhood that would be credited to the developer's parkland dedication, Vote: 6-0.

Commissioner Hall amended the motion so that the greenbelt be done in place of parkland dedication and that it is a desirable amenity.

Klatt explained that the Planning Commission is directing Staff to incorporate the greenbelt into the Comprehensive Plan. The buffer yard provisions in the code will be removed.

Administrator Zuleger implored the Commission to consider approving the Comprehensive Plan and Zoning Code with the proposed changes.

Commissioner Haggard felt that LDR should have larger side-yard setbacks than MDR.

M/S/P – Hall/Bloyer, motion to pass the Comp Plan Amendment with the Greenbelt provision for the Stonegate neighborhood and zoning change for the parcel owned by Trans-City Investments, Vote: 6-0.

M/S/P – Bloyer/Hall, move to approve the Zoning Code update with Article 6 struck from the proposed changes, Vote: 6-0.

City Council Updates - None

Staff Updates - None

Commission Concerns - None

Meeting adjourned at 11:46pm.

Respectfully submitted,

Nick Johnson

DRAFT



**City of Lake Elmo
Planning Commission Meeting
Minutes of August 27, 2012**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00pm.

COMMISSIONERS PRESENT: Williams, Bloyer, Obermueller, Haggard, and Fliflet.

COMMISSIONERS ABSENT: Hall and Pelletier.

STAFF PRESENT: City Planner Johnson.

Approve Agenda:

There were no objections to the agenda as presented.

Approve Minutes: *None*

Public Hearing: *Zoning Text Amendment, Shoreland Standards (§150.255)*

Planner Johnson explained the background information behind the request made by Mr. Jim Leonard, 3012 Lake Elmo Ave. N., to amend the Lake Elmo City Code to allow for water-oriented accessory structures used solely for watercraft storage to occupy up to 400 square feet. This standard would be consistent with the state statute regarding the standards for water-oriented accessory structures. In addition to the allowance for structures used for watercraft storage to occupy 400 square feet, the state statute also recommends a setback of 10' from the Ordinary High Water (OHW) Mark for water-oriented accessory structures. The Lake Elmo Shoreland Ordinance currently has a 20' setback from the OHW.

Planner Johnson noted that the DNR did respond for comment regarding the proposed zoning text amendment. The DNR Area Hydrologist, Molly Shodeen, noted that the DNR would not object to such an amendment since it is consistent with the State Statute. In addition, Planner Johnson noted that the allowance for structures used for watercraft storage to occupy 400 square feet only applies to general and recreational development waterbodies. In Lake Elmo, the waterbodies that are classified as recreational development waterbodies are Lake Elmo, Jane, Olson, and DeMontreville.

Commissioner Fliflet asked if water-oriented accessory structures are allowed on natural environment lakes.

Johnson noted that Staff should clarify this fact, but he believes that water-oriented structures up to 250 square feet are allowed on natural environment waterbodies.

Providing more background, Planner Johnson noted that research regarding the adoption of the original Shoreland Ordinance did not reveal why the allowance for 400 square feet structures used for boat storage was not included. IN addition, Staff did some research regarding the standards of other communities in the Metro Area and found that some cities are more restrictive, whereas others follow the Model DNR Shoreland Ordinance to the letter.

Commissioner Fliflet asked whether other types of water-oriented accessory structures would be allowed up to 400 square feet. In addition, what about water-oriented structures that serve dual purposes.

Planner Johnson noted that other types of structures would not be allowed up to the 400 square foot size. In addition, the Planning and Building Department would be responsible to review building permits related to water-oriented accessory structures to ensure that the intent of the Shoreland Ordinance is followed.

Commissioner Bloyer noted that an allowance for better boathouses would beautify the shoreland areas of the recreational development waterbodies.

Commissioner Haggard asked if there are any standards that govern the design of water-oriented accessory structures.

Planner Johnson noted that these structures would be governed by the City Code as it relates to accessory structures, which requires that the structures match the design of the primary structure.

Chairman Williams opened the Public Hearing at 7:14pm.

Jim Leonard, 3012 Lake Elmo Ave., spoke about the reasons for his request. He noted that his boat is of typical size and could not be stored in a structure of only 250 square feet.

Chairman Williams closed the Public Hearing at 7:17pm.

Chairman Williams noted that water-oriented accessory structures are allowed up to 13 feet in height. In addition, Chairman Williams noted that the Commission should not address the setback from the OHW mark if notice was not published for a public hearing regarding this matter.

Commissioner Obermueller noted that a structure height of 13 feet may be too limited in terms of matching the structure to the primary.

Regarding the pursuing the 10 foot setback standard from the DNR Model Ordinance, Chairman Williams recommends publishing a new public hearing notice for the Planning Commission meeting on September 24th at no expense to the applicant.

M/S/P: Fliflet/Haggard, motion to approve the zoning text amendment to come into conformance with the DNR's Model Shoreland Ordinance and allow water-oriented accessory structures used for boat storage and other accessory boat equipment up to 400 square feet. Vote: 4-0, Commissioner Bloyer abstained.

Chairman Williams asked the applicant if he would like the City to pursue a zoning text amendment related to the setback from the OHW mark.

Mr. Leonard confirmed that he would be interested in such a zoning text amendment.

M/S/P: Obermueller/Fliflet, motion to direct Staff to prepare a zoning text amendment and hold a public hearing for a change of the Shoreland Ordinance from a setback of 20 feet from the OHW mark to 10 feet. Vote: 4-0, Commissioner Bloyer abstained.

Business Item: *Design Standards Case Studies and Discussion*

Planner Johnson presented the basics of design guidelines and standards, as well as what attributes are commonly found in effective design standards. He also noted that it is important that the design standards reflect an agreed upon set of community goals that pertain to site and building design.

Planner Johnson went on to describe how design standards are generally applied. These standards typically applied to specific geographic areas, or specific types of land uses, such as commercial or high density residential development. In addition, design guidelines are written in two forms: manuals or straight into the City Code.

Chairman Williams asked about the advantages of creating a design guideline manual vs. writing these standards directly into the code.

Planner Johnson noted that manuals allow the city to use pictures and visual examples of the types of development the City would like to pursue. Regarding codified standards, there may be some advantage in terms of simplicity of inserting the guidelines directly into the Zoning Ordinance.

Moving on, Planner Johnson described the four case studies included in the presentation: Eden Prairie Town Center Design Guidelines, Oak Park Design Guidelines, City of Wayzata Design Standards, and Camp Phillips Business Campus Design Guidelines. Finally, Planner Johnson noted that Staff is looking for direction in terms of defining priorities as they relate to design standards.

Chairman Williams noted that it may be helpful for the Planning Commission to view some videos by Randall Arendt regarding design and site planning. He also noted that we should consider design standards in the context of open field or “blank slate” development.

Commissioner Haggard wanted to ensure that the design standards applied to redevelopment in addition to Greenfield development. Also, she noted that she liked how the Eden Prairie Design Guidelines always began each standard with a goal, thereby communicating the purpose to the development community.

Commissioner Obermueller asked how complete streets programs can be incorporated into design guidelines.

Planner Johnson noted that complete streets programs are intended to be a policy decision for public bodies to incorporate more pedestrian amenities and multi-modal transportation infrastructure into public streets.

Commissioner Haggard asked about the difference between using the terms mandatory and encouraged within design guidelines.

Planner Johnson noted that mandatory elements are those which are not negotiable and have more teeth. Typically, the encouraged elements are more architectural and subjective in nature.

Chairman Williams suggested that standards for consistent signage for commercial development in the I-94 Corridor should be implemented. This would prevent negative effects of piecemeal commercial development. In addition, the City should require that larger sites are developed contiguously with a uniformity of building design.

Commissioner Haggard noted that shared parking sounds like a good idea, as well as keeping parking to the rear of structures when possible.

Planner Johnson reiterated that Staff is looking for direction regarding priorities for design guidelines, as well as whether they should be in code or manual form.

Commissioner Bloyer suggested that the priorities for instituting design guidelines should be commercial and high density residential development.

Commissioner Haggard noted that however the design guidelines are constructed, they should be layered so that these different development types relate to one another.

Chairman Williams noted that the City of Lake should concentrate on commercial and high density residential development. He does not see any utility in applying detailed

design guidelines to single family residential development. There is enough work to be done with the higher impact uses than single family residential.

Commissioner Haggard noted that standards for streets may be helpful.

Planner Johnson noted that the City of Eden Prairie had guidelines for public utilities, such as storm water management systems. This may be an approach that the City should pursue further down the road.

Business Item: *Village Planning Update*

Planner Johnson made a brief presentation highlighting two updates regarding the Village Area planning process. First, the Village Work Group officially endorsed a land use plan to move forward in the planning process. Second, Staff is considering including an amendment to the City's Municipal Urban Service (MUSA) boundary. This boundary indicates where the City intends to provide sewer and water service.

Regarding the Village Land Use Map, there are four major features. First, there is a greenbelt surrounding the Village Area. Staff is working with the Minnesota Land Trust on furthering this project. Second, there is a Village Center- Mixed Use area, intended to serve as the downtown development area. Third, the areas surrounding downtown have been guided for medium and low density residential development. Fourth, the plan shows the City's intention to provide a regional recreation facility in the Village Area to the East of downtown.

Chairman Williams asked about storm water management for the Village Area, as well as working with the railroad.

Planner Johnson noted that it would benefit the Village Area to work with developers who are interested in developing on a larger scale because it is easier to construct a regional retention system with one or two partners as opposed to many different developers. Regarding the railroad, the City needs to complete further engagement to work with them on the Village Pkwy crossing.

Commissioner Fliflet noted that this plan needs to incorporate strategies related to safe pedestrian crossings of HWY 5.

Planner Johnson noted that such strategies should be included as a priority in the Comprehensive Plan.

Commissioner Haggard asked what the City needs to do to ensure that the downtown village green concept is accomplished in the best location possible.

Planner Johnson noted that if the City Council decides that this downtown concept is a priority, that it would be wise to acquire the property that would make it a reality.

Moving on, Planner Johnson made an update regarding a potential MUSA boundary amendment. This amendment will proceed with the Village Land Use Comp Plan Amendment process.

Commissioner Bloyer noted that some residents south of 30th St. are interested in connecting to sewer.

Chairman Williams noted that if some new parcels are added to MUSA area, the zoning of these properties should not change.

City Council Updates

Authorization of the Comprehensive Plan Amendment for Adjacent Community Review – City Council authorized the distribution of the proposed Comprehensive Plan Amendment related to the I-94 Land Use plan and Housing sections for our adjacent communities and jurisdictions to officially review the City's proposed plans.

Zoning Ordinance Updates Approved - The City Council did pass the proposed Zoning Ordinance updates for the zoning districts related to the I-94 Corridor. However, the City Council still has to approve a formal ordinance to adopt the proposed changes to the Zoning Code.

Farm School Concept Plan Extension - Finally, Tammy Malmquist submitted a request for an extension on the review of the concept plan for her development proposal.

Commissioner Obermueller noted that this project is currently listed as a City project on the City's website. She believes that this should not be listed as a City project.

Staff Updates

Commissioner Joan Ziertman Resignation – Commissioner Ziertman submitted a letter of resignation from the Planning Commission. She served for 3.5 years and the City would like to thank her for her service.

Planning Commission Meetings 9/10 and 9/24 – Upcoming meetings for the Planning Commission will include updates to the construction of design standards, as well as the Village Comprehensive Plan Amendment. In addition, the Planning Commission will hold another public hearing related to a zoning text amendment for Shoreland Standards.

Commission Concerns - *None*

Adjournment at 9:16pm

Respectfully submitted,

Nick Johnson
City Planner

DRAFT



Planning Commission
Date: 9/10/12
Item: 4a
Public Hearing

ITEM: Grading Permit and Conditional Use Permit – Gatsby Investors, LLC for 9242 Hudson Boulevard North

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Nick Johnson, City Planner
Ryan Stempski, City Engineer

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review a land use application from Joe Heinen, Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North. The proposed grading project would allow the expansion of the ski and snowboard demonstration area currently used by Summit Ski and Board Shop for outfitting customers, training, demonstrations, and marketing and promotional events. A conditional use permit is required for the grading because it would involve the moving of over 400 cubic yards of material per acre on this site.

BACKGROUND INFORMATION:

The attached Staff report includes a more detailed summary of the request, a brief review of the site, along with a set of initial review comments. Staff has determined that there are certain aspects of the proposed grading plans that will not conform to the City's requirements and that will require further revisions to the plans. In order to give the applicant some additional time to address these comments, Staff is recommending that the Commission table taking action on this item and that it come back before the Commission once the identified issues have been addressed.

RECCOMENDATION:

Staff is recommending that the Planning Commission table the request from Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North until such time that the plans are revised to address the Staff comments that require resubmittal.

ATTACHMENTS:

1. Detailed Staff Report
2. Land Use Application
3. Applicant Response to Initial City Comments
4. City Engineer Review
5. South Washington Watershed District Comments
6. Location Map
7. Grading and Erosion Control Plans

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing.....Chair
- Close the Public HearingChair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

City of Lake Elmo Planning Department
Conditional Use Permit Request

To: **Planning Commission**

From: Kyle Klatt, Planning Director

Meeting Date: **September 10, 2012**

Applicant: **Joe Heinen, Gatsby Investors I, LLC (Alan Dale, Dale Properties, LLC as co-applicant)**

Owner: Gatsby Investors I, LLC and Dale Properties, LLC

Location: **9242 Hudson Boulevard North**

Zoning: HD-GB-SRD and HD-RR-SRD

Introductory Information

Application Summary:

The City of Lake Elmo has received a request from Joe Heinen, Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North. The proposed grading project would allow the expansion of the ski and snowboard demonstration area currently used by Summit Ski and Board Shop for outfitting customers, training, demonstrations, and marketing and promotional events. A conditional use permit is required for the grading because it would involve the moving of over 400 cubic yards of material per acre on this site.

The proposed grading project would extend across the northern portion of the Gatsby Investors I, LLC property; therefore, the adjacent property owner has been required to co-sign the application and has furthermore expressed their support for this project as proposed.

Property Information:

The project site is located roughly midway between Keats and Inwood Avenue along Hudson Boulevard North. There are three properties in this location that are zoned General Business, with the applicant's property situated at the far eastern edge of the commercial-zoned area. According to City records, the building that is presently on the site was initially constructed in the early 1970's, with a series of additions and remodels in the subsequent period of time that have resulted in the present facility. There are five tenants currently in this building, including Hot Springs Portable Spas, Heritage Hous beauty salon, Home Essentials seasonal boutique, the Skills Sports Training facility, and the Summit Boardshop.

