

AGENDA-PLANNING-ZONING COMMISSION

CITY OF LAKE ELMO, MINN. 55042

MEETING TO BE HELD TUESDAY, MAY 27, 1975.

7:30 P.M.-- Roll Call

Approval of Minutes

7:45 P.M.-- Gary Schoonover--2086 Ivy, No. St. Paul, 55119

Home-797-2570-Business 777-8368

Check Lot 1, Berschens Shores--is lot buildable?

8:15 P.M.-- Roger Derrick--Robert Gottsacker from

Allied Properties regarding the  
Demontreville Highlands Plat.

8:45 P.M.-- Discuss Paul Emerson Plat (Eden Park)

ITEMS FOR DISCUSSION:

CITY OF LAKE ELMO

PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF MAY 27, 1975

Meeting called to Order at 7:50 P.M. by Chairman Johnson.

PRESENT: Johnson, Williams, Dreher, Novak, Sovereign and  
Armstrong

MINUTES: MOTION by Williams to approve minutes of the April  
8, meeting as amended by the following change:

At the MUSEGADES section, line 6, change "Zoning  
Code" to read "Washington County Model Zoning Code."

SECOND by Novak

VOTE All in favor

MOTION by Williams to approve the minutes of the  
April 28 meeting

SECOND by Dreher

VOTE All in favor

SCHOONOVER

Gary Schoonover requested the Commission's opinion  
on whether Lot 1, Berschens Shores is a buildable  
lot. The lot is located on the East end of Lake  
Jane. Lot 2, next to it, is a drainage right-of-  
way. The dimensions are 104 feet wide on the lake-  
front, 100 feet wide on the road. One side is 262  
feet long and the other side is 300 feet long. The  
lot does not have the 125 foot frontage required  
on the lakeshore but since the area was plated be-  
fore the ordinance this may not be a problem. Mr.  
Schoonover was advised to go to the Water Shed  
District and request their opinion.

DEMONTREVILLE

HIGHLANDS PLAT

Roger Derrick of Allied Properties was present along  
with Robert Gottsacker, their engineer to dis-  
cuss further questions regarding the proposed De-  
Montreville Highland's Plat. Mr. Derrick indicated  
that they did not desire at this point to postpone  
their request for a re-zoning and a preliminary  
approval of the plat until September of 1975.  
Chairman Johnson had requested this delay in a letter  
of May 16. This letter of May 16 along with the  
Derrick Company's two letters of response on May 27  
are attached to these minutes. Upon questioning,  
Mr. Derrick indicated the following ownership dis-  
tribution:

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING May 27, 1975

DEMONTREVILLE  
HIGHLANDS PLAT  
(Cont.)

1. Veronica M. Crombie is the fee owner of the real estate.
2. Allied Properties, Inc. is the vendee under a Contract for Deed. The president of the corporation is Jerry Rosenzweig, Secretary of the corporation is June Land who also happens to be Rosenzweig's Secretary. Rosenzweig is an attorney. Allied Properties owns 35% of the development scheme.
3. The Derrick Company owns 20%.
4. Lake Elmo Investment Co. owns 25%. The corporation is composed of Lee Sudit, Harvey Rocklin and Joseph Yablonsky. These men are all CPA's and members of a firm in Minneapolis.
5. Mrs. Carl Christensen, a widow owns 10%. The decedent was an uncle of Roger Derrick.
6. Mrs. Edward Derrick, a widow, owns 10%. She is the mother of Roger Derrick.

The developers have formed a limited partnership called DeMontreville 290. Mr. Derrick then went through the chronology of meetings and activities concerning the Crombie property. This chronology begins on July 2, 1973 and ends of May 13, 1975. A copy of it is attached to these minutes. Derrick indicated that they had met on this date with Dave Licht of Midwest Planning. Derrick indicated that they have to get moving on this project. The developers need their cash back and they must move soon. Derrick indicated that the project is divided into three phases.

Phase I has 23 lots; Phase II has 24 lots and Phase III has 46 lots.

