

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

AGENDA

LAKE ELMO PLANNING COMMISSION

MARCH 25, 1991

7:30 p.m. MEETING CONVENES

1. AGENDA
2. MINUTES: March 11, 1991
3. LAKE ELMO PARK RESERVE MAINTENANCE BUILDING
SITE & PLAN REVIEW.
4. ARABIAN HILLS (continuation) Rezoning from RR to RE
and Preliminary Plat.
5. FOX FIRE MANNOR (continuation of Public Hearing)
REZONING FROM RR TO RED AND PRELIMINARY PLAT.
6. 1989 AUDIT REPORT.
7. OTHER
8. ADJOURN

LAKE ELMO PLANNING COMMISSION MINUTES

MARCH 11, 1991

JOINT MEETING WITH CITY COUNCIL

Mayor Dave Johnson called the Joint Meeting of the City Council and the Planning Commission to order. Present: Mayor Johnson, Councilmen: Mottaz, Johnson, Hunt, Williams, Chairman John, Conlin, Johnston, Mcleod, Schubert, DeLapp, Stevens, Bucheck, Enes (departed: 9:00), Administrator Kueffner, City Planner Black. Absent: Wilfong & Thomas.

Mr. Obi Sium of DNR presented a general overview of a recent seminar put on by DNR addressing the State's New Shoreland Ordinance. The DNR is holding four workshops this year as opposed to ten held last year. Background information was touched on with regards to the MN Legislative Acts. Shoreland District Standards were gone over. The number one problem of shoreland development is non-conforming sewage systems, and the number one pollutant of lakes and rivers is agricultural runoff of sediment and chemicals. It was recommended the best time to set up septic systems and water systems is at the time of subdivision. Statewide Minimum Standards were gone over. Wetlands are regulated under public permit. The Shoreland Impact Zone, a new revision, states 50% of the structure setback requirement is restricted from clear cutting, and only one water oriented structure is allowed (total square footage not to exceed 250 sq.ft.). Another new management guideline adopted by DNR is Best Management Practices (BPM's) which address water quality, scenic values, visual quality issues. The City is responsible as the governing body to enforce Shoreland Ordinances, and may write stiffer ordinances.

The Joint Meeting was adjourned at 8:15 p.m. Chairman John called to order the regular Planning Commission meeting at 8:20 p.m.

1. AGENDA

Add 2b. - ReApp Task Force Meeting.

M/S/P DeLapp/Stevens - to approve the Agenda as amended. (Motion carried 9-0.)

2. MINUTES: February 25, 1991

M/S/P DeLapp/Conlin - to approve the February 25, 1991 minutes as submitted. (Motion carried 8-0-1, abstain: Stevens.)

2b. ReAPP UPDATE

Commissioner Conlin, a member of ReAPP, stated there will be a ReAPP task force meeting Thursday, March 21st at 7:30 p.m. here at Lake Elmo City Hall. A video produced for the P.R. campaign will be shown. The completion of the EIS is expected in April. Volunteers are needed right now.

3. PUBLIC HEARING: Comp. Plan Amendment: (Future Land Use Map)
Clifford Adkins property.

Chairman John opened the Public Hearing at 8:30 p.m. The Public Hearing notice was published in the St. Croix Valley Press February 27, 1991 and all property owners within 350 feet were notified. City Planner Mike Black offered some general information regarding this application and what is being considered. The property is designated on the Future Land Use Map, which the City has recently adopted, as SRD. The question is whether the City should consider amending this designation to RED. SRD designation equals R1 zoning (1.5 acres). The City has adopted the Comp. Plan which states there will be no more new development at the R1 zone.

Paul Wolff, representing Mr. & Mrs. Adkins, stated approximately 12 acres is being discussed, and the Future Land Use Map is contained in the Comprehensive Plan which has been adopted by the City, and classifies the future land use for this property as SRD. The Adkins were of the impression they would be able to develop under the R1 zone. Mr. Wolff requested the Planning Commission recommend to the City Council the Future Land Use Map not be amended and SRD designation be maintained.

Chairman John closed the Public Hearing at 8:45 p.m.

Commissioner DeLapp stated the printer made the error on the map concerning this property. Commissioner Bucheck stated this property is in the flood plain. Commissioner Mcleod stated this property is surrounded by R1 development, therefore SRD would be consistent. Also, permits to build would not be issued if in the flood plain.

M/S/F DeLapp/Stevens - to recommend the City Council amending the Future Land Use Map designation of this property from SRD to RED. (Motion failed 2-5-1, against: Bucheck, Conlin, John, Mcleod, Johnston, abstain: Schubert, reasons: Bucheck: voted against Durand change to RED; Conlin, Johnston & Mcleod: should follow the Future Land Use Map; John: property owner would be held hostage).