As part of its business, the Summit Boardshop operates an indoor skate park and demonstration area in addition to a small outdoor ski hill in the rear portion of the lot for equipment testing and demonstrations. The proposed grading project would expand this existing ski hill substantially in size, both in terms of the area used for the hill and the height of the hill. The current hill is approximately 25 feet higher than the

grade at which the building has been built, while the proposed grading would allow the construction of a hill that is 60 feet higher than the base of the building.

The adjacent property to the west and north is presently owned by Dale Properties, and is vacant except for narrow strips of land that are used the motorized hang gliders stored in a building on the next parcel over. All of this property is presently guided for sewer residential use in the Comprehensive Plan; however, the Planning Commission has recommended approval of a revised land use plan that would change the future land use for most of this property to Commercial. In the interim, the City has adopted a holding district designation for all properties to be served by public sanitary sewer, and these holding districts allow for the continued use and development of property in accordance with the current zoning (which in this case is either General Business or Rural Residential).

The area that will be impacted by the proposed grading project is currently vacant with the exception of some larger trees along and near the western property line and a gas line easement that cuts diagonally across the Dale Properties land. The attached existing conditions, site, and grading plans illustrate the location of this easement, and the limits of the grading project will extend to this line.

In reviewing the City's past approval of projects associated with the applicant's site, there are a few issues that warrant further investigation but that are not directly related to the present request. These issues include the following:

- At the time of the last major expansion of the building at 9242 Hudson Boulevard North, the City allowed the construction of fewer parking stalls required by the code and as shown on the approved site plan. 51 parking spaces were deemed to be the minimum number required, 40 were authorized to be constructed, and 48 were reserved for future use. Sometime since the 1986 expansion, the parking lot has been expanded with the addition of a crushed rock area so that there are now roughly 49 paved stalls and 48 unpaved stalls on the property. The City code requires all commercial parking lots to be paved, which means the crushed rock area should either be removed or paved in accordance with the approved site plan.
- The building is situated with a non-conforming setback of only 4.2 feet from the eastern property line. There is an area that appears to now be used for loading and unloading, parking, and general access over the property line in this area. Because this area is not part of the business site and there is no allowance for additional parking or access on the approved site plan, the continued use of this area by the businesses at 9242 Hudson Boulevard North should cease.
- There are review comments in the City's files from the South Washington Watershed District (SWWD) related to a 2005 project that do not appear to have ever been implemented. Any future parking lot work should either address these comments or will need to be handled as part of a new permit from the Watershed District. Please note that the current CUP/Grading request does require permit from SWWD and will be noted as a condition of approval.

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| Applicable Codes: | <p>Section 154.018 Administration.</p> <p><u>Conditional Use Permits.</u> Outlines the general requirements for all conditionally permitted uses in Lake Elmo.</p> <p>Section 151.017 Excavating and Grading Permits.</p> <p>States that “no person shall undertake, authorize, or permit any of the following actions without first having obtained a grading and excavating permit from the city”, which list the following among these actions: “Grading and excavating plans that result in the moving of 400 cubic yards of material per acre require a public hearing and approval of the City Council”. Staff has recommended that the permit be reviewed as a Conditional Use and follow the hearing procedures for a CUP.</p> |
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Findings & General Site Overview

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| Site Data: | <p><i>Lot Size:</i> 5.16 acres plus approximately 4 acres of the Dale Properties parcel</p> <p><i>Existing Use:</i> General Commercial and Retail</p> <p><i>Existing Zoning:</i> GB – General Business and RR – Rural Residential (Dale Properties)</p> <p><i>Property Identification Numbers (PID):</i> 34.029.21.34.0004 and 34.029.21.34.0003 (Dale Properties)</p> |
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Application Review:

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| CUP/Grading Review: | <p>The applicant has submitted a series of plans intended to comply with the City’s grading and erosion control standards. Due to the more technical nature of this review, the City’s Engineer has spent a fair amount of time reviewing these plans, which ultimately led to several revisions and updates in order to bring the plans into conformance with the City’s application requirements. Given the scope of this project, Staff has broken down its review into two parts: comments that are more general in nature and those that are specific to the City’s grading and excavation requirements.</p> <p>Please note that based on the information submitted to date, Staff is not recommending approval of the project, and instead is recommending that the Planning Commission table taking action on this request in order to give the applicant time to address those comments that will very likely require revisions to the plans. Other comments and concerns that will not require any plan revisions may be addresses as conditions approval when this item comes back before the Planning Commission. The Planning Commission could also consider taking action to recommend approval or denial of the request at its meeting as long as it adopts findings of fact to support its decision.</p> <p>Generally, Staff would like to note the following concerns with the project as proposed:</p> <ul style="list-style-type: none"> • The proposed grading would result in a large hill that is 35 feet higher than the one presently on the property. The final grades and hill will be visible from |
|----------------------------|---|

not only immediately adjacent parcels, but those that are further away as well.

- There is an existing gas line than crosses the Dale Properties parcel, and the applicant is proposing to grade within the easement for this pipeline. Written approval from the easement holder must be provided to the City before any grading will be allowed in this location.
- There are a number of trees that will be removed due to the grading. The applicant has submitted a Tree Inventory Plan that indicates 22.7% of the trees will be saved. Staff is recommending that some of the trees lost be replaced in order to better bring the project into conformance with the City's grading permit standards.
- Because the ski hill is considered accessory to the permitted retail uses on the property, all access to the hill and demonstration area should be through the existing building. Staff is not recommending that direct access from the exterior of the building be allowed as a condition of approval.
- The watershed district has not yet received plans for review, and the proposed grading project will require a permit from the South Washington Watershed District. The City Engineer has asked that the applicant provide documentation that this permit has been secured before any construction is allowed on the site, and any changes to the site plan approved by the City as a result of the watershed district review will need to be reviewed and approved by the City prior to construction.

In addition to the general comments noted above, the City Engineer has submitted his detailed review in the form of the attached letter. The two most significant issued identified in this letter are as follows:

- The proposed grading would extend into the current drain field for the property. The applicant either needs to remove any grading from this portion of the site or develop an alternative that provides for a treatment area on the site that meets current County requirements.
- Access to the proposed ponding area has been requested by the City Engineer but is not shown on the attached plans. This access is critical in order to properly maintain the storm water pond.

Other comments concerning these issues in particular may be found in the Engineer's report under the heading "Engineering review comments requiring resubmittal". The other portion of the Engineer's review includes additional comments that could be addressed as conditions of approval once revised plans have been submitted. This list includes requirements specific to the storm water pond and maintenance of this pond, permit approvals from SWWD, Pollution Control Agency permits, tree preservation and replacement plans, and the gas pipeline.

Once a revised plan is submitted, Staff will provide the Planning Commission with a more throughout review of the project's conformance with the City's grading and excavating standards. These standards were ultimately used by the City Engineer in

conducting his review.

**Conditional
Use Permit
Conclusions:**

Based on the above analysis and Staff review, Staff is recommending that the Planning Commission table taking action on the request by Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North, based on the following:

1. The plans as submitted require revisions in order to address concerns that:
 - a. The grading as proposed would impact the current subsurface treatment system on the property; and
 - b. The applicant has not provided access for maintenance purposes to the proposed storm water pond.

**Resident
Concerns:**

A public hearing notice was sent to all property owners within 350 feet of the applicant's property. Staff has not received any feedback from any surrounding property owners.

**Additional
Information:**

The attached letter from the South Washington Watershed District indicates that a watershed district permit is required for the prokect.

Conclusion:

The applicant is seeking approval to conduct a substantial grading project at 9242 Hudson Boulevard North.

**Commission
Options:**

The Planning Commission has the following options:

- A) Table taking action on this request until revisions to the plans area completed in accordance with the City's review comments..
- B) Recommend approval of the request with findings of fact to support this motion.
- C) Recommend denial of the request with findings of fact to support this motion

The 60-day review period for this application expires on 10/21/12, but can be extended an additional 60 days if more time is needed.

Staff Rec:

Staff is recommending that the Planning Commission table the request from Joe Heinen, Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North

*CUP Request; 9242 Hudson Blvd. N
Planning Commission Report; 9/10/12*

cc: Joe Heinen, Gatsby Investors I, LLC
Alan Dale, Dale Properties, LLC

Fee \$ _____

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional Use Permit (C.U.P.)
- Variance * (See below)
- Minor Subdivision
- Lot Line Adjustment
- Residential Subdivision Sketch/Concept Plan
- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD

APPLICANT: Gatsby Investors I LLC 595 Lake Ridge Dr Shoreview MN 55126
(Name) (Mailing Address) (Zip)

TELEPHONES: 612 347 0171 612 386 3894
(Home) (Work) (Mobile) (Fax)

FEE OWNER: Gatsby Investors I LLC
(Name) (Mailing Address) (Zip)

TELEPHONES: 612 347 0171 612 386 3894 heinem@ghjm.co
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):
9242 Hudson Blvd N Lake Elmo MN 55042
South 675 feet of the West 333 feet of the East Half of the South West
Quarter of Section 34, Township 29, Range 21, Washington County

DETAILED REASON FOR REQUEST: Expansion of SKI AND SNOWBOARD area
Currently used by Summit Ski and Board Shop for outfitting
customers, training and demonstration, and marketing and
promotional events.

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances 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] 4/23/12
Signature of Applicant Date

[Signature] 5-21-12
Signature of Applicant Date

July 12, 2012

Via E-Mail

City of Lake Elmo
Mr. Kyle Klatt – Director of Planning
Mr. Ryan Stempksi – City Engineer
3800 Laverne Ave N.
Lake Elmo, MN 55042

Gentlemen:

Thank you for your letter on July 2 regarding my application for a Condition Use Permit related to the proposed grading project on my property at 9242 Hudson Blvd. We have attempted to address the concerns in that letter as follows:

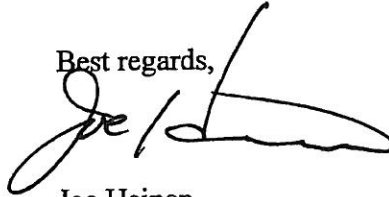
1. Lampert Lumber. We have elected at this time to modify the scope of the grading such that the contours will match within 10 feet of the Lampert Lumber property line. You'll note this change on the revised set of project plans from James Hill & Associates.
2. BP. I have been in discussions with BP Pipelines Inc. regarding the grading project and that, as presently contemplated, the grading would partially extend onto their easement but not over the pipeline itself. Nick Schilling from BP Pipelines indicated to me that as long as the grading did not extend onto the pipeline that there would not be an issue, particularly since it is relatively minor in scope. Mr. Schilling provided to me the local BP contact who will be responsible for locating the pipe and probing for the depth of the pipeline. We will be furnishing to Mr. Schilling the plans for the grading so that he can submit to the Engineering and Operations department to review and document the approval. Based on my conversation with Mr. Schilling, and the feedback he provided to me, I'm confident that we will be able to obtain their written consent for this project. I have attached a letter from Mr. Schilling evidencing our communication.
3. Dale Properties LLC. We have modified the project plan such that the lease area is clearly identified to address the concern raised by areas potentially impacted by construction or storm water runoff. You'll also note this change on the revised set of

project plans.

I have also had ongoing discussions with representatives of Dale Properties regarding all aspects of this project. At this time we do not believe that it is necessary to disclose the price and terms of a land lease I would enter into with them, however, the term of such lease would be structured such that Dale Properties could terminate the lease within one year of notice. I'm hopeful that the City will find this aspect of the lease constructive in that the lease will not impact the future redevelopment of the area under the ground lease if that is what Dale Properties desired to do.

Again, I appreciate your ongoing assistance and feedback in support of this project and hope that this letter, along with the revised set of plans that is being submitted today, allows the City to complete its review. Please do not hesitate to contact me at 612-386-3894 to discuss any aspect of this letter, the plans, or any other questions you may have. I look forward to hearing from you soon.

Best regards,

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

Joe Heinen

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

Date: September 6, 2012

To: Kyle Klatt, Planning Director
Cc: Nick Johnson, City Planner
Jack Griffin, P.E., City Engineer
From: Ryan Stempski, P.E.

Re: City of Lake Elmo
9242 Hudson Boulevard Grading Permit

We have received the Excavating & Grading Permit submittal documentation for 9242 Hudson Boulevard. The following items were received:

- Final Grading & Erosion & Sediment Control Plan prepared by James J. Hill, Inc., dated August 2, 2012.
- Drainage Calculations prepared by James J. Hill, Inc., dated August 2, 2012.
- Soil Borings prepared by AET, Inc., dated March 2005.
- Point-by-Point Response Letter from James R. Hill, Inc., dated August 2, 2012.
- Letter of Transmittal from James R. Hill, Inc., dated June 22, 2012.
- Letter from Joe Heinen dated July 12, 2012.

This project cannot be recommended for approval at this time. The following comments must be addressed prior to engineering approval:

Engineering review comments requiring resubmittal:

1. The Grading Plan (Sheet 2.3) must be revised to clearly delineate the full boundary extents of the existing property drainfield, and the grading limits must not extend over any part of the drainfield system.
2. The Grading Plan (Sheet 2.3) must be revised to provide a maintenance access road for the proposed Stormwater pond. The maintenance access road must be accessible from Hudson Boulevard to the Stormwater pond.
3. Prepare and submit revised Stormwater calculations for the revised grading plans as addressed above.
4. The Pond Easement Sketch and Description must be revised to incorporate the pond maintenance access road as required above.
5. The Pond Easement Sketch and Description must be revised to create a standard geometric shape and/or follow other property lines and/or existing physical features. The non-standard shape as proposed will create difficulties for identifying easement areas in the field for the areas to be maintained / protected.

Additional Engineering review comments:

1. The proposed Stormwater pond is to be owned and maintained by the property owner. A Maintenance Agreement must be executed with the City of Lake Elmo and recorded with Washington County.

