

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

July 8, 1991

7:30 p.m. REGULAR MEETING CONVENES

1. AGENDA
2. MINUTES: June 10, 1991 & June 24, 1991
3. PUBLIC HEARING: STONEGATE
4. JOHN DAY FINAL PLAT
5. THOROUGHFARE (Continuation)
6. EVERETT BEAUBIEN
7. RECOMMENDATION ON PLANNER
8. OTHER
9. ADJOURN

LAKE ELMO PLANNING COMMISSION MINUTES

JUNE 24, 1991

Chairman John called the meeting to order at 7:40 p.m. in the council chambers. Present: John, Johnston, Thomas, Bucheck, Weeks, Stevens, McLeod, DeLapp, Schubert, Enes (arrived 8:10). Absent: Conlin.

1. AGENDA

Add - 7. Other - Goose Lake Park Land Dedication, and Airena Golf Dome Concept Review.

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

2. MINUTES: JUNE 10, 1991

M/S/P Johnston/Thomas - to table approval of the June 10, 1991 minutes due to poor photocopies. (Motion carried 9-0).

3. FOX FIRE MANOR FINAL PLAT

Larry Liles, Scott Peterson and Greg Frank, all representing Pacesetter Properties, presented the final plat for "Fox Fire Manor". Mr. Frank stated they have received a certified survey showing the tennis courts on a lot in Fox Fire Estates are not over the property line and are not on Pacesetter property. At the direction of the City Council Pacesetter Properties will pay a Park Dedication Fee in lieu of land, and a letter from Frank Langer, appraiser, was submitted indicating his opinion of the fair market value of this property. At the direction of the City Council the west cul-de-sac and curved street recommended by the Planning Commission were omitted. The City Planner and City Engineer both have submitted their reports (both dated June 20, 1991) for this final plat. Valley Branch Watershed District contacted our City Engineer, Tom Prew, today and stated there may be additional drainage easements needed for this property due to swales going thru yards where houses should not be built.

Steve Korhel, 5540 Keats Ave., stated the City Council made it a requirement of this developer to give access to his property.

Larry Liles stated the City Council and City Engineer stated Mr. Korhel should gain access to the back of his property from Rolling Hills.

M/S/P Thomas/McLeod - to recommend approval of the Final Plat for Fox Fire Manor subject to: (1) the four conditions stated in City Planner Black's report, dated June 20, 1991; (2) the developers of Fox Fire Manor and Rolling Hills enter into an agreement with the City assuring the construction of a thru road to Keats Avenue and said agreement shall require the posting of financial security to assure completion of the road; (3) review of the drainage easements by Valley Branch Watershed District; (4) adding to the covenants as part of the purchase agreement the property owner will be given a rebate when the landscaping requirements are met; (5) adding to the covenants that

potential property owners be made aware of neighboring farming and business (Lauseng Stone) noise, odor and debris; (6) minimum floor elevations (four lots adjacent to ponding areas) be put on the final plat. (Motion carried 5-3, against: Bucheck - prefer to wait two weeks to see these conditions in place, and is concerned about the thru road to Keats Avenue; Schubert - feels the same as Bucheck; DeLapp - landscape plan does not assure creation of a rural environment, the street plan is not acceptable to him.)

4. THOROUGHFARE PLAN

City Planner Black presented the thoroughfare plan that, at the direction of the City Council, he and the subcommittee have prepared for the City. Mr. Black's report, dated June 19, 1991, explains the purpose of the plan.

The Planning Commission gave some comments and suggestions. Mr. Black suggested the commission members draw their comments on their maps and send them to him so that he can revise the plan. The Commission decided the thoroughfare plan should be implemented in the Comprehensive Plan and a public hearing will be held. It was also suggested that when the public hearing notice is mailed that the North and South section of the map be enlarged showing street names for clarification.

M/S/P Enes/Thomas - to table this item for two weeks, during which time the Commission is to send Mike Black their additional comments, and ultimately the commission will recommend the city council call a public hearing to implement the thoroughfare plan in the Comprehensive Plan. (Motion carried 9-0).

5. REVIEW OF FLOOD PLAIN ORDINANCE

The Planning Commission received a copy of the proposed flood plain regulations for the city.