M/S/P Conlin/Mcleod - to recommend to City Council that Adkins land stay as designated on the Future Land Use Map as SRD. (Motion carried 4-3-1, abstain: Schubert).

4. ARABIAN HILLS (continuation) Rezoning from RR to RE and
Preliminary Plat

Chairman John re-opened the public hearing at 9:15 p.m. All property owners within 350 feet were re-notified.

Roger Kolstad, developer of Arabian Hills, presented the most recent preliminary plat. The park was removed from the plat to accommodate some lots within the 100 year flood plain and were hoping to give a park dedication fee in lieu of land dedication. Also, the road connection to the existing 53rd street was altered slightly.

Keith Raleigh, 5435 Keats Ave., stated there should be a park, and was of the understanding the City could require 10% of the development for a park.

Peter Eggen, 5250 Keats Ave., made the Commission aware there is a State law guarding a farmer's right to farm the land and not be held responsible for dirt, debris or odors. Mr. Eggen stated he farms seven acres and is concerned about people moving into this development and complaining about his farming. Also, will there have to be a public hearing to give up the option on Tauer's road easement? The commission answered no public hearing is necessary and they have the power to give up the option.

Steve Korhel, 5240 Keats Ave., suggested developers should be held liable for negative impacts on adjoining property owners. Mr. Korhel also stated that on the County tax roll Mr. Cletus Tauer owns only five acres which is illegal in RR zoning unless a public hearing is held.

It was pointed out to Mr. Korhel that Mr. Tauer has a contract for deed with Northern Lakes Diversified and therefore is still an owner of the property and co-applicant of the plat.

George Dege, 5193 Keats Ave., stated he would like to see a more detailed landscape plan.

Chairman John closed the Public Hearing at 10:30 p.m.

A request was made of Mr. Chuck Nelson, president of Northern Lakes Div., that he put in his protective covenants a statement to the effect that potential property owners must be made aware of existing farm operations, including noise and odor that exist and the farmers cannot be adversely affected by new property owners. Mr. Nelson agreed to this.

M/S/F Conlin/Johnston - recommend the City Council approve rezoning from RR to RED and approve the Preliminary Plat subject to City Planner Black's seven recommendations from his March 8th report and the Planning Commission to see the protective covenants with recognition to the rights of farmers included. (Motion failed 4-4, against: Schubert, Stevens, DeLapp, Bucheck; Point of order: Schubert is an adjoining/affected property owner.)

M/S/P DeLapp/Bucheck - to table this subject for two weeks at which time an updated road plan and the protective covenants be submitted for review by the Planning Commission and written comment from the Parks Commission regarding this plat. (Motion carried 5-2-1, abstain: Schubert, against: Johnston, Conlin.)

M/S/P Bucheck/DeLapp - to postpone discussion of LBD, put the 1989 Auditors report on a future agenda, Chairman John discuss meeting with Chauncey Case from the Airports Commission and the VBWD survey with Administrator Kueffner, and Commissioners that wish to attend the PUD seminar contact Kathy, and adjourn the meeting at 11:10 p.m.. (Motion carried 8-0.)

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: March 25, 1991

AGENDA TOPIC: SITE & PLAN REVIEW: Lake Elmo Park Reserve Maintenance Building.	ITEM NO. 3,
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Attached is an application for Site & Building Plan Review from James Luger of Washington County Parks Dept. for a Parks Maintenance Building to be located in the Lake Elmo Park Reserve. (Please return these site plans to me after the meeting, as they can be recycled for the use of the Council, thank you.)

DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Conditional Use Permit
- Variance
- Appeals
- Trailer Park
- Site & Bldg. Plan Review
- Mining Permits

- Simple Lot Division
- Large Lot Subdivision
- Subdivision
 - Sketch
 - Preliminary
 - Final
- Subdivision Variance
- Flood Plain Conditional Use Permit
- Shoreland Permit
- Planned Unit Development

Applicant James Luger 11660 Myeron Road N., Stillwater, MN 55082 439-6058
 (Name) (Address) (phone)

Owner Washington County Parks 11660 Myeron Road N., Stillwater, MN 55082 439-6058
 (Name) (Address) (phone)

Property location (Street Address and Legal Description):

Lake Elmo Park Reserve, Lake Elmo, MN 55042
N1/2 of NE1/4, SE1/4, SW1/4, Section 14, T29N, R21W

Description and/or Reason for Request (Cite Ordinance Section):

This project includes the construction of a 7,000 square foot concrete panel random
rib maintenance building, with an adjacent 25 car paved parking lot, and 44,000
square foot storage yard. This building will be the headquarters for Washington
County Parks Maintenance.