2. The drainage easement over the pond and maintenance access road must also be granted in the name of the City of Lake Elmo.
3. This project requires a Permit from the South Washington Watershed District (SWWD). A copy of the Permit Approval must be provided to the City before the project can begin construction. If, in the course of acquiring a permit from SWWD the applicant makes any plan revisions, a copy of the revised plans must also be re-submitted to the City for further review and approval.
4. Prior to the start of any construction, and once the applicant has a Contractor in place for the work, a copy of the MPCA NPDES Stormwater Permit must be provided to the City of Lake Elmo.
5. The Tree Inventory Plan indicates significant tree removal as part of this project. A majority of the existing trees along the west property are shown for removal. The City should consider the provisions of the City Code in Section 151.017 (J) Grading Permit standards as they reference efforts to minimize tree removal, maintain screening, and restore site aesthetics through landscaping.
6. Prior to the start of any construction written approval from BP Pipelines (North America), Inc. must be provided to the City of Lake Elmo for the proposed grading within the gas easement along the east side of the property. If plans are revised to avoid this grading work or as a result of BP comments, the revised plans must be re-submitted to the City of Lake Elmo for further review and approval.



September 6, 2012

Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Ave N
Lake Elmo, MN 55042

RE: Gatsby Investors LLC Expansion at 9242 Hudson Rd

Dear Mr. Klatt:

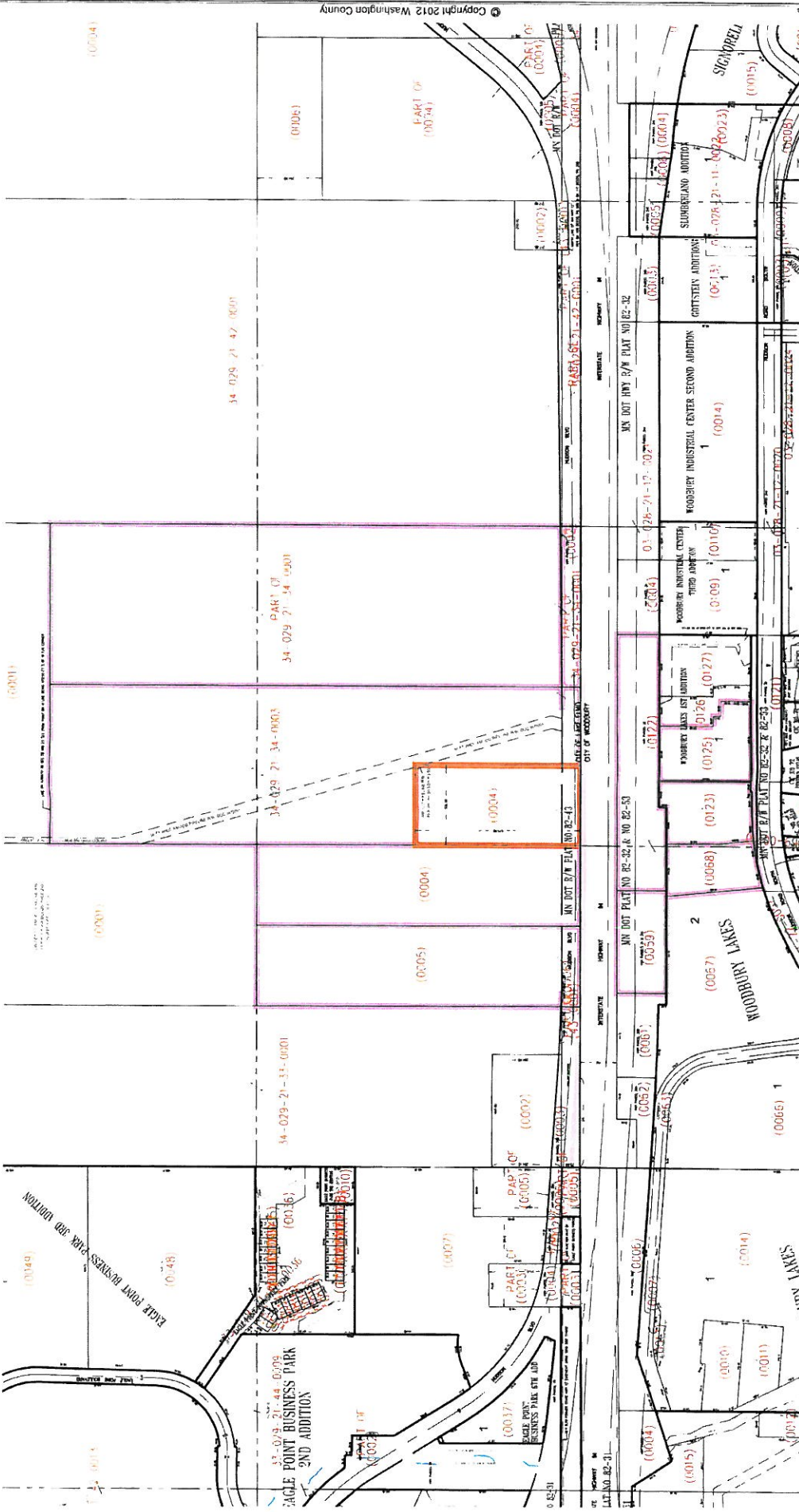
SWWD has received a copy of the Conditional Use Permit application for expansion of the Gatsby Investors property at 9242 Hudson Rd. This project is subject to SWWD permitting. We have not received a permit application and the information submitted with the CUP application is insufficient to review the project. The developer will find information on required submittals within SWWD's rules (1.3) at <http://www.swwdmn.org/pdf/SWWDRules03282012.pdf>.

If you have any questions or need additional information, please contact me at 651/714-3714 or jloomis@ci.woodbury.mn.us.

Sincerely,
South Washington Watershed District

A handwritten signature in black ink, appearing to read "John Loomis", written over a horizontal line.

John Loomis
Water Resource Specialist



Washington County
 PUBLIC WORKS DEPARTMENT
 SURVEY AND LAND MANAGEMENT DIVISION
 1448 1st Street NW, P.O. Box 4
 Astoria, Oregon 97103-0004
 503.325.2000
 www.washington.or.us

LEGEND
 DNR PROTECTED WATERS
 DNR PROTECTED WETLAND
 DNR PROTECTED WATERCOURSE
 COUNTY BOUNDARY
 PARK BOUNDARY

SECTION MAP
 COUNTY: WASHINGTON COUNTY
 SECTION: 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34
 TOWNSHIP: 14N
 RANGE: 29E
 SECTION: 21

PROPERTY IDENTIFICATION SYMBOLS
 Surveyed: [Symbol] Unsurveyed: [Symbol]
 Contained: [Symbol] Not Contained: [Symbol]

SECTION TOWNSHIP RANGE
 Section: [Symbol] Township: [Symbol] Range: [Symbol]

SECTION MAP
 SECTION: 21
 TOWNSHIP: 14N
 RANGE: 29E

THE DRAWING IS THE RESULT OF A COMPUTATION AND REPRODUCTION OF THE ORIGINAL SURVEY RECORDS. THE SURVEY AND LAND MANAGEMENT DIVISION OF WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES, OMISSIONS, OR ERRORS THAT MAY BE PRESENT IN THE ORIGINAL RECORDS OR IN THIS REPRODUCTION.
 MAP LAST UPDATED: January 2, 2012
 NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE.
 DATE OF CONTOURS: April 2000 DATE OF PHOTOGRAPHY: None

9242 HUDSON BOULEVARD

LAKE ELMO, MINNESOTA

FINAL GRADING & EROSION & SEDIMENT CONTROL PLAN

FOR
JOE HEINEN
 595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126
 PHONE: (612) 347-0171 FAX: (612) 338-2860



LOCATION MAP
NOT TO SCALE

LEGEND

- EXISTING BUILDINGS
- EXISTING ASPHALT SURFACE
- EXISTING CONCRETE SURFACE
- EXISTING GRASS RUNWAY
- EXISTING TREES
- EXISTING SOIL BORING
- EXISTING CURB
- EXISTING CONTOUR
- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING OVERHEAD POWER LINE/POWER POLES
- EXISTING DRAINFIELD
- EXISTING WELL LOCATION
- PROPOSED CONTOUR
- PROPOSED STORM SEWER
- PROPOSED SEED & MnDOT CATEGORY 3 EROSION CONTROL BLANKET
- PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
- PROPOSED SILT FENCE
- POST GRADING SILT FENCE

BENCHMARKS

- #1) TOP OF IRON PIPE (SE CORNER OF PROPERTY AT THE RIGHT-OF-WAY LINE) ±15' EAST OF EAST ENTRANCE TO 9242 HUDSON BLVD & ±35' NORTH OF HUDSON BLVD NORTH. ELEV=996.43
- #2) TOP OF IRON PIPE (NE PROPERTY CORNER) ±600' NORTH OF BENCHMARK #1. ELEV=1012.04

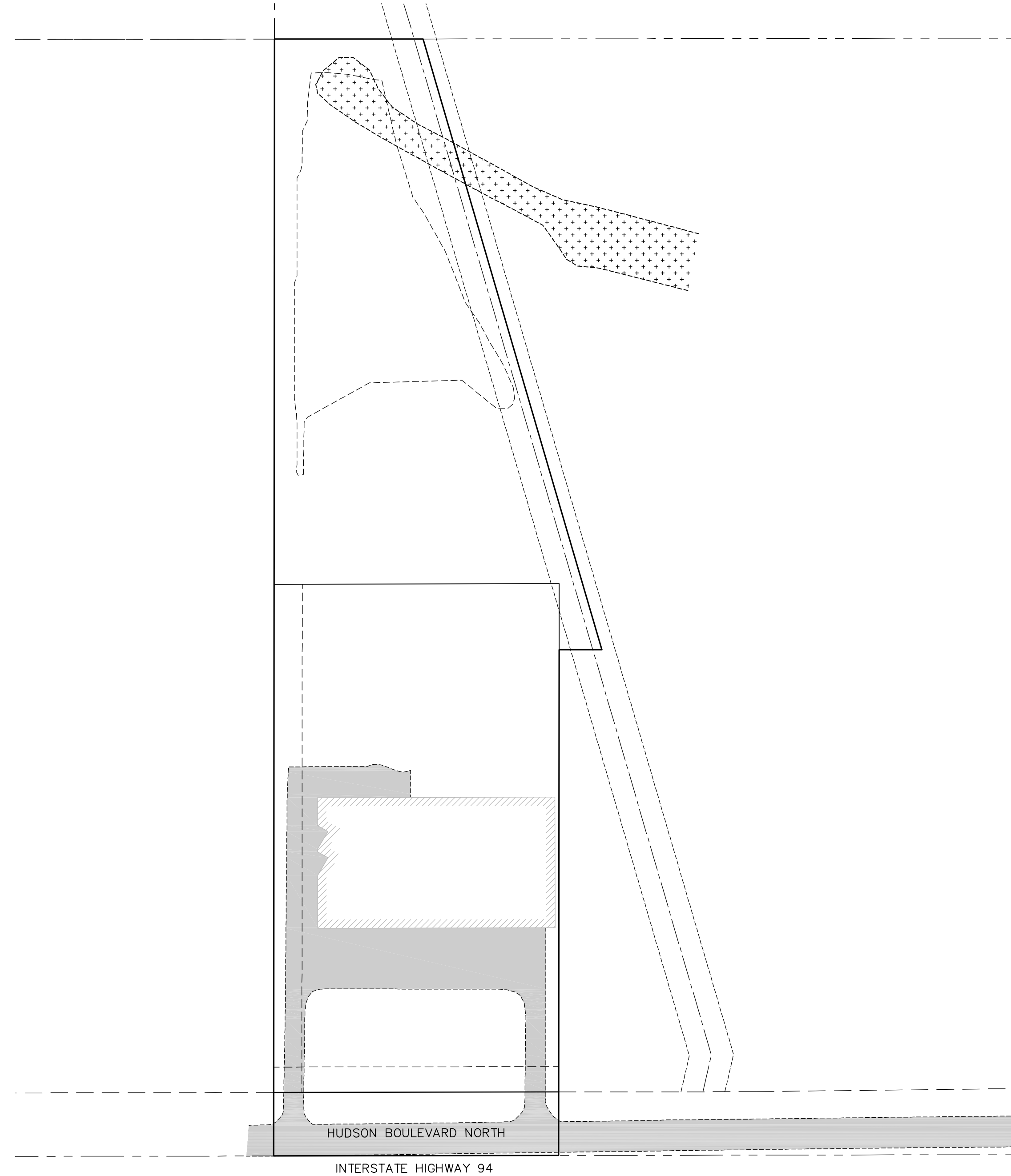
GOPHER STATE ONE CALL

CALL 48 HOURS BEFORE YOU DIG!
 TWIN CITY AREA 651-454-0002
 MN. TOLL FREE 1-800-252-1166

PROJECT CONTACTS

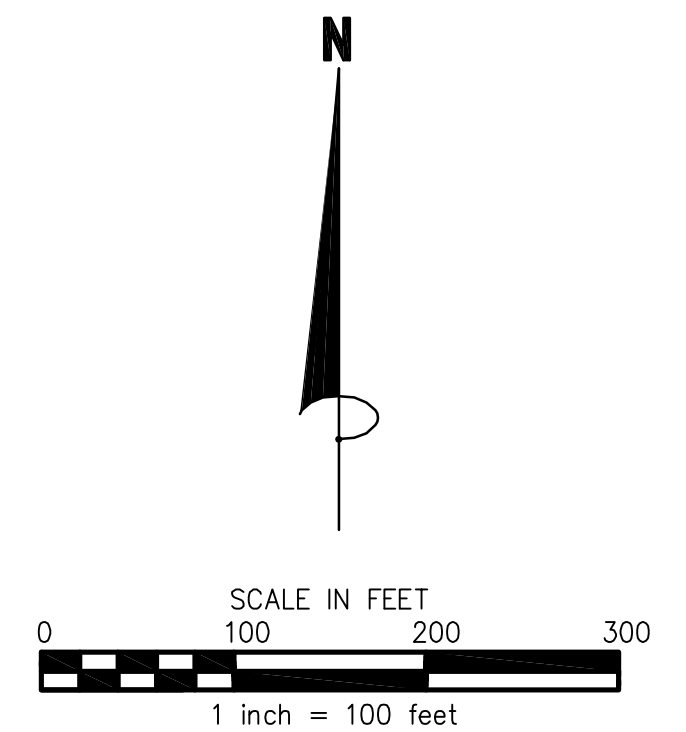
PROJECT ENGINEER: JOEL G. COOPER, P.E. - JAMES R. HILL, INC.
 DEVELOPER: JOE HEINEN
 CITY: MIKE BOUTHILLET - PUBLIC WORKS & PARK SUPERINTENDENT - CITY OF LAKE ELMO
 NPDES OFFICER: SHAWN NELSON - MPCA
 CONTRACTOR REPRESENTATIVE: TO BE DETERMINED
 CONTRACTOR SUPERINTENDENT: TO BE DETERMINED