Derrick would be willing to go for I and II at this time with 47 lots and let Phase III ride. Questions that arose involving the drainage and the rearing pond costs. It was reported that Mayor Eder stated that there was a man in the DNR who indicated that there was money available and DNR would like to buy the rearing ponds. Gottsacker indicated that the pond on lots 9, 10, and 11 located on County Road 13 would be filled. He stated that this was

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING May 27, 1975

DEMONTREVILLE more of an intermittant swamp and not part of the  
HIGHLANDS PLAT rearing pond itself. Some of the road grades were  
(Cont.) 10%. The Village limit is 8%. Sovereign indicated  
that she was against lake access for those not  
owning lots on the lake. This would cause too  
many people to use Lake DeMontreville. Derrick  
indicated that in light of this feeling on the  
part of the people in the tri-lakes area that they  
would not set up any community access to Lake  
DeMontreville. Question was raised as to whether  
the southeast corner of the plat is an area where  
there was already public access to the above lake.  
Derrick and Gottsacker were not sure on this and  
said they would find out. The question of environ-  
mental quality assessment was raised. The Metro  
Council has indicated that any area where sanitary  
sewer cannot be provided within five years should  
not be allowed to be developed in an urban fashion.  
Anything less than 2-1/2 acres is considered to  
be urban development. The PCA has indicated that  
it wants lots of one acre sewerred. Barbara Gilbert-  
son indicated that there is a 208 study in process.  
This is a Federal financed study for water manage-  
ment in the Metropolitan area. The result of this  
should have great impact on development. As to roads,  
Derrick indicated that the County had given approval  
to a drive-way entry, 125 feet on County Road 13.  
The County has indicated that it would like 13  
to be taken over by the City when a new north-south  
route is determined. Dreher expressed concern  
over the drainage of water through Charboneau  
property. Gottsacker indicated that there would  
be none flowing in that direction. The filled  
swamp would result in more water going into the  
rearing pond. Williams did not agree with the  
proposed drainage solutions and Gottsacker in-  
dicated that he was willing to talk to the Village  
Engineers about it. The Valley Branch Water Shed  
District will be discussing this problem on June 12.  
932 feet is flood elevation. Lots 2 through 6 in  
Block 4 are bisected by the lake. The acreage  
listed for them is not a full acre of high and dry  
soil. Gottsacker indicated that the street to  
the east of the lake could be moved further away  
from the lake and that these lots could be made  
bigger. There will be a drainage easement from  
the pond in Block 4. This pond has no 100 year  
flood mark. It is a land locked lake. The  
access to the back of their lots for owners of  
the lots 2 through 6 will be by walking around  
the pond. The possibility of a walkway along

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING May 27, 1975

DEMONTREVILLE the railroad right of way discussed by Derrick.  
HIGHLANDS PLAT He indicated that this consideration was part of  
(Cont.) their plans in drawing up the dedicated parkland  
and outlot C. Derrick stated that the Tri-Lakes  
Association was not in favor of five acre lots and  
multiple dwellings. The possibility of submitting  
this whole development through a PUD request was  
discussed and did not meet with favorable approval  
from Derrick.

MOTION By Williams

The PZC should table further discussion of  
the DeMontreville Highlands Plat until the  
next meeting on June 10 and request Allied  
Properties to file a plan unit development  
request and the PZC would like a report from  
the City Engineer and recommendations from the  
Valley Branch Water Shed District as to addi-  
tional run-off and drainage problems.

SECOND by Armstrong

VOTE All in favor

Sovereign will contact the Valley Branch Water  
Shed District for the next meeting.

EDEN PARK PLAT Bruce Foltz presented the Eden Park Plat to the  
PZC. Martin Ziebell the Washington County Soil  
Conservationist will do a plan on soil erosion  
and sedimentation during and after construction.  
Foltz requested approval of the plat subject to  
conditions that the PZC might set. the plat has  
been revised to show possible flood elevation at  
892 feet. The Valley Branch Water Shed District  
elevation is 888 and the City Engineer's  
is 891 feet. The City Engineer's comments were  
discussed point by point:

1. Foltz recognizes the concern over cutting  
of trees but an owner has the right to cut  
trees and only those trees which absolutely  
have to be cut will be destroyed. Foltz stated  
that they want to sell the lots and tearing  
all the trees down would not facilitate selling  
the lots.
2. Foltz stated that the gas line would not be  
exposed as the engineer's letter indicates.