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 addition application expense.

\$100 Permit Application
 \$250 Escrow

James O. Luger 13 March 1991
 Signature of Applicant Date

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: March 25, 1991

AGENDA TOPIC: ARABIAN HILLS (continuation) Rezoning from RR to RED and Preliminary Plat.	ITEM NO. 4.
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Attached is the preliminary plat map with the road plan, drainage plan, landscape plan for Arabian Hills. Also attached are the protective covenants for this development and the recommendation from the Parks Commission regarding park dedication.

Roger Kolstad, developer of Arabian Hills, deleted the original park agreed upon due to Valley Branch Watershed's report to Mr. Kolstad regarding the 100 year flood. An offer of \$700.00 per lot was offered as a park dedication fee in lieu of.

City Planner Black stated each application for subdivision is separate and should be treated as such. According to the present code the park land dedication for Arabian Hills would be 2.8 acres, and from Fox Fire Mannor and Rolling Hills would be 1.8 acres each.

The Parks Commission feels that 2.8 or 1.8 acres is too small for a neighborhood park.

Councilman Johnson stated Fox Fire Mannor and Rolling Hills must be developed together in order to have a continuous street (55th), the code will not allow a cul-de-sac of that length. Councilman Johnson stated he sees no reason why one developer can't pay cash to the other developer to dedicate the full amount of land dedication between the three plats.

M/S/P Lyall/Enes - to request six (6) continuous acres from the three developments currently applied for (Arabian Hills, Fox Fire Mannor, Rolling Hills).

ARABIAN HILLS DECLARATION OF COVENANTS AND RESTRICTIONS

WHEREAS, Henry G. Harvey, June E. Harvey, Cletus J. Tauer, and Ramona L. Tauer are the fee owners of ARABIAN HILLS ESTATES, Washington County, Minnesota; and

WHEREAS, Northern Lakes Diversified, Inc., is the owner of the Vendees' interest in the above-described real property; and

WHEREAS, Henry G. Harvey, June E. Harvey, Cletus J. Tauer, and Ramona L. Tauer, and Northern Lakes Diversified, Inc. desire to impose certain conditions, restrictions, reservations and covenants upon the above-described property for the benefit of all of the present and future owners thereof;

NOW, THEREFORE, the above-named owners hereby impose upon the subject the above-described real property to the following conditions, restrictions, reservations and covenants, which shall run with the land and be binding upon the present owners of the above-described property and each and every successor in interest;

1. No building shall be erected, placed or permitted to remain on any lot other than one single family dwelling. No earth homes, dome homes, foam homes or other uncommon type of houses will be allowed. No garish colors will be allowed.

2. All residences shall have a minimum of 1,800 square feet finished living area. All two-story dwellings located on said lots shall have not less than 1,000 square feet of finished living area on the first floor. All split level or split entry dwellings shall have a minimum of not less than 1,500 square feet of finished

living area on the main floor. "Main floor" as used herein and hereinafter shall mean the upper two levels.

3. All residences will have a minimum of three-car garage and that garage shall conform in style and architecture to the dwelling to which it is appurtenant. It also shall be directly attached to the residence and be constructed of the same exterior materials as the main structure.

4. No structures shall be erected, placed, or altered on any lot or plot until the construction plan and specifications, and a plan showing the location of the structure have been approved in writing by Northern Lakes Diversified, Inc., A Minnesota Corporation, and/or its agents and assigned, as to harmony of external design with existing structure, and as to location with respect to topography and finished grade elevation. However, in the event that Northern Lakes Diversified, Inc., a Minnesota Corporation, its agents or assigns fail to approve or disapprove of such plans within thirty (30) days, then such approval will not thereafter be required.

5. All fences installed must not exceed a height of 54 inches, must conform and blend in with the surroundings, and must allow at least 50% or more see-through space. Exceptions to this will be where certain rules and regulations override; such as enclosure regulations for swimming pools, etc.

6. No animals of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other domestic pets may be kept provided they are not kept for any commercial purpose.

7. No trailer, basement, tent, shack, garage, barn or out-

building erected on the premises shall at any time be used as a residence, temporarily or permanently, nor shall any structure of any temporary character be erected, used or occupied for residence purposes.

8. No part of the individual lots or boulevards shall be used at any time for the storage or abandonment of junked automobiles or other motor equipment. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Garbage, rubbish and trash shall not be kept on said premises except in sanitary containers. All incinerators or other equipment used or kept for the storage or disposal of such material shall be kept in a clean and sanitary condition.