(952)-890-6044 (O)
 (612)-508-6480 (M)
 (612) 347-0171 (O)
 (651)-233-5414 (O)
 (651)-757-2604 (O)
 (XXX)-XXX-XXXX
 (XXX)-XXX-XXXX



INDEX

| | |
|--|---------|
| TITLE SHEET | 1.1 |
| SITE INFORMATION | 1.2-1.3 |
| EROSION & SEDIMENT CONTROL DETAILS | 2.1 |
| EROSION CONTROL PLAN | 2.2 |
| FINAL GRADING, DRAINAGE, EROSION & SEDIMENT CONTROL PLAN | 2.3 |
| TREE INVENTORY PLAN | 3.1 |
| EXISTING CONDITIONS | 4.1 |
| PONDING EASEMENT SKETCH AND DESCRIPTION | 5.1 |



James R. Hill, Inc.
 PLANNERS / ENGINEERS / SURVEYORS
 2500 W. CTY. RD. 42, SUITE 120, BURNSVILLE, MN 55337
 PHONE: (952)890-6044 FAX: (952)890-6244

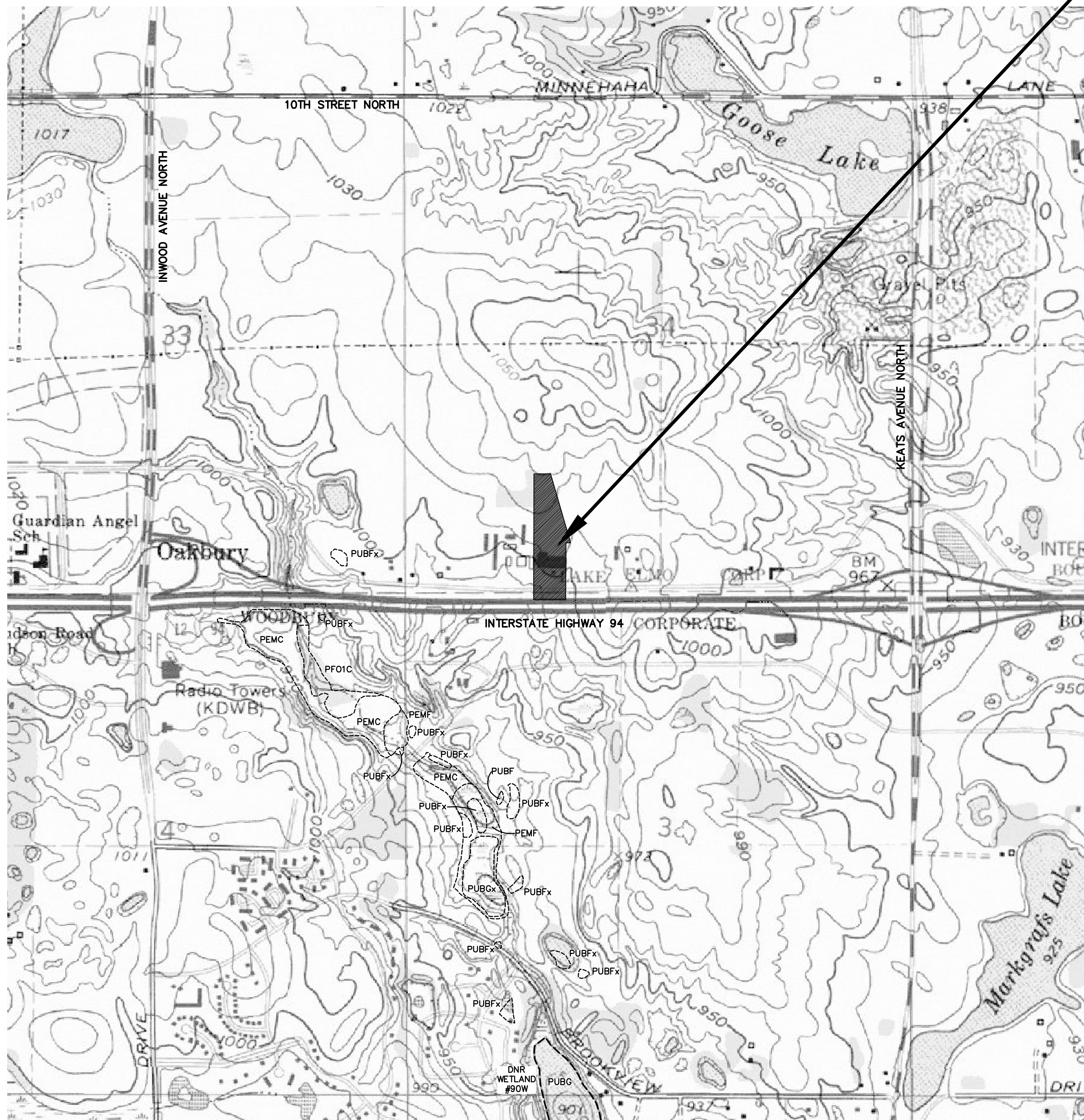
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 JOEL G. COOPER, P.E.
 Date: 4/23/12 Reg. No. 18495

9242 HUDSON BOULEVARD
 LAKE ELMO, MINNESOTA
TITLE SHEET
 FOR
JOE HEINEN
 595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

DRAWN BY: CJK
 DATE: 4/23/12
 REVISIONS:
 8/2/12 REV PER CITY COMMENTS
 CAD FILE: 22863TS
 PROJECT NO.: 22863
 1.1

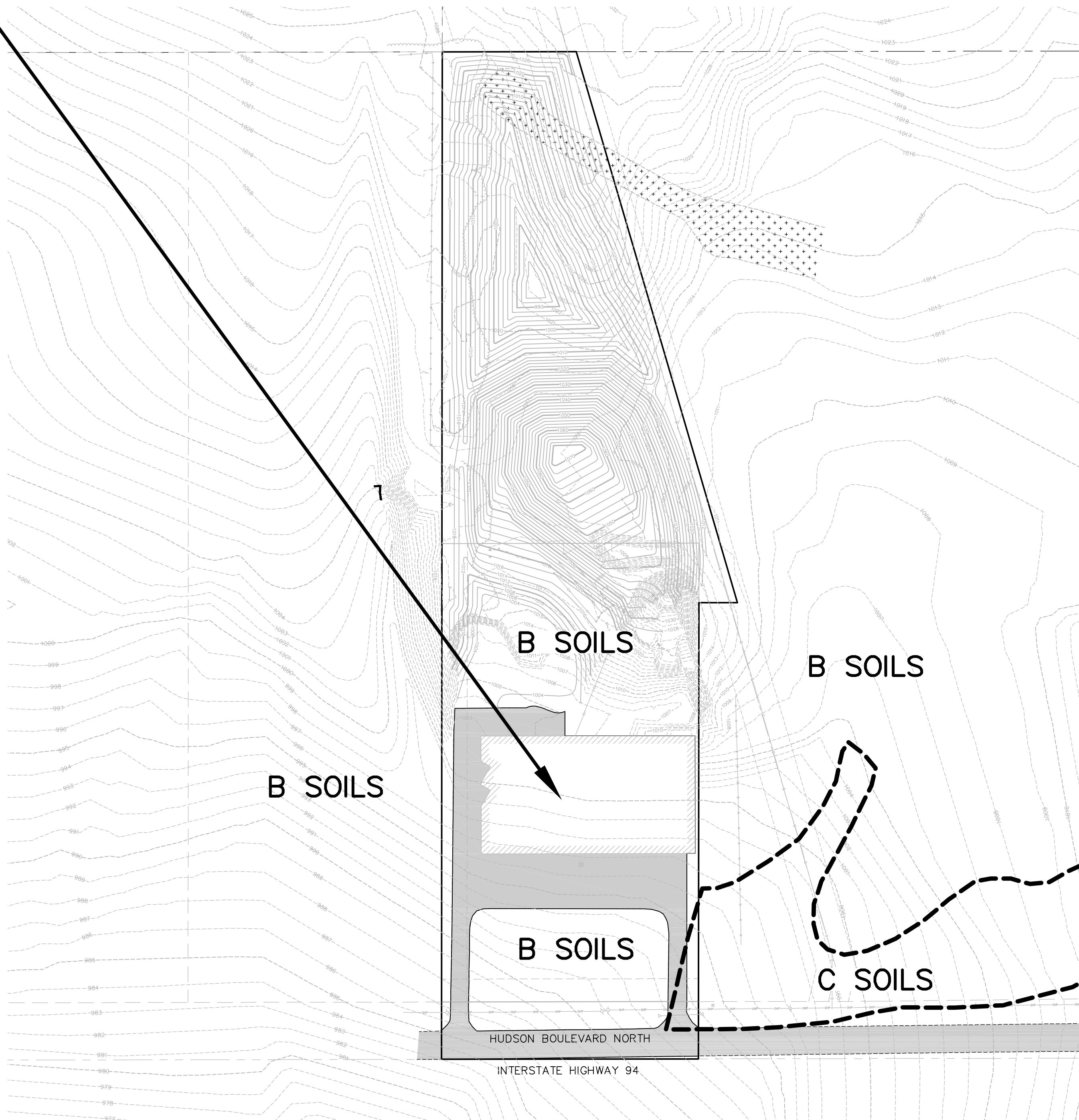
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PROJECT LOCATION



USGS MAP

1 inch = 800 feet



SOIL GROUP MAP

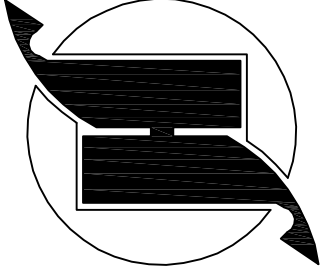
1 inch = 100 feet

BENCHMARKS

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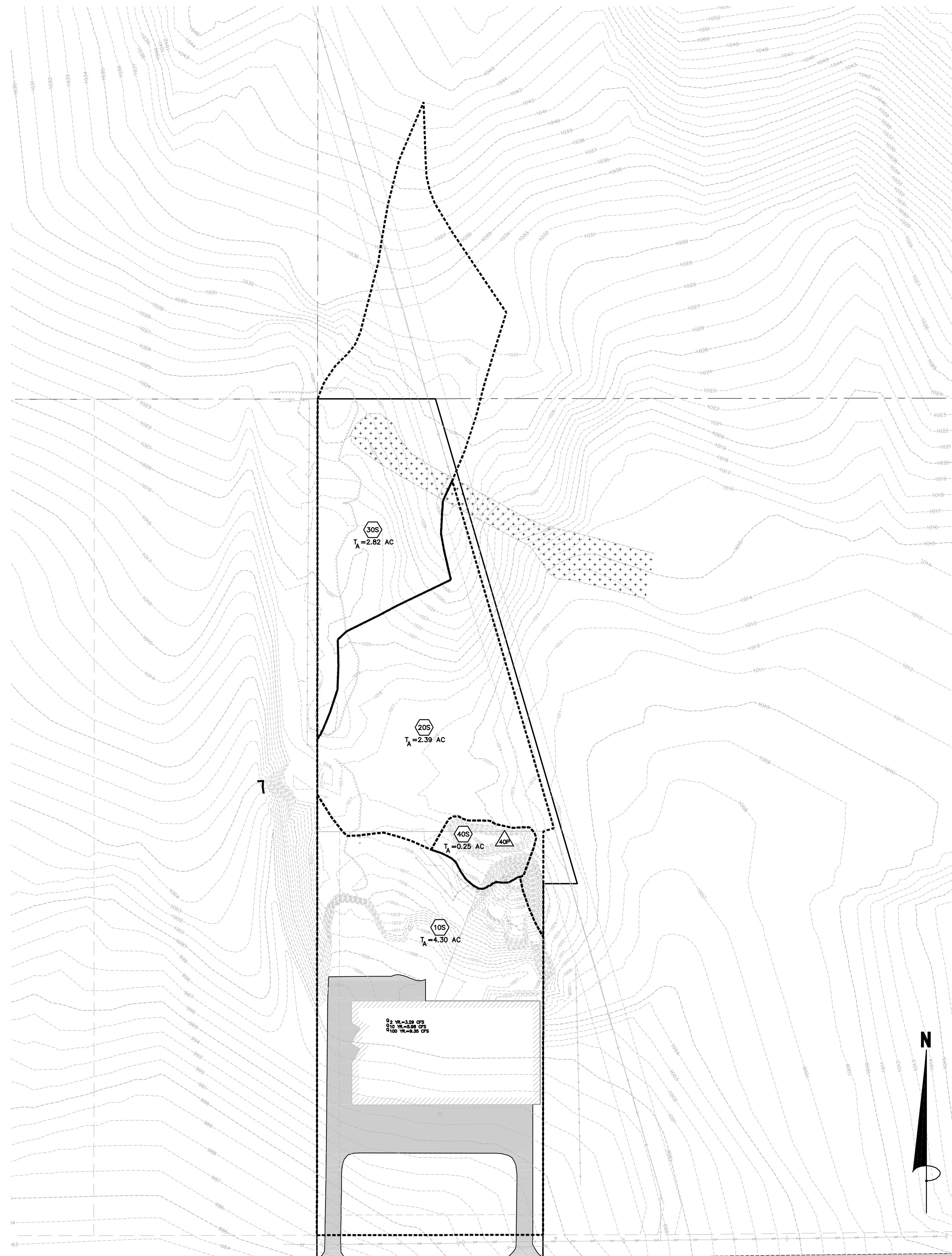
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9242 HUDSON BOULEVARD
 LAKE ELMO, MINNESOTA
SITE INFORMATION
 FOR
JOE HEINEN
 595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