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING May 27, 1975

EDEN PARK  
PLAT  
(Cont.)

3. The City ordinance is 60 feet on cul-de-sac and Foltz said he would comply.
4. This point has been complied with.
5. Stump clearing and removal will be done as requested.
6. Foltz indicated that the developer is willing to consider a cash payment instead of par~~k~~ dedication or some percentage agreement based on the amount of land presently dedicated. He could put a restrictive covenant on the deeds to prevent problems concerning access to the slew. Johnson and Williams indicated that the lot line should go to the water line with covenants. The City should not be involved with ownership of lake shore. This would be the same type of problem that was experienced on Lake DeMontreville.
7. There will be a six foot drainage and utility easements on all side lines and 12 feet on back lot lines. If necessary this can be made wider.
8. Sanitary sewer easements can be arranged for.
9. On Block 1, Lot 7, the Gas Company will release their easement to 66 feet and this would give a total of 83 feet for building area when released. The other lots will be taken care of by a release of easement. There may be problems with block 2, lot 23.
10. Block 1, Lot 3 will be on 20 feet of fill. The grade could be changed to the street or the house could be built back lot with the driveway to it. Foltz was asked to put in proposed house locations. He indicated he would talk to the owner Paul Emmerson. He stated that the grading plan would show that there is a buildable lot.
11. The slope of lots in relation to street grade and home floor was discussed as to the lots in question and Foltz indicated the grading plan would properly solve the problem.
12. Percolation tests will be made.
13. The letter from Don Raleigh item 4 states that the five year requirement for sewerage is not a legal requirement of the City of Lake Elmo.

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EDEN PARK  
PLAT  
(Cont.)

Johnson questioned feasibility of spot development and at what point we should begin to say no to developers. As to sewer, if the school is sewerred to Cimarron, then only 80% of the old village could be sewerred by the Cimarron Plant. Putting a larger number of houses in the area of the Eden Park Plat will only complicate this problem. There is also the question of dedication of park land. Is this sufficient, should other lands be developed or should a cash settlement be made?

MOTION By Williams

The proposed Eden Park Plan question should be tabled until the next PZC meeting of June 10.

SECOND Novak

VOTE In favor: Johnson, Williams, Novak, Sovereign and Armstrong; Opposed: Dreher

MOTION CARRIED

RUTH's 1st  
ADDITION  
PLAT

This plat had previously been approved by the Planning and Zoning Commission last year. The proper signatures were never placed on the plat documents. The plat was briefly discussed and the proper signatures added to indicate the prior approval.

CHAIRMAN

Chairman Johnson informed the PZC that on Friday, May 30, at 3:00 p.m. there will be a meeting in Ways Control Commission's Office in St. Paul concerning the Lake Elmo Sewers.

ADJOURNMENT

The meeting was adjourned at 12:30 a.m. on May 28.

THE NEXT SCHEDULED MEETING IS TUESDAY, JUNE 10, 1975 at 7:30 P.M.

Respectfully Submitted,



Thomas G. Armstrong  
Secretary

8896 Lake Jane Trail  
Lake Elmo  
Minnesota 55042

May 16, 1975

Mr. Roger Derrick  
400 Shaelard Plaza  
Suite 227  
Minneapolis, Minnesota 55426

Dear Mr. Derrick:

My compliments on your presentation at the recent Hearing before the Lake Elmo Planning and Zoning Commission (PZC), May 13. Your presentation was very informative and obviously well-prepared.

After the Hearing, the PZC briefly discussed the information presented. Concern was expressed over the impact that a subdivision of this magnitude would have on the City of Lake Elmo. It was felt that careful review was needed before making a recommendation to the Lake Elmo Council. The PZC also felt that it would be desirable to have the revision of our Land Use Plan completed before making a recommendation.

A motion was made by Bill Lundquist and approved unanimously by the PZC that I write you this letter to request a postponement of your applications for rezoning and subdivision until the PZC had established an updated Comprehensive Plan for the City. I respectfully request that you consider and accept said postponement. A postponement until September, 1975 should allow time to at least complete a rough draft of the Plan.