9. No lot shall be used except for residential purposes. No structure shall be erected, altered, placed, or permitted to remain on any lot other than one detached single family dwelling.

10. All construction must be new, except buildings existing at the time of the recording of these covenants, and no used buildings of any kind shall be moved to, or placed on any of the premises.

11. No noxious or offensive trade or activity shall be carried on or upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the adjoining residential lots and neighborhood.

12. All owners of said lots shall plant at least six (6) trees on the premises no later than one year after construction of the residence has finished, and a total of twenty-five (25) trees must be planted over the five-year period starting from the finished construction date. The back fifty feet (50') of each lot must be

left in its natural state to preserve the original state of the property unless adverse conditions, such as drainage, etc., prevent this from being done. In addition, a total of three hundred (300) seedlings must be planted on this stated back fifty feet of natural area no later than three (3) years after the construction of the residence has finished.

13. These covenants shall run with the land and shall be binding upon all parties and all persons claiming an interest in said property until thirty (30) years from the date hereof, at which time these covenants shall cease and terminate.

14. Enforcement of these covenants shall be by actions brought by Northern Lakes Diversified, Inc., or by the owner or owners of the above described property. Said legal action may be brought only to restrain violations.

15. Validity of any one of these covenants by judgement or court order, or by law, shall in no way affect any of the other covenants, which shall remain in full force and effect.

16. That the above provisions may be revised, amended, rescinded or superseded by the written consent of a two-thirds majority of the owners of the above described property. The consent of any mortgagee, vendee, or lienholder shall not be required to alter these provisions.

17. "Owner" as used in this declaration shall mean and refer to the record owner, whether one or more persons or entities of any of said lots, but notwithstanding any applicable theory or mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee shall acquire title pursuant to foreclosure or any

proceeding in lieu of foreclosure.

IN TESTIMONY WHEREOF Northern Lakes Diversified, Inc., Henry G. Harvey, June E. Harvey, Cletus J. Tauer, and Ramona L. Tauer, have caused these presents to be executed this ____ day of _____, 1991.

Northern Lakes Diversified, Inc.

By: _____

Charles R. Nelson, President

By: _____

Henry G. Harvey

By: _____

June E. Harvey

By: _____

Cletus J. Tauer

By: _____

Ramona L. Tauer

STATE OF MINNESOTA}

COUNTY OF WASHINGTON}

The foregoing instrument was acknowledged before me this ____ day of _____, 1991, by Charles R. Nelson, President of Northern Lakes Diversified, Inc., a Minnesota Corporation, on behalf of the corporation, by Henry G. Harvey and June E. Harvey, and by Cletus J. Tauer and Ramona L. Tauer.

Notary Public _____ County, Minnesota

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: March 25, 1991

AGENDA TOPIC: PUBLIC HEARING: (continuation) FOX FIRE MANNOR Rezoning to RED and Preliminary Plat	ITEM NO. 5.
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Attached is a Preliminary Plat for Fox Fire Mannor along with protective covenants. This is a continuation of the Public Hearing which was started at your Febraury 11th meeting and tabled at that meeting. All property owners within 350 feet were re-notified and attached are copies of the City Engineer's report and the City Planner's report.

DECLARATION OF PROTECTIVE
COVENANTS AND RESTRICTIONS

THIS DECLARATION, made this _____ day of _____, 1991,
by Pacesetter Property Management, Inc. and Carl Brogren and
Sandra Brogren, hereinafter referred to as "DECLARANTS".

WITNESSETH:

WHEREAS, DECLARANTS are the owner and proprietor and in possession
of the property described as follows, to-wit:

Lots 1,2,3,4, Block 1; Lots 1,2,3, Block 2; and Lots 1,2,3,4,5,
Block 3; all in Fox Fire Manor, according to the plat thereof on
file and of record in the office of the Register of Deeds, in and
for Washington County, Minnesota.

WHEREAS, DECLARANTS desire to impose certain restrictions on the
above described property to promote the orderly and reasonable
development of such property;

NOW, THEREFORE, DECLARANTS hereby declare that all of the property
described above shall be held, sold and conveyed subject to the
following covenants and restrictions which are for the purpose of
protecting the value and desirability of, and which shall run with
the real property and be binding on all parties having any right,
title or interest in the described property or any part thereof,
their heirs, successors, personal representatives and assigns, and
shall inure to the benefit of each owner thereof;

1. LAND BUILDING TYPE

No lot shall be used except for residential purposes. No building
shall be erected, placed or permitted to remain on any lot other
than one single family dwelling, not to exceed two and one-half
stories in height; one accessory building, not to exceed 150
square feet in area. The accessory building shall be constructed
of the same exterior materials and style of the main structure.
The exterior colors of the main structure and the accessory
building shall be identical. No earth homes, log homes, dome
homes, foam homes or other uncommon type of houses will be
allowed. No garish colors will be allowed and approval from the
Architectural Control Committee must be obtained.