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| DATE 4/23/12 |
| REVISIONS |
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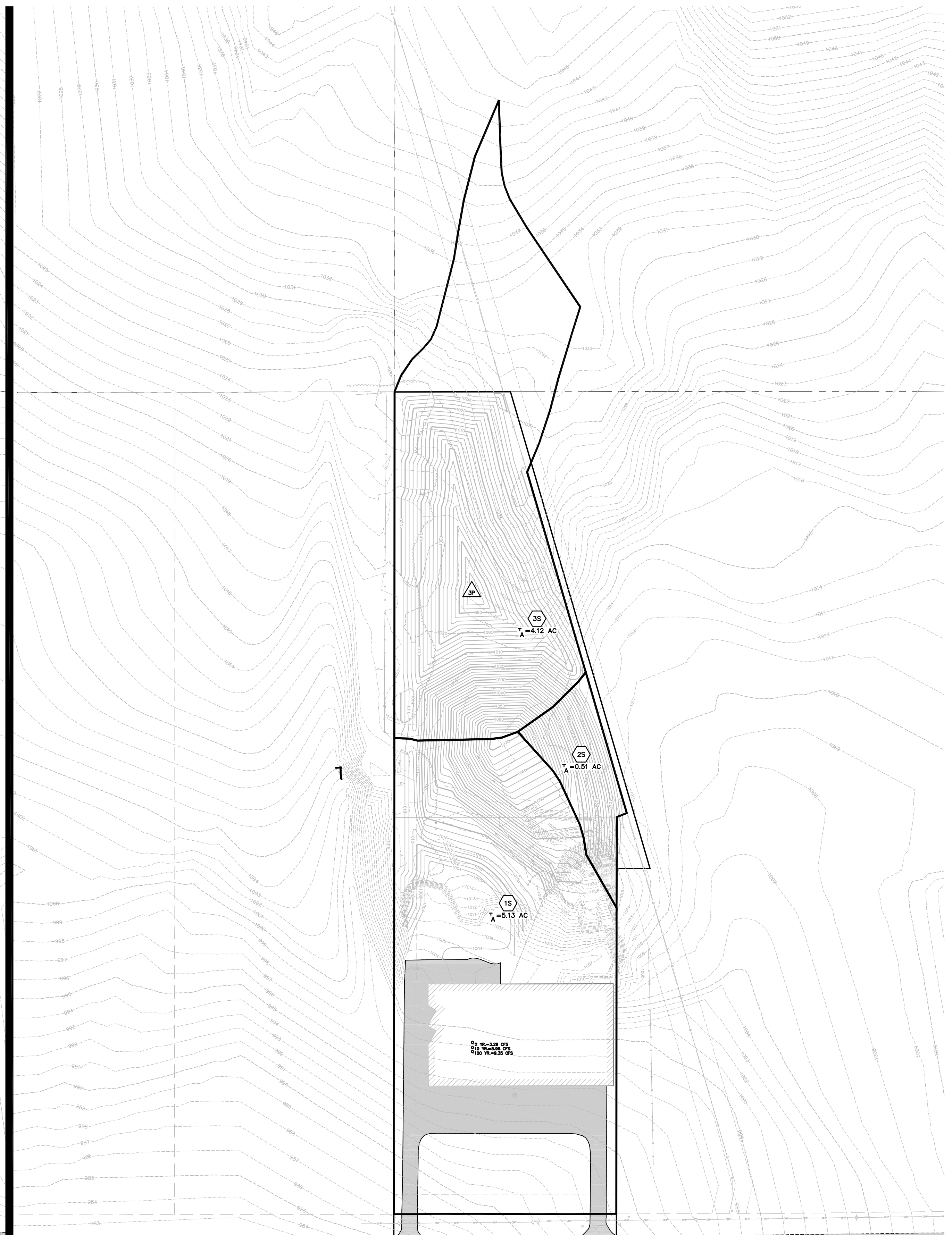


EXISTING DRAINAGE MAP

1 inch = 100 feet

$T_A = 9.76$ AC.

| STORMWATER RATE SUMMARY | | |
|-------------------------|-----------|-----------|
| STORM EVENT | EXISTING | PROPOSED |
| 2 YEAR | 5.60 cfs | 3.12 cfs |
| 10 YEAR | 16.00 cfs | 8.68 cfs |
| 100 YEAR | 32.02 cfs | 16.60 cfs |



PROPOSED DRAINAGE MAP

1 inch = 100 feet

$T_A = 9.76$ AC.

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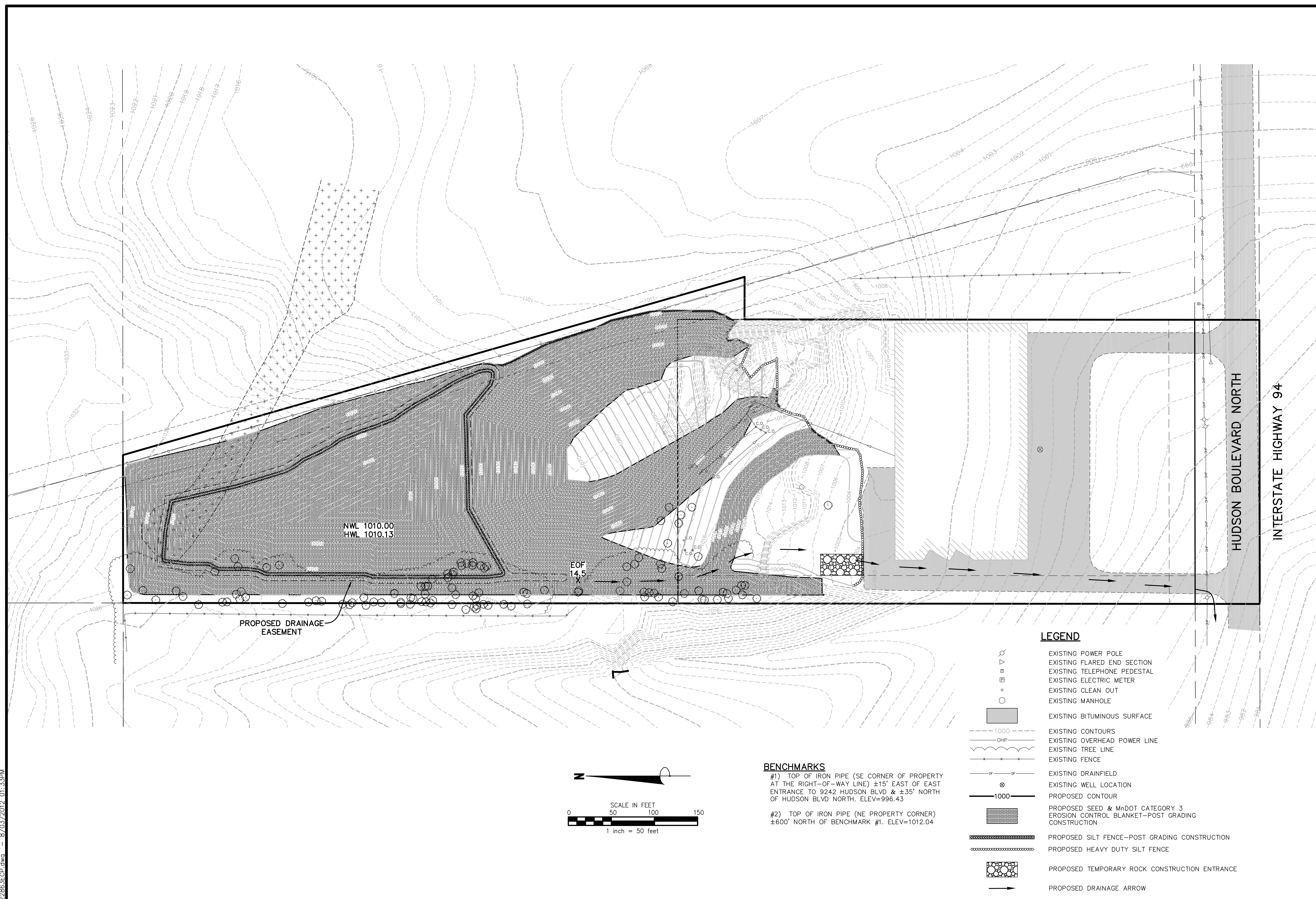
9242 HUDSON BOULEVARD
 LAKE ELMO, MINNESOTA
SITE INFORMATION
 FOR
JOE HEINEN
 595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

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|---|
| DRAWN BY CJK |
| DATE 4/23/12 |
| REVISIONS 8/2/12 REV PER CITY COMMENTS |
| CAD FILE 22863SI |
| PROJECT NO. 22863 |
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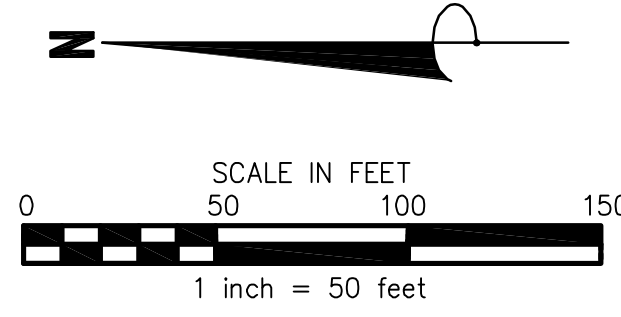
9242 HUDSON BOULEVARD
 LAKE ELMO, MINNESOTA
FINAL EROSION CONTROL PLAN
 FOR
JOE HEINEN
 595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

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| DATE 4/23/12 |
| REVISIONS |
| 8/2/12 REV PER CITY COMMENTS |
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| PROJECT NO. 22863 |
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NWL 1010.00
 HWL 1010.13



BENCHMARKS
 #1) TOP OF IRON PIPE (SE CORNER OF PROPERTY AT THE RIGHT-OF-WAY LINE) ±15' EAST OF EAST ENTRANCE TO 9242 HUDSON BLVD & ±35' NORTH OF HUDSON BLVD NORTH. ELEV=996.43
 #2) TOP OF IRON PIPE (NE PROPERTY CORNER) ±600' NORTH OF BENCHMARK #1. ELEV=1012.04

PROPOSED DRAINAGE EASEMENT

EOF
 14.5'

- LEGEND**
- EXISTING POWER POLE
 - EXISTING FLARED END SECTION
 - EXISTING TELEPHONE PEDESTAL
 - EXISTING ELECTRIC METER
 - EXISTING CLEAN OUT
 - EXISTING MANHOLE
 - EXISTING BITUMINOUS SURFACE
 - EXISTING CONTOURS
 - EXISTING OVERHEAD POWER LINE
 - EXISTING TREE LINE
 - EXISTING FENCE
 - EXISTING DRAINFIELD
 - EXISTING WELL LOCATION
 - PROPOSED CONTOUR
 - PROPOSED SEED & MNDOT CATEGORY 3 EROSION CONTROL BLANKET-POST GRADING CONSTRUCTION
 - PROPOSED SILT FENCE-POST GRADING CONSTRUCTION
 - PROPOSED HEAVY DUTY SILT FENCE
 - PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
 - PROPOSED DRAINAGE ARROW

HUDSON BOULEVARD NORTH
 INTERSTATE HIGHWAY 94

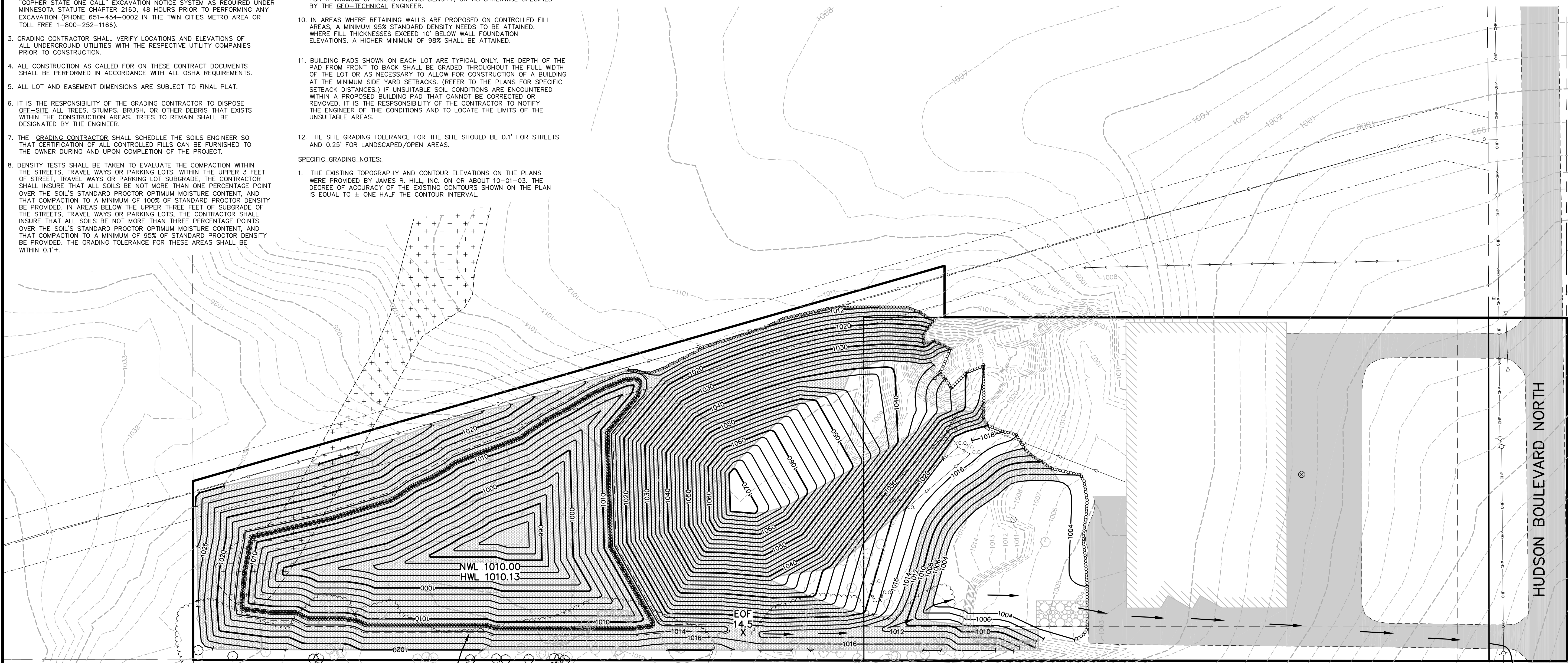
GENERAL GRADING NOTES:

- SPECIFICATIONS WHICH APPLY ARE THE MOST RECENT EDITIONS OF THE MUNICIPALITY IN WHICH THE WORK IS LOCATED AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY CONSTRUCTION UNLESS MODIFIED HEREIN ON THESE CONTRACT DOCUMENTS.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO UTILIZE THE "GOPHER STATE ONE CALL" EXCAVATION NOTICE SYSTEM AS REQUIRED UNDER MINNESOTA STATUTE CHAPTER 216D, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION (PHONE 651-454-0002 IN THE TWIN CITIES METRO AREA OR TOLL FREE 1-800-252-1166).
- GRADING CONTRACTOR SHALL VERIFY LOCATIONS AND ELEVATIONS OF ALL UNDERGROUND UTILITIES WITH THE RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION AS CALLED FOR ON THESE CONTRACT DOCUMENTS SHALL BE PERFORMED IN ACCORDANCE WITH ALL OSHA REQUIREMENTS.
- ALL LOT AND EASEMENT DIMENSIONS ARE SUBJECT TO FINAL PLAT.
- IT IS THE RESPONSIBILITY OF THE GRADING CONTRACTOR TO DISPOSE OFF-SITE ALL TREES, STUMPS, BRUSH, OR OTHER DEBRIS THAT EXISTS WITHIN THE CONSTRUCTION AREAS. TREES TO REMAIN SHALL BE DESIGNATED BY THE ENGINEER.
- THE GRADING CONTRACTOR SHALL SCHEDULE THE SOILS ENGINEER SO THAT CERTIFICATION OF ALL CONTROLLED FILLS CAN BE FURNISHED TO THE OWNER DURING AND UPON COMPLETION OF THE PROJECT.
- DENSITY TESTS SHALL BE TAKEN TO EVALUATE THE COMPACTION WITHIN THE STREETS, TRAVEL WAYS OR PARKING LOTS. WITHIN THE UPPER 3 FEET OF STREET, TRAVEL WAYS OR PARKING LOT SUBGRADE, THE CONTRACTOR SHALL INSURE THAT ALL SOILS BE NOT MORE THAN ONE PERCENTAGE POINT OVER THE SOIL'S STANDARD PROCTOR OPTIMUM MOISTURE CONTENT, AND THAT COMPACTION TO A MINIMUM OF 100% OF STANDARD PROCTOR DENSITY BE PROVIDED. IN AREAS BELOW THE UPPER THREE FEET OF SUBGRADE OF THE STREETS, TRAVEL WAYS OR PARKING LOTS, THE CONTRACTOR SHALL INSURE THAT ALL SOILS BE NOT MORE THAN THREE PERCENTAGE POINTS OVER THE SOIL'S STANDARD PROCTOR OPTIMUM MOISTURE CONTENT, AND THAT COMPACTION TO A MINIMUM OF 95% OF STANDARD PROCTOR DENSITY BE PROVIDED. THE GRADING TOLERANCE FOR THESE AREAS SHALL BE WITHIN 0.1".

- LOT GRADING AND/OR THE PREPARATION OF BUILDING PADS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS. THE GRADING TOLERANCE SHALL BE 0.25". ALL EARTHWORK OPERATIONS SHALL BE PERFORMED IN ACCORDANCE WITH THE HUD-FHA DATA SHEET 79G "LAND DEVELOPMENT WITH CONTROLLED EARTHWORK", PROVIDING FOR A MINIMUM OF 95% STANDARD DENSITY, OR AS OTHERWISE SPECIFIED BY THE GEO-TECHNICAL ENGINEER.
- IN AREAS WHERE RETAINING WALLS ARE PROPOSED ON CONTROLLED FILL AREAS, A MINIMUM 95% STANDARD DENSITY NEEDS TO BE ATTAINED. WHERE FILL THICKNESSES EXCEED 10' BELOW WALL FOUNDATION ELEVATIONS, A HIGHER MINIMUM OF 98% SHALL BE ATTAINED.
- BUILDING PADS SHOWN ON EACH LOT ARE TYPICAL ONLY. THE DEPTH OF THE PAD FROM FRONT TO BACK SHALL BE GRADED THROUGHOUT THE FULL WIDTH OF THE LOT OR AS NECESSARY TO ALLOW FOR CONSTRUCTION OF A BUILDING AT THE MINIMUM SIDE YARD SETBACKS. (REFER TO THE PLANS FOR SPECIFIC SETBACK DISTANCES.) IF UNSUITABLE SOIL CONDITIONS ARE ENCOUNTERED WITHIN A PROPOSED BUILDING PAD THAT CANNOT BE CORRECTED OR REMOVED, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ENGINEER OF THE CONDITIONS AND TO LOCATE THE LIMITS OF THE UNSUITABLE AREAS.
- THE SITE GRADING TOLERANCE FOR THE SITE SHOULD BE 0.1' FOR STREETS AND 0.25' FOR LANDSCAPED/OPEN AREAS.

SPECIFIC GRADING NOTES:

- THE EXISTING TOPOGRAPHY AND CONTOUR ELEVATIONS ON THE PLANS WERE PROVIDED BY JAMES R. HILL, INC. ON OR ABOUT 10-01-03. THE DEGREE OF ACCURACY OF THE EXISTING CONTOURS SHOWN ON THE PLAN IS EQUAL TO ± ONE HALF THE CONTOUR INTERVAL.



PROPOSED DRAINAGE EASEMENT

NWL 1010.00
HWL 1010.13

EOF
14.5

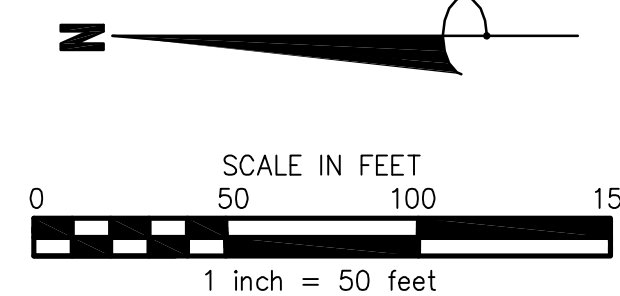
HUDSON BOULEVARD NORTH

INTERSTATE HIGHWAY 94

EARTHWORK QUANTITIES

| | |
|------------|-----------|
| EXCAVATION | 56,314 CY |
| FILL | 56,314 CY |

- BENCHMARKS**
- #1) TOP OF IRON PIPE (SE CORNER OF PROPERTY AT THE RIGHT-OF-WAY LINE) ±15' EAST OF EAST ENTRANCE TO 9242 HUDSON BLVD & ±35' NORTH OF HUDSON BLVD NORTH. ELEV=996.43
 - #2) TOP OF IRON PIPE (NE PROPERTY CORNER) ±600' NORTH OF BENCHMARK #1. ELEV=1012.04



LEGEND

- EXISTING POWER POLE
- EXISTING FLARED END SECTION
- EXISTING TELEPHONE PEDESTAL
- EXISTING ELECTRIC METER
- EXISTING CLEAN OUT
- EXISTING MANHOLE
- EXISTING BITUMINOUS SURFACE
- EXISTING CONTOURS
- EXISTING OVERHEAD POWER LINE
- EXISTING TREE LINE
- EXISTING FENCE
- EXISTING DRAINFIELD
- EXISTING WELL LOCATION
- PROPOSED CONTOUR
- PROPOSED SEED & MnDOT CATEGORY 3 EROSION CONTROL BLANKET-POST GRADING CONSTRUCTION
- PROPOSED SILT FENCE-POST GRADING CONSTRUCTION
- PROPOSED HEAVY DUTY SILT FENCE
- PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
- PROPOSED DRAINAGE ARROW

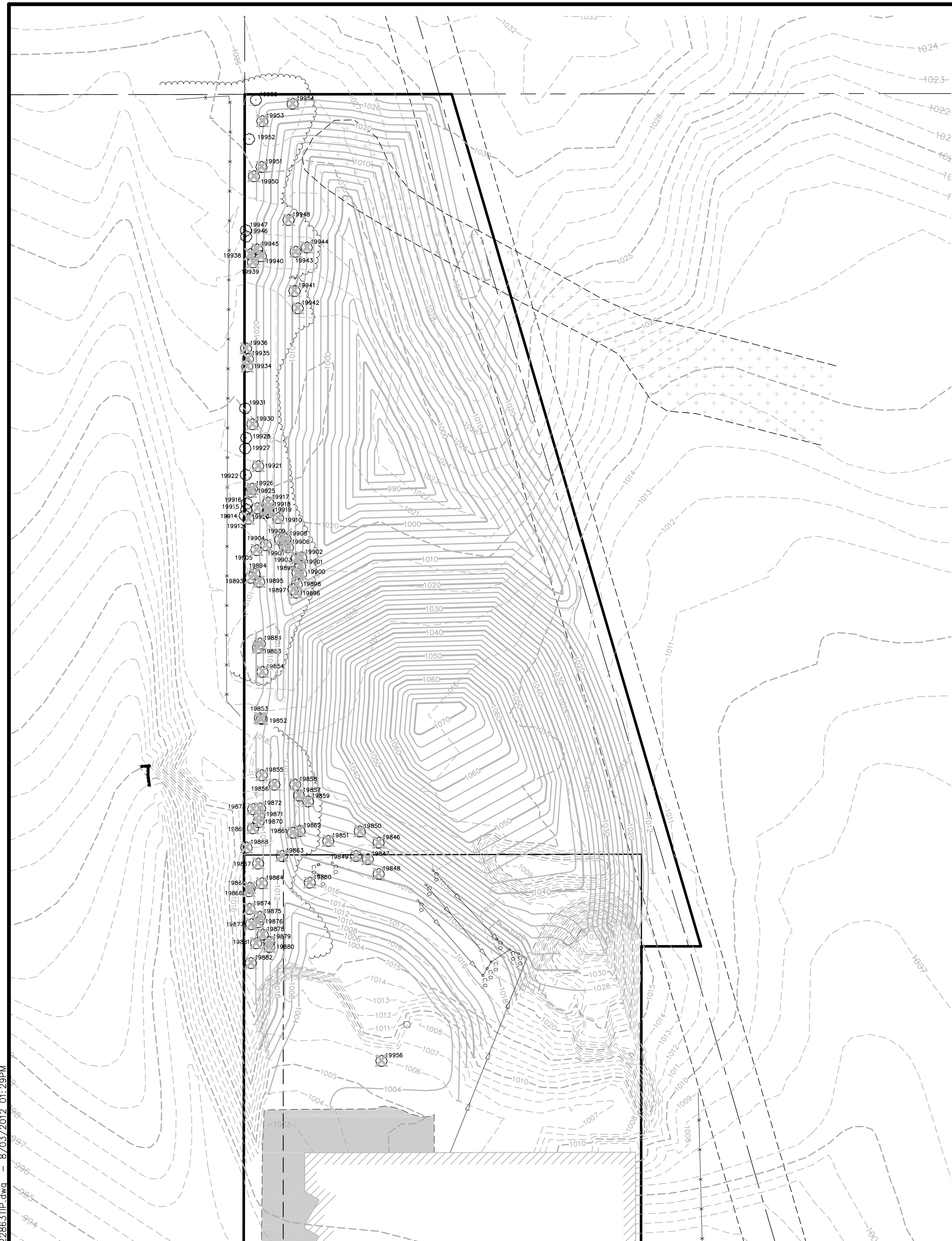
James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. CTY. RD. 42, SUITE 120, BURNSVILLE, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
JOEL G. COOPER, P.E.
Date: 4/23/11 Reg. No. 18495

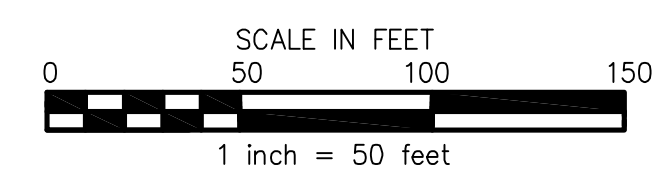
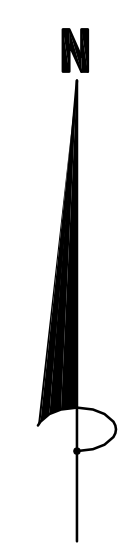
9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA
FINAL GRADING, DRAINAGE, EROSION, & SEDIMENT CONTROL PLAN
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

| |
|--|
| DRAWN BY CJK |
| DATE 4/23/12 |
| REVISIONS 8/2/12 REV PER CITY COMMENTS |
| CAD FILE 22863G |
| PROJECT NO. 22863 |
| 2.3 |