Mr. Roger Derrick

-2-

May 16, 1975

Also, we should have an updated City road plan and 3M's development plans by September. This will allow the City and your Corporation to develop the optimum plan for this area.

Your cooperation and assistance in this matter will be greatly appreciated.

Very truly yours,



Richard E. Johnson

P.S.

I would like a clarification of the proper title and address of your Corporation. As it stands now, I have the following in my records:

1. Allied Properties, Incorporated  
1616 Park Avenue South  
Minneapolis, Minnesota
2. Derrick Company  
Wayzata Blvd. at Hwy 16  
Minneapolis, Minnesota 55426
3. Roger Derrick  
4826 Chicago Avenue South  
Minneapolis, Minnesota 55417
- \* 4. Roger Derrick  
400 Shaelard Plaza  
Suite 227  
Minneapolis, Minnesota 55426

\* Obtained from your answering service.

# THE DERRICK COMPANY

PROFESSIONAL  
LAND BROKERS

Shelard Plaza South  
Wayzata Blvd. at Highway 18  
Minneapolis, Minnesota 55426  
Telephone: (612) 546-2276

COMMERCIAL  
INDUSTRIAL  
RESIDENTIAL  
MULTIPLE  
FARMS

May 27, 1975

MR. RICHARD E. JOHNSON  
LAKE ELMO PLANNING & ZONING COMMISSION  
8896 Lake Jane Trail  
Lake Elmo, Minnesota 55042

RE: YOUR LETTER OF MAY 16, 1975

Thank you for your compliment on our presentation at your recent Lake Elmo Planning & Zoning Commission hearing.

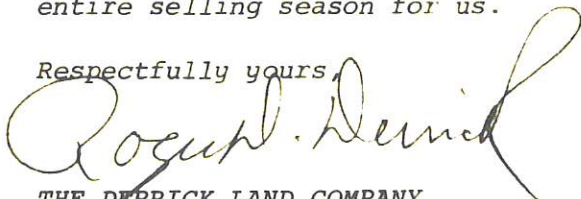
It was a blow to hear that the PZC was asking for a delay of our application until September. I respectfully ask the PZC to reconsider this position. This property will be developed some day. Large lot development is feasible now. The type of Buyer that will be purchasing these large homesites could handle water and sewer assessments in the future. But, if water and sewer is eminent at the time development occurs, a developer would be forced to plat substantially smaller lots. Even if lots were kept at  $\frac{1}{2}$  acre, which is considered large in most communities, the number of people in the same area would almost triple. (245 families Vs. 93 families).

Our plan isn't something new ! We've taken plenty of time and talked to a lot of people, to come up with a plan that is not only economically sound but also a plan that would concur with the thinking of the area residents and community leaders.

Attached is a short chronology of steps that were taken to assure a well planned development. I purposely excluded internal meetings and conversations.

We've pursued a concept that would be an asset to the neighborhood. We've tried to understand the area's needs and adjust our plans to the response of those we've met with. As you can see by the chronology, this has taken time, but we feel it has been worth it. The development plan that has evolved demonstrates that fact. I hope we haven't been led down the garden path. If the community wants large lot residential on this property, now is the time for action on your part. A postponement until September really means a loss of an entire selling season for us.

Respectfully yours,



THE DERRICK LAND COMPANY  
ROGER D. DERRICK, PRESIDENT

CHRONOLOGY OF MEETINGS AND ACTIVITIES CONCERNING THE  
"CROMBIE PROPERTY" (290 ACRES, LAKE ELMO, MINNESOTA)

July 2, 1973. Retained Bordner Consultants (Professional Land Planners) to do study to determine best land use for entire property.

July 11, 1973. Talked with Mayor Kelly Brookman about land use suggestions he might have. We discussed possible golf course on part of North portion. He said South could be developed into one acre lots without water & sewer under the Village P.U.D. ordinance.

July 11, 1973. Spoke to councilman Bob Watson (assigned to the project) regarding land use. Said everyone he'd talked to in the area favored large lot (one + acres) residential on South part of property. Doesn't know about North portion. Wants to see Bordner's plans when they're completed. Picked up from his home lot layout he had from previous owner. He thought it might help us.

November 27, 1973. Received comprehensive written study from Bordner outlining their recommendations.