M/S/P Enes/DeLapp - to call a public hearing, at the next possible date, for an amendment to the City's zoning regulations. (Motion carried 9-0).

6. SET JOINT MEETING WITH CITY COUNCIL

The Planning Commission has set July 8, 1991 for the Joint meeting with the City Council to work on their annual work plan.

7. OTHER: A. "Goose Lake" development & B. Airena golf dome

A. Chairman John stated the Parks Commission would like to make a new recommendation on the "Goose Lake" development due to the fact that the accepted park land dedication is more or less under water.

M/S/P Thomas/Johnston - invite the Parks Commission to call a special Parks Commission meeting and submit to the Planning Commission a new written recommendation for Park Dedication for the "Goose Lake" development. (Motion carried 9-0).

B. Chairman John stated he visited the Airena Golf Dome in Edina and was very disappointed at first sight, but from the road the dome was hard to see because it was down in a hollow, so if this would be an acceptable commercial development then we must pay attention to the sighting. The Commission stated we do not have standards for this type of architecture.

M/S/P Johnston/Thomas - to adjourn the meeting at 10:10 p.m. (Motion carried 9-0).

1991 PLANNING COMMISSION WORK PLAN

1. **A.** Review all application in accordance to the Comprehensive Plan, comment and make recommendations to the City Council.
- (~~2. --Complete the revision of the Comprehensive Plan.~~
3. **A.** Update Ordinances to relate to the Comp. Plan.
- IN**
PROCESS 4. **A.** Consider local responses to State of MN proposed revisions to Shoreland Management regulations.
5. **A.** Residential Estates Zoning:
 - a. ~~-- Definition and length of cul-de-sacs.~~
 - b. ~~-- Road Design.~~
 - c. ~~-- Creation of a volunteer, City Forester Position.~~
 - d. Landscape Design.
6. ~~Review of Highway Business Zoning on I-94.~~
- DONE ?** 7. **B.** Building height limitation--Eliminate the exception which allows broadcast transmission towers.
8. **B.** Stronger restrictions for accessory structures in the R1 Zone--the size and number of parcels of less than 5 acres. Definition of garage and storage accessory structures. Size and number of accessory structures in RR Zone on parcels of 20 acres or more. (Check amended ordinances).
- ?** 9. **C.** Conditions or possible restrictions on residential subdivisions where large accessory structures exist.
10. **C.** Meet with the county and adjacent community planners to discuss common issues on an "as-needed" basis.
- IN**
PROCESS 11. **A.** Future Road Plan (ties in with road design).
12. **A.** Retention of wildlife habitat and wetland areas--adequacy of wetland overlay district.
13. **B.** Recommend to the City Council a committee be established, comprising of PZ members, business owners, and interested residents (5-7 members) to study an Historic Building/ Architectural Design Overlay District in the Old Village Area.
- ?** 14. **C.** Adopt an ordinance for utility (pipeline and power lines) setbacks in the City's Subdivision and platting regulations.
15. **C.** Sign Ordinance.
16. **C.** Review sideyard setbacks relative to lot size.
- ~~17. Amend the Subdivision Ordinances (Section 400-147-400-15) requesting the signatures on the Certificate for approval by the Chairman and Secretary of the Planning Commission.~~
18. Standards for holding ponds.
19. Fill Ordinance.

*A = TOP PRIORITY

(REVISED FROM 1989 WORK PLAN.)

CITY OF LAKE ELMO
REQUEST TO APPEAR BEFORE THE CITY COUNCIL
OR PLANNING COMMISSION

If you wish to address the City Council or Planning Commission, please follow the suggestions listed below:

(Please Print)

Name DAVID and Diane ZIMMERHAKL Date 7/8/91
Address 9200 10th ST N. LAKE ELMO, MN Phone 731-5442
Agenda Item or Subject you wish to address STONEGATE

Company or Individual Representing, if applicable _____

NOTES: Please complete this form so that you may be recognized at the appropriate time on the Agenda. You are under no obligation to speak if you decide against it during the meeting. Please state your full name and address so that the record of your comments will be complete in the minutes of this meeting.

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: July 8, 1991

AGENDA TOPIC: Public Hearing: Stonegate

ITEM
NO. 3.