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LEGEND
 ○ EXISTING TREE SAVED
 ⊗ EXISTING TREE REMOVED



| LAKE ELMO SITE TREE INVENTORY 6/20/2012 | | | | | | | | | | |
|---|-------------------|---------|------|------|------|------|------|-------|------------------------------|--------|
| PT. NO. | TREE TYPE | ELEV. | SIZE | SIZE | SIZE | SIZE | SIZE | TOTAL | SAVE | REMOVE |
| 19846 | BOXELDER | 1018.16 | 9 | | | | | 9 | | X |
| 19847 | BOXELDER | 1018.37 | 10 | | | | | 10 | X | |
| 19848 | APPLE | 1018.19 | 8 | | | | | 8 | X | |
| 19849 | APPLE | 1018.12 | 6 | | | | | 6 | X | |
| 19850 | BOXELDER | 1017.82 | 9 | | | | | 9 | X | |
| 19851 | BOXELDER | 1017.76 | 7 | | | | | 7 | X | |
| 19852 | ELM | 1017.74 | 14 | | | | | 14 | X | |
| 19853 | BOXELDER | 1017.69 | 6 | | | | | 6 | X | |
| 19854 | BOXELDER | 1020.88 | 10 | | | | | 10 | X | |
| 19855 | BOXELDER | 1016.52 | 11 | | | | | 11 | X | |
| 19856 | POPLAR | 1016.25 | 8 | | | | | 8 | X | |
| 19857 | BOXELDER | 1017.37 | 6 | | | | | 6 | X | |
| 19858 | POPLAR | 1017.13 | 6 | | | | | 6 | X | |
| 19859 | BOXELDER | 1017.20 | 6 | | | | | 6 | X | |
| 19860 | BOXELDER | 1017.29 | 10 | | | | | 10 | X | |
| 19861 | POPLAR | 1018.09 | 6 | | | | | 6 | X | |
| 19862 | BOXELDER | 1017.65 | 6 | | | | | 6 | X | |
| 19863 | POPLAR | 1017.34 | 6 | | | | | 6 | X | |
| 19864 | POPLAR | 1017.31 | 6 | | | | | 6 | X | |
| 19865 | BOXELDER | 1018.15 | 9 | | | | | 9 | X | |
| 19866 | BOXELDER | 1018.48 | 6 | | | | | 6 | X | |
| 19867 | POPLAR | 1017.18 | 6 | | | | | 6 | X | |
| 19868 | POPLAR | 1017.09 | 6 | | | | | 6 | X | |
| 19869 | POPLAR | 1016.47 | 8 | | | | | 8 | X | |
| 19870 | POPLAR | 1016.53 | 6 | | | | | 6 | X | |
| 19871 | POPLAR | 1016.37 | 8 | | | | | 8 | X | |
| 19872 | POPLAR | 1016.50 | 7 | | | | | 7 | X | |
| 19873 | BOXELDER | 1017.16 | 10 | 10 | | | | 20 | X | |
| 19874 | POPLAR | 1018.39 | 7 | | | | | 7 | X | |
| 19875 | POPLAR | 1017.69 | 7 | | | | | 7 | X | |
| 19876 | POPLAR | 1018.02 | 6 | | | | | 6 | X | |
| 19877 | POPLAR | 1018.12 | 6 | | | | | 6 | X | |
| 19878 | POPLAR | 1018.29 | 6 | | | | | 6 | X | |
| 19879 | POPLAR | 1017.72 | 7 | | | | | 7 | X | |
| 19880 | POPLAR | 1018.21 | 9 | | | | | 9 | X | |
| 19881 | POPLAR | 1017.98 | 7 | | | | | 7 | X | |
| 19882 | POPLAR | 1017.89 | 7 | | | | | 7 | X | |
| 19883 | CHERRY | 1020.51 | 9 | | | | | 9 | X | |
| 19884 | CHERRY | 1020.53 | 8 | | | | | 8 | X | |
| 19893 | OAK | 1019.03 | 8 | | | | | 8 | X | |
| 19894 | BOXELDER | 1019.17 | 6 | | | | | 6 | X | |
| 19895 | BOXELDER 1/2 DEAD | 1019.42 | 10 | | | | | 10 | X | |
| 19896 | POPLAR | 1019.15 | 6 | | | | | 6 | X | |
| 19897 | POPLAR | 1019.21 | 9 | | | | | 9 | X | |
| 19898 | POPLAR | 1019.17 | 8 | | | | | 8 | X | |
| 19899 | POPLAR | 1019.36 | 6 | | | | | 6 | X | |
| 19900 | POPLAR | 1019.26 | 8 | | | | | 8 | X | |
| 19901 | POPLAR | 1019.68 | 8 | | | | | 8 | X | |
| 19902 | POPLAR | 1019.42 | 8 | | | | | 8 | X | |
| 19903 | POPLAR | 1019.50 | 6 | | | | | 6 | X | |
| 19904 | OAK | 1019.61 | 8 | | | | | 8 | X | |
| 19905 | POPLAR | 1019.51 | 8 | | | | | 8 | X | |
| 19906 | POPLAR | 1019.81 | 6 | | | | | 6 | X | |
| 19907 | POPLAR | 1019.73 | 7 | | | | | 7 | X | |
| 19908 | POPLAR | 1019.68 | 6 | | | | | 6 | X | |
| 19909 | POPLAR | 1020.26 | 8 | | | | | 8 | X | |
| 19910 | POPLAR | 1020.34 | 7 | | | | | 7 | X | |
| 19913 | OAK | 1019.68 | 15 | | | | | 15 | X | |
| 19914 | OAK | 1019.39 | 15 | 16 | | | | 31 | X | |
| 19915 | OAK | 1019.42 | 15 | | | | | 15 | X | |
| 19916 | OAK | 1019.60 | 18 | 15 | | | | 33 | X | |
| 19917 | OAK | 1020.18 | 10 | | | | | 10 | X | |
| 19918 | OAK | 1020.13 | 8 | | | | | 8 | X | |
| 19919 | OAK | 1020.20 | 8 | | | | | 8 | X | |
| 19920 | CHERRY | 1019.71 | 8 | | | | | 8 | X | |
| 19921 | BOXELDER | 1019.64 | 17 | 10 | | | | 27 | X | |
| 19922 | BOXELDER | 1018.69 | 7 | | | | | 7 | X | |
| 19925 | BOXELDER | 1019.48 | 10 | | | | | 10 | X | |
| 19926 | OAK | 1019.50 | 7 | | | | | 7 | X | |
| 19927 | BOXELDER | 1018.42 | 7 | | | | | 7 | X | |
| 19928 | OAK | 1018.89 | 19 | 19 | 18 | | | 56 | X | |
| 19930 | CHERRY | 1019.25 | 9 | 8 | | | | 17 | X | |
| 19931 | OAK | 1018.81 | 16 | | | | | 16 | X | |
| 19934 | OAK | 1018.99 | 20 | | | | | 20 | X | |
| 19935 | OAK | 1019.32 | 14 | 13 | | | | 27 | X | |
| 19936 | OAK | 1019.94 | 33 | | | | | 33 | X | |
| 19938 | OAK | 1022.61 | 17 | 10 | | | | 27 | X | |
| 19939 | BOXELDER | 1022.02 | 6 | | | | | 6 | X | |
| 19940 | CHERRY | 1022.41 | 11 | | | | | 11 | X | |
| 19941 | OAK | 1021.26 | 8 | | | | | 8 | X | |
| 19942 | COTTONWOOD | 1021.08 | 11 | | | | | 11 | X | |
| 19943 | OAK | 1022.57 | 6 | | | | | 6 | X | |
| 19944 | OAK | 1023.09 | 8 | | | | | 8 | X | |
| 19945 | BOXELDER | 1022.50 | 13 | | | | | 13 | X | |
| 19946 | OAK | 1022.68 | 17 | | | | | 17 | X | |
| 19947 | BOXELDER | 1023.10 | 17 | 14 | | | | 31 | X | |
| 19948 | OAK | 1023.49 | 6 | | | | | 6 | X | |
| 19950 | BOXELDER | 1024.91 | 6 | 5 | | | | 11 | X | |
| 19951 | OAK | 1025.12 | 6 | | | | | 6 | X | |
| 19952 | BOXELDER | 1025.31 | 7 | | | | | 7 | X | |
| 19953 | BOXELDER | 1026.25 | 8 | 8 | 7 | 7 | 6 | 36 | X | |
| 19954 | BOXELDER | 1026.17 | 13 | | | | | 13 | X | |
| 19955 | BOXELDER | 1026.35 | 11 | 7 | | | | 18 | X | |
| 19956 | MAPLE | 1005.57 | 23 | | | | | 23 | X | |
| | | | | | | | | | TOTAL CALIPER INCHES | 1050 |
| | | | | | | | | | TOTAL CALIPER INCHES SAVED | 238 |
| | | | | | | | | | TOTAL CALIPER INCHES REMOVED | 812 |
| | | | | | | | | | PERCENTAGE OF TREES SAVED | 22.7% |

James R. Hill, Inc.
 PLANNERS / ENGINEERS / SURVEYORS
 2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
 PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 JOEL G. COOPER, P.E.
 Date: 4/23/11 Reg. No.: 18495

9242 HUDSON BOULEVARD
 LAKE ELMO, MINNESOTA
TREE INVENTORY PLAN
 FOR
JOE HEINEN
 595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

DRAWN BY
 CMR

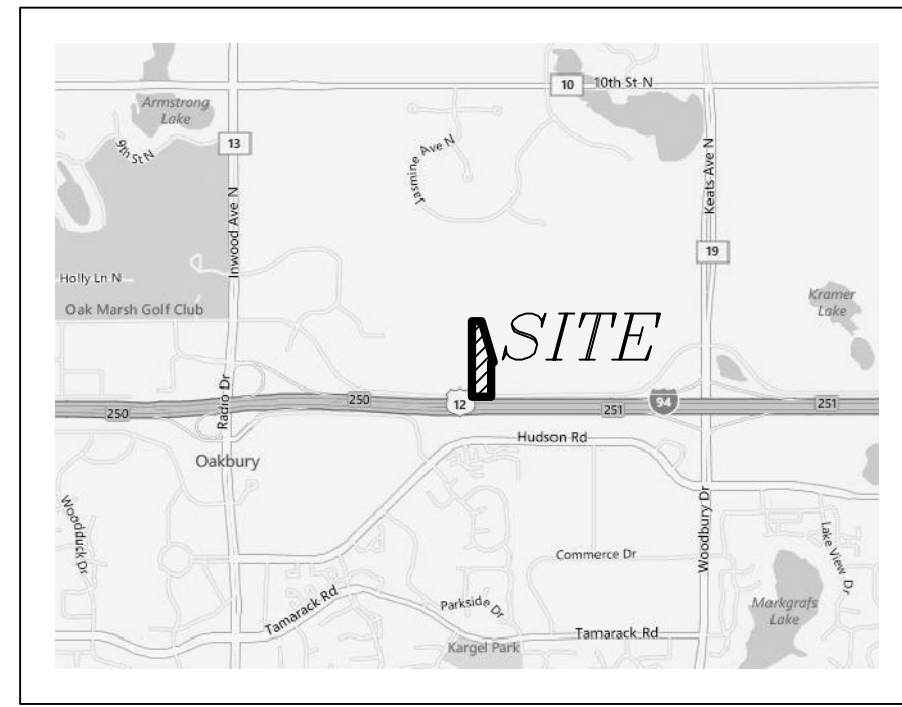
DATE
 6/17/12

REVISIONS
 8/2/12 REV PER CITY COMMENTS

CAD FILE
 22863TIP

PROJECT NO.
 22863

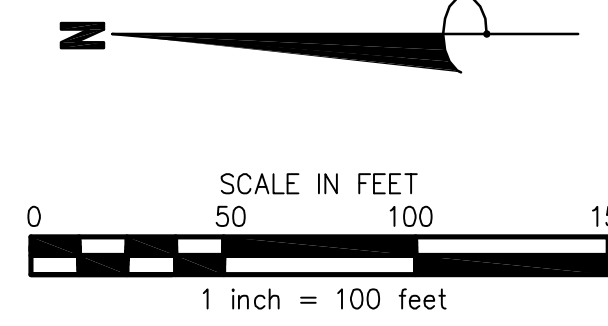
3.1



LOCATION MAP
NO SCALE

LEGEND

- IRON SET
- IRON FOUND
- ⊙ CAST IRON MONUMENT FOUND
- ⊕ POWER POLE
- ⊖ FLARED END SECTION
- ⊗ TELEPHONE PEDESTAL
- ⊘ ELECTRIC METER
- CLEAN OUT
- MANHOLE
- EXISTING ELEVATION
- ASPHALT SURFACE
- - - EXISTING CONTOURS
- OHP OVERHEAD POWER LINE
- TREE LINE
- FENCE
- DRAINFIELD LOCATION
- SANITARY SERVICE LINE



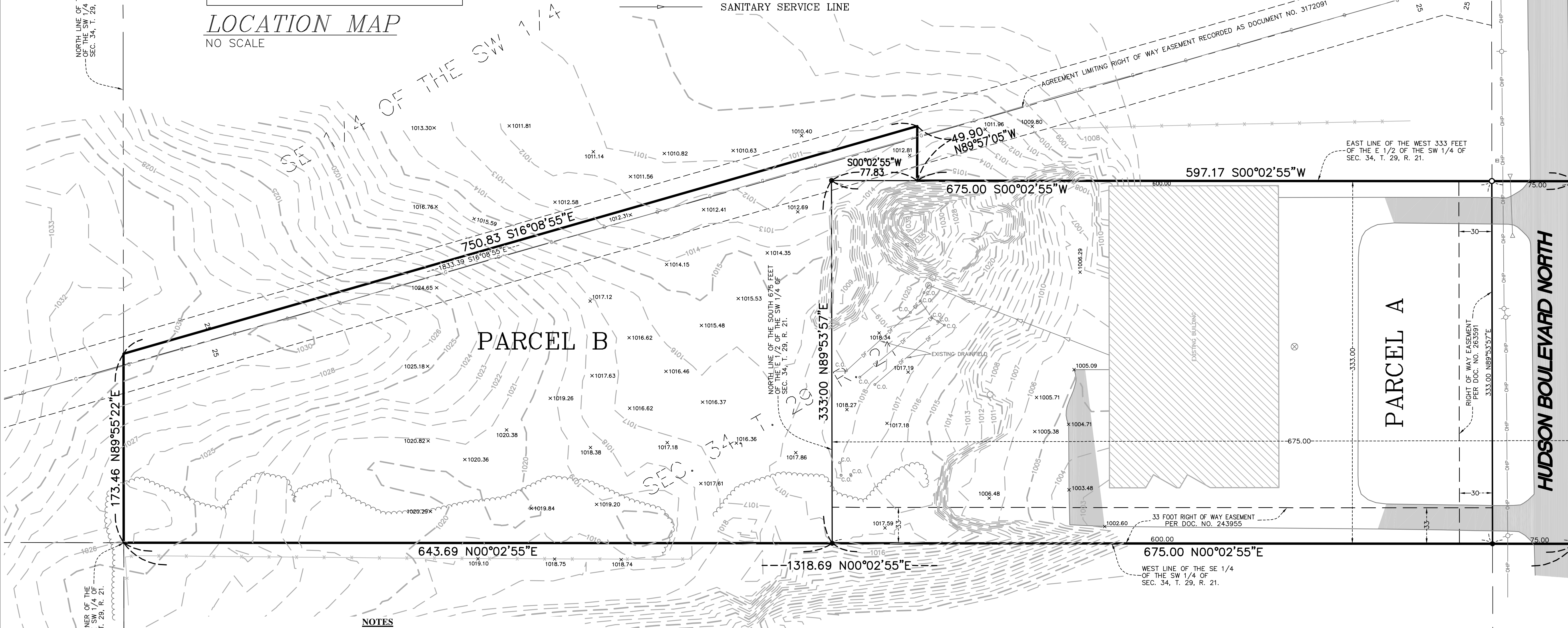
NORTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

NORTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

SOUTH QUARTER CORNER SEC. 34, T. 29, R. 21.

SOUTH LINE OF THE E 1/2 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.



NOTES

ORIENTATION OF THIS BEARING SYSTEM ASSUMES THE SOUTH LINE OF THE E 1/2 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21 TO BEAR S 89°53'57" W.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY THE SURVEYOR.

THE LOCATION AND INFORMATION SHOWN REGARDING UTILITIES, SERVING THIS PROPERTY OR EXISTING ON THIS PROPERTY AS SHOWN AS A PART OF THIS SURVEY, HAVE BEEN LOCATED BY ON-SITE OBSERVATION OR TAKEN FROM PLANS PROVIDED BY OTHERS. FOR FURTHER INFORMATION CONCERNING THESE UTILITIES PLEASE CONTACT THE CITY OF LAKE ELMO ENGINEERING DEPARTMENT AND/OR GOPHER STATE ONE CALL.