2. ARCHITECTURAL CONTROL

No building, fence or wall shall be erected, placed or altered on any lot until the plans and specifications and a plan showing the location of the structure, fence or wall, have been approved by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design and colors with existing structures, and as to location with respect to topography and finish grade elevation.

3. DWELLING SIZE

A one story dwelling with basement shall have a minimum floor area of 1800 square feet above grade finished. A one story dwelling without a basement shall have a minimum floor area of 2000 square feet above grade finished. A two story or two and one-half story dwelling shall have a minimum total floor area of 2200 square feet above grade finished. A split-foyer dwelling shall have a minimum floor area of 1800 square feet finished on the main floor. The above minimum square footage is computed on the main structure, exclusive of porches and garages.

4. BUILDING LOCATION

No building shall be located nearer than 100 feet to the front lot line, nor nearer than 80 feet to any side street line, nor nearer than 50 feet to any interior lot line, nor nearer than 100 feet to any rear lot line. For the purpose of this covenant, eaves, decks and steps shall not be considered as part of a building, provided, however, that this shall not be construed to permit any portion of eaves, decks or steps on a lot to encroach upon another lot.

5. EASEMENTS

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structures, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. In addition, no structures of any type shall be erected or installed in or on the drainage easement areas except as may be specifically approved by

the City of Lake Elmo. Prohibited structures shall include, with limitation, fences, boat docks, animal shelters, tree housed, storage sheds, observation platforms, and the like. The objective is to maintain the drainage areas in a natural state to the extent feasible and practical. Use of said drainage areas shall be as authorized and regulated by the City of Lake Elmo; this shall include water level controls, recreational use, and preservation and protection of shore land. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for these improvements for which a public authority or utility company is responsible.

6. NUISANCES

No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No motor bikes or cycles, snowmobiles or noisy vehicles shall be operated on said lots other than to bring them to the point of storage.

7. TEMPORARY STRUCTURES

No structures of a temporary character, trailer, basement, motor homes, tents, shack, barn or other building shall be used on any lot at any time as a residence either temporarily or permanently

8. SIGNS

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, and one sign of not more than four square feet advertising property for sale or rent, provided, however, that a reasonable number of signs of not more than 32 square feet each may be used by a builder or the DECLARANTS to advertise the property during the construction and sales periods thereof.

9. LIVESTOCK AND POULTRY

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lots, except that dogs, cats or other domestic household pets may be kept, provided they are not kept, bred or maintained for any commercial purposes.

10. GARBAGE AND REFUSE DISPOSAL

No part of the individual lots or boulevards shall be used at any time for the storage or abandonment of junked automobiles or other motor equipment. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Garbage, rubbish and trash shall not be kept on said premises except in sanitary containers. All incinerators or other equipment used or kept for the storage or disposal of such material shall be kept in a clean and sanitary condition.

11. SOIL CONTROL

Except as approved by the Architectural Control Committee, no sod, soil or gravel shall be sold or removed from the premises in this subdivision and all soil or gravel available from any excavation for the construction or alteration of a residence or any appurtenance on any lot and by whomsoever owned shall be hauled and disposed of at the discretion of the Architectural Control Committee.

12. TREES

No live trees shall be removed, damaged or altered in appearance except as may reasonably be necessary for initial construction of single family homes, attached garages and initial establishment of private yard areas by the original developer. Nothing in this provision, however, shall prevent careful removal of dead or diseased trees or limbs.

13. NATURE OF CONSTRUCTION

All construction must be new and no used building of any kind shall be moved to, or placed on any of the premises.