January 16, 1974. Dinner meeting to present study findings to Councilman Bob Watson. A planning commission member was also present. They had no immediate comment on the proposal for the North portion. They said they favored the South proposal (one + acres). They wanted to see more development detail and discuss with other members.

January 20, 1974. Accurate topography map of the area was unavailable. Had Mark Hurd, Inc. make up one for us. (Took three months to complete)

April 8, 1974. Engaged Robert M. Gottsacker & Associates (Engineer) to do road and engineering plan based on existing land contours shown on topo, for presentation to planning commission.

August 26, 1974. Luncheon meeting with Mayor Maynard Eder and Councilman Lloyd Shervheim. Presented land use proposals. Advised us to go before full planning commission.

October 28, 1974. Presented Concept Plan to planning commission. We were told Village had hired Midwest Planning to do the land use plan for the entire village, therefore we were to have a meeting with Midwest Planning to get their reaction to our plan and see if it fit in with their overall land use plan.

November 1, 1974. Met with Planner at Midwest Planning (at our expense). Barbara Lukermann said the entire Village Plan was not ready, but that the portion of our land that fell into was ready. She showed the South portion of our property to be 12,000 Square Foot Lots (3½ lots to the acre), with water and sewer on South portion. The North portion she showed as large lot residential.

November 12, 1974. Appeared before planning commission. Told about meeting with Midwest Planning and also resubmitted our land use plan. We were told:

- 1). Temporarily shelve our plan for North portion. (Various high density uses)
- 2). Disregard what Midwest Planning plans for the South portion (12,000 square foot lots)
- 3). Liked our concept for the South portion. (1-2 acre residential homesites)
- 4). Sent us on to the Council.

November 19, 1974. Appeared before Council. Recapped prior events concerning our proposal for south portion of property. Presented our plan (1-2 acre homesites). Received conceptual approval. Directed to proceed with preliminary plat.

December 5, 1974. Trip to fish hatchery to discuss acquisition of Pond. Had various <sup>other</sup> talks with home owners, park representatives, Department of Natural Resources representatives, etc.

January 15, 1975. Met with representative of Village Park Board, Jess Mottaz. Discussed proposed park size and boundaries. He asked us to obtain an appraisal. He said they would do the same.

April 10, 1975. Submitted Preliminary Plat to Village Clerk in time to be heard at the April 28, 1975 planning commission meeting. City attorney asked us to delay until May 13, 1975 meeting.

May 2, 1975. Met with leaders of Tri-Lake association at luncheon meeting. Presented them with our development proposal for South portion of property. They seemed to favor the proposal.

May 13, 1975. Formally asked planning commission for preliminary approval for plat. Received favorable comments from audience. Tabled until next meeting to allow planning commission members to discuss among themselves and with other interested parties.

# THE DERRICK COMPANY

Shelard Plaza South  
Wayzata Blvd. at Highway 18  
Minneapolis, Minnesota 55426  
Telephone: (612) 546-2276

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LAND BROKERS

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FARMS

May 28, 1975

RICHARD E. JOHNSON  
LAKE ELMO PLANNING & ZONING COMMISSION  
8896 Lake Jane Trail  
Lake Elmo, Minnesota 55042

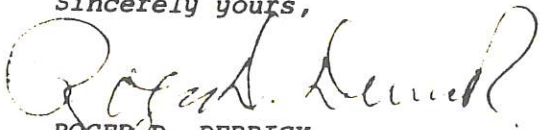
Dear Mr. Johnson,

As requested, here are the people who have a financial interest in the "Crombie Property".

- 1). Veronica M. Crombie, Fee Owner
- 2). Allied Properties, Inc. Contract Purchaser  
Jerry Rosenzweig, President
- 3). Allied Properties, Inc. is the General Partner in a Limited Partnership comprised of the following limited partners:
  - a). The Derrick Company
  - b). Lake Elmo Investment Co.  
Lee Sudit  
Harvey Rochlin  
Joseph Yablonsky
  - c). Mrs. Carl Christensen
  - d). Mrs. Edward Derrick
  - e). Warren Laughinghouse

This information is for official use only and should not be publicized unnecessarily.

Sincerely yours,

  
ROGER D. DERRICK

RDD/mak