CONTOUR INTERVAL IS 1 FEET. ALL ELEVATIONS ARE BASED ON THE CITY OF LAKE ELMO DATUM. (NGVD 29)

PARCEL A: GROSS AREA = 224,776 SQUARE FEET OR 5.1601 ACRES
 PARCEL A: RIGHT OF WAY AREA = 24,975 SQUARE FEET OR 0.5733 ACRES
 PARCEL A: NET AREA = 199,801 SQUARE FEET OR 4.5868 ACRES
 PARCEL B: GROSS AREA = 174,771 SQUARE FEET OR 4.0122 ACRES
 TOTAL OVERALL GROSS AREA = 399,547 SQUARE FEET OR 9.1723 ACRES
 TOTAL NET AREA = 374,572 SQUARE FEET OR 8.5990 ACRES

ADDRESS OF PARCEL A IS 9242 HUDSON BOULEVARD, LAKE ELMO, MINNESOTA 55042

PARCEL A PID NUMBER = 34.029.21.34.0004

PROPERTY DESCRIPTION

The South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 29, Range 21, Washington County, Minnesota.

TOGETHER WITH

That part of Southeast Quarter of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Beginning at the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, assumed bearing along the west line of said Southeast Quarter of the Southwest Quarter, a distance of 1318.69 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 55 minutes 22 seconds East, along the north line of said Southeast Quarter of the Southwest Quarter, a distance of 173.46 feet; thence South 16 degrees 08 minutes 55 seconds East a distance of 750.83 feet; thence North 89 degrees 57 minutes 05 seconds West a distance of 49.90 feet to the east line of the West 333 feet of the East Half of the Southwest Quarter of said Section 34; thence South 00 degrees 02 minutes 55 seconds West, along said east line, a distance of 597.17 feet to the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds, along said south line, a distance of 333.00 feet to the point of beginning.

EXCEPT the South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota.

We hereby certify that this is a true and correct survey of the above described property and that it was performed by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota. That this survey does not purport to show all improvements, easements or encroachments to the property except as shown thereon.

Signed this 16th day of March, 2013 For: James R. Hill, Inc.

By: *Harold C. Peterson*
 Harold C. Peterson, Land Surveyor, MN License No. 12294

James R. Hill, Inc.
 PLANNERS / ENGINEERS / SURVEYORS
 2500 W. CTY. RD. 42, SUITE 120, BIRNSVILLE, MN 55337
 PHONE: (952)890-6044 FAX: (952)890-6244

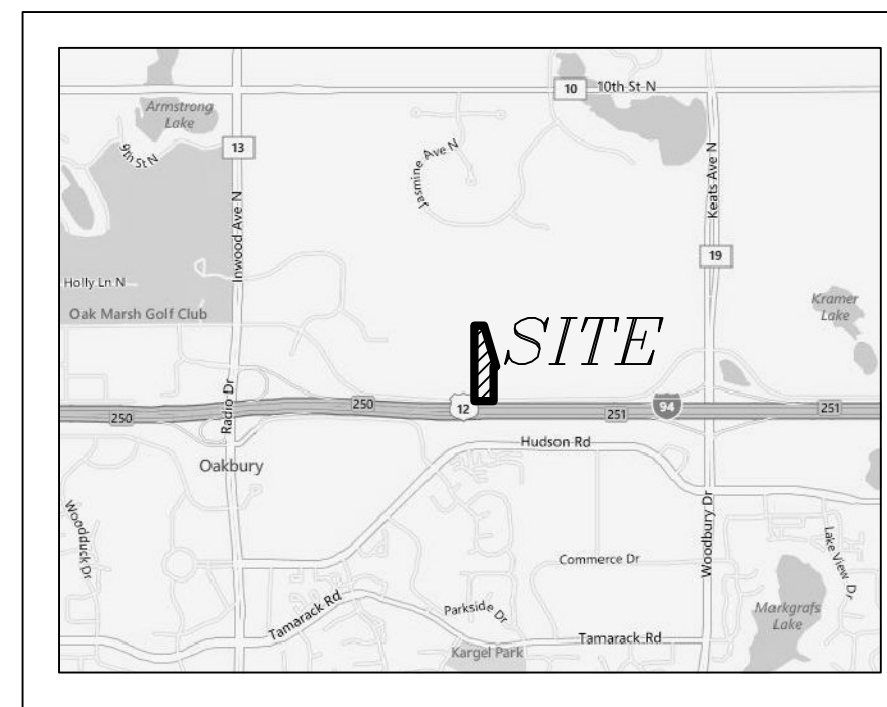
9242 HUDSON BOULEVARD
 LAKE ELMO, MINNESOTA
EXISTING CONDITIONS
 FOR
JOE HEINEN
 595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

| | |
|--------------------|----------------------------------|
| DRAWN BY | SHF |
| DATE | 3/16/12 |
| REVISIONS | |
| | 7/12/12 Boundary and Description |
| | 8/2/12 REV PER CITY COMMENTS |
| | |
| | |
| CAD FILE | 22863s.dwg |
| PROJECT NO. | 22863 |
| FILE NO. | 1-12-018 |
| | 4.1 |

PONDING EASEMENT

A ponding easement over, under and across that part of Southeast Quarter of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

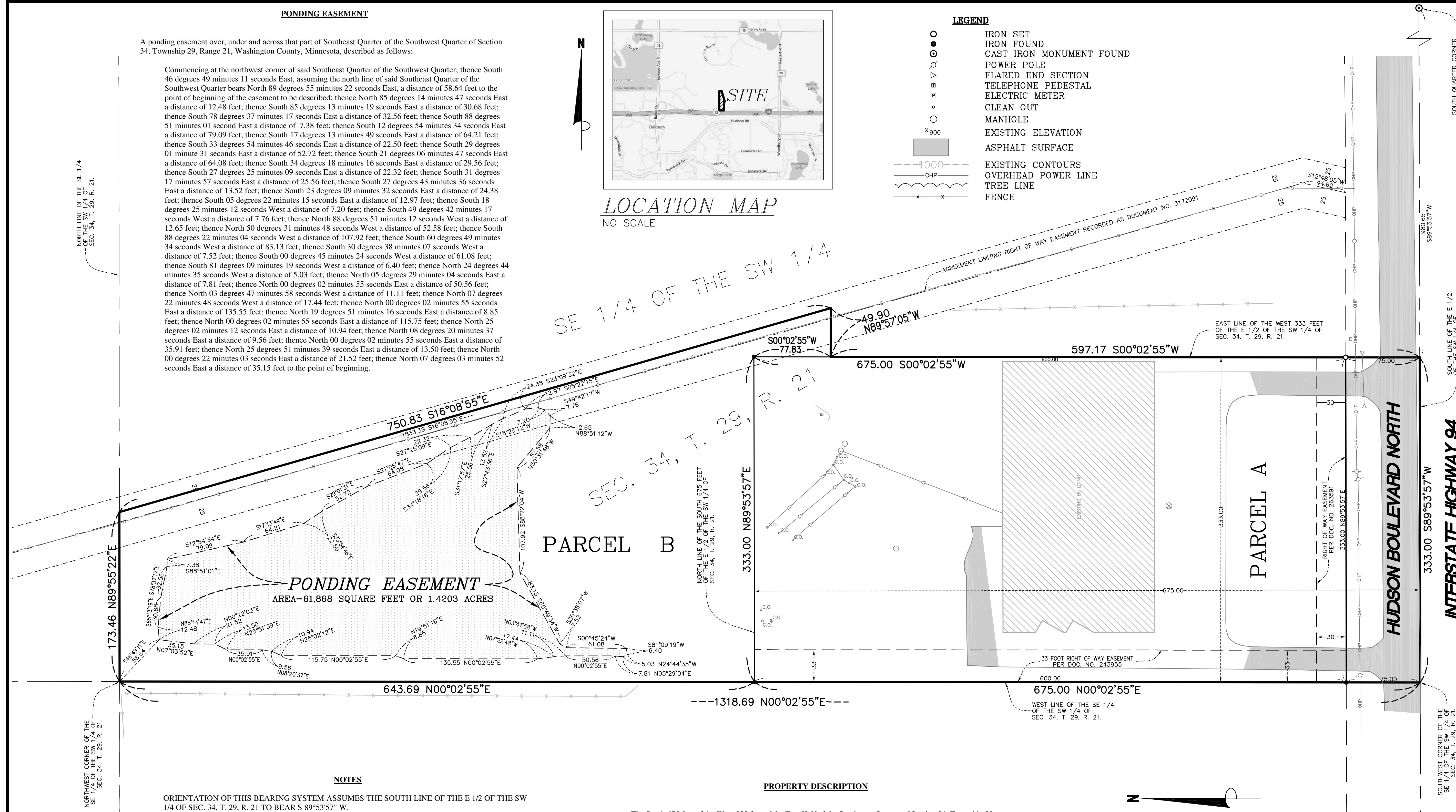
Commencing at the northwest corner of said Southeast Quarter of the Southwest Quarter; then South 46 degrees 49 minutes 11 seconds East, assuming the north line of said Southeast Quarter of the Southwest Quarter bears North 89 degrees 55 minutes 22 seconds East, a distance of 58.64 feet to the point of beginning of the easement to be described; then North 85 degrees 14 minutes 47 seconds East a distance of 12.48 feet; then South 85 degrees 13 minutes 19 seconds East a distance of 30.68 feet; then South 78 degrees 37 minutes 17 seconds East a distance of 32.56 feet; then South 16 degrees 51 minutes 01 second East a distance of 7.38 feet; then South 12 degrees 54 minutes 34 seconds East a distance of 79.09 feet; then South 17 degrees 13 minutes 49 seconds East a distance of 64.21 feet; then South 33 degrees 54 minutes 46 seconds East a distance of 22.50 feet; then South 29 degrees 01 minute 31 seconds East a distance of 52.72 feet; then South 21 degrees 06 minutes 47 seconds East a distance of 64.08 feet; then South 34 degrees 18 minutes 16 seconds East a distance of 29.56 feet; then South 27 degrees 25 minutes 09 seconds East a distance of 22.32 feet; then South 31 degrees 17 minutes 57 seconds East a distance of 25.56 feet; then South 27 degrees 43 minutes 36 seconds East a distance of 13.52 feet; then South 23 degrees 09 minutes 32 seconds East a distance of 24.38 feet; then South 05 degrees 22 minutes 15 seconds East a distance of 12.97 feet; then South 18 degrees 25 minutes 12 seconds West a distance of 7.20 feet; then South 49 degrees 42 minutes 17 seconds West a distance of 7.76 feet; then North 88 degrees 51 minutes 12 seconds West a distance of 12.65 feet; then North 50 degrees 31 minutes 48 seconds West a distance of 52.58 feet; then South 88 degrees 22 minutes 04 seconds West a distance of 107.92 feet; then South 60 degrees 49 minutes 34 seconds West a distance of 83.13 feet; then South 30 degrees 38 minutes 07 seconds West a distance of 7.52 feet; then South 00 degrees 45 minutes 24 seconds West a distance of 61.08 feet; then South 81 degrees 09 minutes 19 seconds West a distance of 6.40 feet; then North 24 degrees 44 minutes 35 seconds West a distance of 5.03 feet; then North 05 degrees 29 minutes 04 seconds East a distance of 7.81 feet; then North 00 degrees 02 minutes 55 seconds East a distance of 50.56 feet; then North 03 degrees 47 minutes 58 seconds West a distance of 11.11 feet; then North 07 degrees 22 minutes 48 seconds West a distance of 17.44 feet; then North 00 degrees 02 minutes 55 seconds East a distance of 135.55 feet; then North 19 degrees 51 minutes 16 seconds East a distance of 8.85 feet; then North 00 degrees 02 minutes 55 seconds East a distance of 115.75 feet; then North 25 degrees 02 minutes 12 seconds East a distance of 10.94 feet; then North 08 degrees 20 minutes 37 seconds East a distance of 9.56 feet; then North 00 degrees 02 minutes 55 seconds East a distance of 35.91 feet; then North 25 degrees 51 minutes 39 seconds East a distance of 13.50 feet; then North 00 degrees 02 minutes 03 seconds East a distance of 21.52 feet; then North 07 degrees 03 minutes 52 seconds East a distance of 35.15 feet to the point of beginning.



LOCATION MAP
NO SCALE

- LEGEND**
- IRON SET
 - IRON FOUND
 - CAST IRON MONUMENT FOUND
 - POWER POLE
 - FLARED END SECTION
 - TELEPHONE PEDESTAL
 - ELECTRIC METER
 - CLEAN OUT
 - MANHOLE
 - EXISTING ELEVATION
 - ASPHALT SURFACE
 - - - EXISTING CONTOURS
 - - - OVERHEAD POWER LINE
 - - - TREE LINE
 - - - FENCE

SE 1/4 OF THE SW 1/4



PONDING EASEMENT
AREA=61,868 SQUARE FEET OR 1.4203 ACRES

PARCEL B

PARCEL A

HUDSON BOULEVARD NORTH

INTERSTATE HIGHWAY 94

NOTES

ORIENTATION OF THIS BEARING SYSTEM ASSUMES THE SOUTH LINE OF THE E 1/2 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21 TO BEAR S 89°53'57" W.

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PARCEL A PID NUMBER = 34.029.21.34.0004

PROPERTY DESCRIPTION

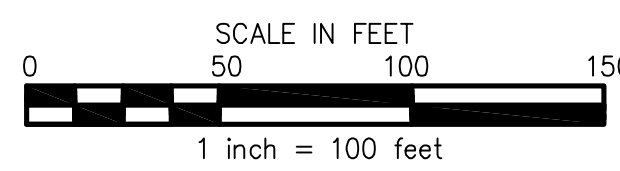
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TOGETHER WITH

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EXCEPT the South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota.



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 Professional Land Surveyor under the laws of the State of Minnesota.

Signed this 2nd day of August, 2012 For: James R. Hill, Inc.

By: Harold C. Peterson, Land Surveyor, MN License No. 12294

James R. Hill, Inc.
 PLANNERS / ENGINEERS / SURVEYORS
 2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
 PHONE: (952)890-6044 FAX: (952)890-6244

9242 HUDSON BOULEVARD
 LAKE ELMO, MINNESOTA
PONDING EASEMENT SKETCH AND DESCRIPTION
 FOR **JOE HEINEN**
 595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

| | |
|--------------------|--------------|
| DRAWN BY | SHP |
| DATE | 8/02/12 |
| REVISIONS | |
| CAD FILE | 22863skt.dwg |
| PROJECT NO. | 22863 |
| FILE NO. | 1-12-059 |
| 5.1 | |