14. ARCHITECTURAL CONTROL COMMITTEE

The Architectural Control Committee shall be appointed by Pacesetter Property Management, Inc. The committee may designate a representative to act for it. In the event of the death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the

members of the Committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this Covenant. At any time, the record owners of a majority of the lots in said subdivision shall have the power, through a duly recorded instrument, to change membership of the Committee or restore to it any of its powers and duties. The Committee's approval or disapproval as required in these Covenants shall be in writing, and, in the event the Committee or its designated representative fails to approve or disapprove within 30 days after contracts, plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with. -

15. TERM

These restrictions and covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded, after which time said restrictions and covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

16. REVISIONS AND MODIFICATIONS

Any of the protective covenants and restrictions herein contained may be revised or modified by the affirmative vote of a two-thirds majority of all the owners of said lots at a special meeting called for that purpose held at a reasonably convenient time and place no less than ten days after written notice of such meeting and its purpose is delivered to said owners or mailed to said owners at their last known address. The notice of said special meeting required herein shall contain a written statement of the protective covenants or restrictions proposed for revision or modification and the proposed revisions or modifications thereof. Each owner shall have one vote for each lot owned by him. When more than one person holds an interest in any lot, the vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any lot. In lieu of casting a vote at such meeting, any owner of any of said lots may indicate his approval of any such proposed revision or modification by submitting written approval thereof to the person or persons proposing the revisions or modifications or their representative prior to said meeting.

17. ENFORCEMENT

If there shall be a violation or attempt to violate any of these covenants or restrictions, any person or persons owning real estate situated in this subdivision may prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction, and either prevent him or them from so doing or to recover damages for such violation.

18. DEFINITIONS

"Owner" as used in this declaration shall mean and refer to the record owner, whether one or more persons or entities of any of said lots but notwithstanding any applicable theory or mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee shall acquire title pursuant to foreclosure or any proceeding in lieu of foreclosure.

19. SEVERABILITY

Invalidation of any of these covenants or restrictions by judgment or court order shall in nowise affect any of the other provisions which shall remain in full force.

IN TESTIMONY WHEREOF Pacesetter Property Management, Inc. and Carl Brogren and Sandra Brogren, have caused these presents to be executed this _____ day of _____, 1991.

Pacesetter Property Management, Inc.

By: _____

Mark A. Schweitzer, Its CEO

By: _____

Carl Brogren

By: _____

Sandra Brogren

STATE OF MINNESOTA }
COUNTY OF WASHINGTON }

The foregoing instrument was acknowledged before me this _____ day
of _____, 1991, by Mark A. Schweitzer, CEO of Pacesetter
Property Management, Inc., a Minnesota Corporation, on behalf of
the corporation, and by Carl Brogren and Sandra Brogren.

Notary Public _____ County, Minnesota

THIS INSTRUMENT DRAFTED BY:

Pacesetter Property Management, Inc.
5926 Bass Lake Road
Crystal, MN. 55429
PHONE: 537-0235

MAR 21 1991

TKDA

TOLTZ, KING, DUVALL, ANDERSON
AND ASSOCIATES, INCORPORATED

ENGINEERS ARCHITECTS PLANNERS

2500 AMERICAN NATIONAL BANK BUILDING
SAINT PAUL, MINNESOTA 55101-1883
612/292-4400
FAX 612/292-0083

March 20, 1991

Planning Commission Members
3800 Laverne Avenue
Lake Elmo, Minnesota

Re: Preliminary Plat Review
Foxfire Manor
Lake Elmo, Minnesota
Commission No. 9150-001

Dear Commission Members:

Submitted to the Engineer were plans dated March 6, 1991. The following are our comments:

Soils

The developer has tested Lots 1 and 2, Block 1; and Lots 1, 2 and 3 of Block 2, for septic system drainfields. All these lots have the required 20,000 square feet suitable for drainfield purposes.

Drainage

Drainage computations have been submitted and are in conformance with the City Code.

Site Plan

A site plan has been submitted. A ponding easement on Lot 3, Block 2, will be needed when the final plat is submitted.

Street Design

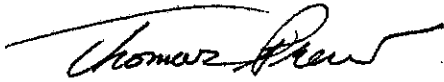
The street design meets our standards.

Planning Commission
Lake Elmo, Minnesota
March 20, 1991
Page Two

Conclusion

We recommend approval of this preliminary plat.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Thomas D. Prew".

Thomas D. Prew, P.E.

TDP:j

cc: McCombs, Frank, Roos Associates
Pacesetter Properties



JAMES R. HILL, INC.
PLANNERS ENGINEERS SURVEYORS

2500 WEST COUNTY ROAD 42, SUITE 120, BURNSVILLE, MINNESOTA 55337 (612) 890-6044 FAX 890-6244

PLANNING REPORT

TO: Lake Elmo Planning Commission and
City Administrator, Mary Kueffner

FROM: Mike Black *W. Black*

DATE: March 21, 1991

RE: Rezoning and Preliminary Plat
FOX FIRE MANOR

Mr. Larry Liles on behalf of Pacesetter Property Management, Inc. has requested the rezoning and preliminary plat approval of 40.0 acres located in the northwest quarter of Section 3. A location map is attached. The owner of the property is Carl E. Brogram, 9376 55th Street, Lake Elmo. The applicants are requesting to rezone the land to RE - Residential Estate and to subdivide the property into 12 single family lots.

This report and recommendation is based upon the following exhibits prepared by McCombs Frank Roos Associates, Inc. and submitted by the applicant:

1. Soil Test, dated 2-27-91.
2. Declaration of Protective Covenants and Restrictions.
3. Drainage Study and Calculations by McCombs Frank Roos Associates, Inc., dated 3-8-91.
4. Drainage Area Map, revision date 3-6-91.
5. Boundary Survey, dated 4-30-90.
6. Preliminary Plat, revision date 3-6-91.
7. Preliminary Grading and Drainage Plan, revision date 3-6-91.
8. Preliminary Landscape and Waste Water Disposal Plan, dated 3-6-91.
9. Soil Map, revision date 3-6-91.

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REZONING

The applicant has requested a rezoning of the 40 acres to RE-Residential Estate. The subject property is currently zoned R-R Rural Residential. The property is designated as RED Residential Estate Density on the City's Future Land Use Map. The proposed rezoning to Residential Estate would be in compliance with the City's Comprehensive Plan.

PRELIMINARY PLAT

The subject property consists of rolling terrain with a topographical difference of approximately 80 feet across the land. The high elevation in the northwest of the site is 1036 and the low elevation is 952 in the south end of the site. The property is within the Valley Branch Watershed District and a permit from that agency will be required.

The soils map for the property does show areas with moderate to severe limitations for on-site sewer systems. The lots in question - Lots 1 and 2, Block 1 and Lots 1, 2, and 3, Block 2 - have been tested for percolation rates. On all lots a primary and secondary drainfield area of 20,000 square feet has been designated.

The proposed 12 single family lots on the 40 gross acres does meet the density standards of the RE zone. The lots also meet the other performance standards of the RE zone.

The subdivision plan calls for the extension of 55th Street North approximately 1800 feet north. The developer will be responsible for constructing the street between his property and the existing cul-de-sac. All final construction plans will be subject to approval by the City's Engineer. The proposed street section shown on Sheet 3 is consistent with City Policy.

PLANNING RECOMMENDATION

I recommend that the Planning Commission pass a motion recommending to the City Council approval of the rezoning from R-R Rural Residential to RE Residential Estates for the following reasons:

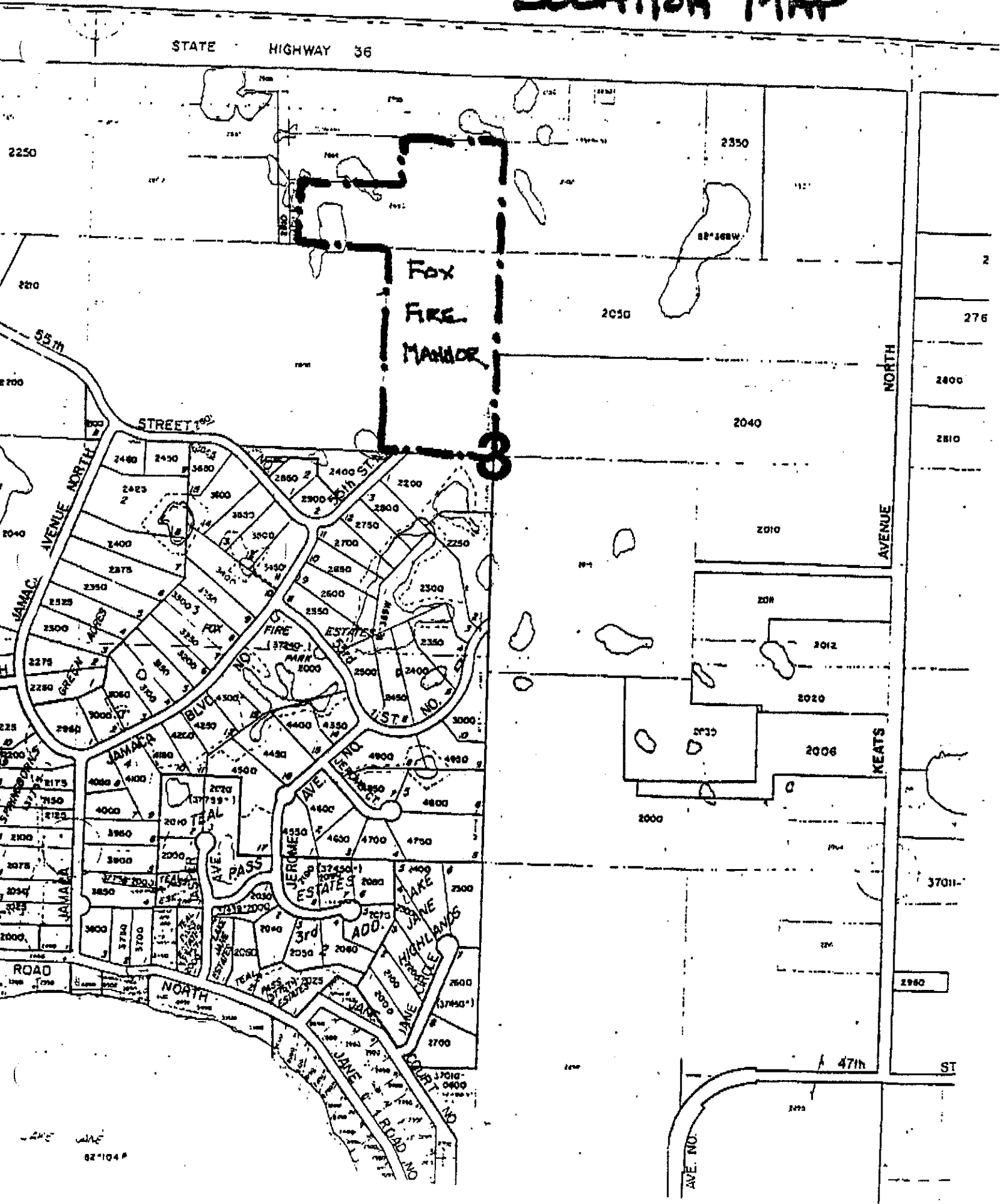
1. The proposed rezoning does comply with the RED land use designation in the Comprehensive Plan.
2. The existing zoning of R-R would not permit the density and policies of the RED land use described in the Comprehensive Plan.
3. The RE zone and the development of the land in accordance with all RE standards will provide land use compatibility with adjacent properties.

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I also recommend that the Planning Commission pass a motion recommending to the City Council approval of the preliminary plat of Fox Fire Manor (with revision date 3-6-91) subject to:

1. All final grading, drainage and street plans shall be approved by the City Engineer prior to the commencement of site grading.
2. A permit shall be obtained from the Valley Branch Watershed district prior to site grading.
3. A revised landscaping plan shall be submitted which specifically denotes the size, type and approximate location of trees to be planted.
4. Prior to the construction of a home on any lot, the proposed drainfield area shall be roped off to prohibit the driving of vehicles over the area.
5. The applicant shall be required to satisfy the Park Dedication requirement according to the City Ordinance.

LOCATION MAP



STATE HIGHWAY 36

FOX
FIRE
MANOR

STREET

NORTH
AVENUE

KEATS

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: March 25, 1991

AGENDA TOPIC: 1989 Audit Report.

ITEM
NO. 6.

The Planning Commission asked to have the 1989 Management Report from the Auditor put on the Agenda for discussion. Most of the commission members have a copy of the report (handed out to them by Commissioner Bucheck at the February 25th meeting). If you do not have a copy of the report, contact the City Office for a copy, otherwise copies will be available at the meeting.

MAR 11 1991

*Copy
P2
for 2-25 meeting*

City of Oakdale, Minnesota
1584 Hadley Avenue North, 55128
612/739-5086
FAX 739-4175



March 7, 1991

In order to better inform local residents and/or property owners of requests for temporary or permanent property usage changes, the Oakdale City Council desires that residents within the immediate area to be affected be notified that such a change is being requested and considered.

YOU ARE INVITED TO ATTEND a Planning Commission Public Hearing at 7:00 p.m., THURSDAY, MARCH 28, 1991, at the Oakdale Municipal Building in the City of Oakdale, 1584 Hadley Avenue North, to review and make recommendation on an Annexation Area Plan for Sections 32 and 33 or the property located in the northeast quadrant of I-694/494 and I-94. This hearing will include an Inventory and Issues, Development Framework, and Implementation process for the 800 acre area.

Planning Commission Meeting: Thursday, March 28, 1991 at
7:00 p.m. in the City Council Chambers

If you are unable to attend this meeting, please send written comments, if you so desire, to:

ATTN: Brent Brommer, Community Development Director
OAKDALE PLANNING COMMISSION
1584 Hadley Avenue North
Oakdale, MN 55128

We welcome your participation.

OAKDALE PLANNING COMMISSION AND OAKDALE CITY COUNCIL

tal/BB:LTR.ANN