This is a public hearing to consider the rezoning, from RR to RE, and the preliminary plat for "Stonegate".

Notice was published in our legal newspaper on June 26, 1991, and the property owners within 350 feet have been notified (copy attached).

The Parks Commission is going to review this plat again prior to the public hearing (on Monday at 6:15 p.m.) and could possibly have an amended recommendation for your consideration at the meeting.

I have attached copies of the staff reports from our Engineer and Planner.

For your consideration, I offer the following recommendation:

To recommend that the City Council rezone the property, legally described on attachment A, made part of this motion by reference, to RE based on the following findings of fact:

1. The property is designated as RED on the Future Land Use Map, and therefore conforms to the Comprehensive Plan.
2. The residential development of this property will be compatible with surrounding properties.
3. The RE Zone will not be a negative impact on adjacent properties.

The following motion is offered for your consideration as it relates to the preliminary plat:

To recommend that the City Council grant preliminary plat approval to Stonegate, a 67 lot RE subdivision, based on the following conditions:

1. The developer must obtain access permits from Washington County.
2. The developer must obtain a permit from the Valley Branch Watershed District.

(over)

3. The final grading, drainage and erosion control plan must be approved by the City Engineer.
4. The two through streets on the south end of the development shall be named as streets and not courts.
5. The parkland dedication shall be 7% of the land or cash in lieu of land as recommended by the City's Park Commission.

COPIED - CC
MARY

T.K.D.A.

TOLTZ, KING, DUVALL, ANDERSON
AND ASSOCIATES, INCORPORATED

ENGINEERS ARCHITECTS PLANNERS

2500 AMERICAN NATIONAL BANK BUILDING
SAINT PAUL, MINNESOTA 55101-1888
612/292-4400
FAX 612/292-0883

July 2, 1991

Planning and Zoning Commission
City of Lake Elmo, Minnesota

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

Dear Commission Members:

We did receive a preliminary plat dated June 21, 1991 for the Stonegate Subdivision. The following is our review.

Streets

All three streets with temporary turn arounds are positioned for future extension in accordance with our thoroughfare plan.

The streets on Julep Court and Jasmine Court should be extended to the edge of the plat.

Right-of-way or easements should be platted around each of the temporary turn arounds.

The Developer should verify the elevation of the oil pipeline at all street crossings and include it on the construction plans.

It is recommended that street lights be installed at each intersection (7 total).

An entrance permit from Washington County will be needed for the new streets intersecting with County Highway 70.

Drainage

Three ponds will be constructed to reduce sediment entering Goose Lake and improve water quality.

Because of the steep slope between the 24" outlet pipe between Lots 4 and 5 on Julep Avenue, and Pond 2, it is recommended that this outlet be deleted. The storm sewer should continue north on Julep and discharge directly to Pond 2. This change can be made during final design.

Side slope around the ponds shall be 4:1 or flatter.

Planning and Zoning Commission

July 2, 1991

Page 2

The developer should submit an erosion control plan and calculations for the swale between Pond 1 and the 42" outlet pipe on Jasmine Avenue and Goose Lake and the outlet from Pond 3. This can be submitted as part of the final design.

Trails

It is recommended that any trails dedicated as part of the plat be improved. The suggested improvement is an 8' wide (4" thick) crushed limestone trail. Culverts should be placed at all swales and ditches.

Septic Systems

Based upon 20 preliminary soil borings, the following lots should have complete soil testing done to insure that they have 20,000 SF of drainfield area available:

Lots 2, 3 and 6,	Block 1
Lots 11, 18 and 19	Block 2
Lots 7, 8 and 10	Block 4

These tests can be submitted prior to final platting.

Conclusion

I recommend preliminary plat approval for Stonegate.

Sincerely,



Thomas D. Prew, P.E.

TDP/mha



JAMES R. HILL, INC.
PLANNERS ENGINEERS SURVEYORS

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

MEMORANDUM

TO: Lake Elmo Planning Commission and City Administrator
FROM: Mike Black *Mike Black*
DATE: July 2, 1991
RE: STONEGATE
Rezoning from R-R to RE
Preliminary Plat

Mr. Jim Peterson, representing Trail Head Development Corporation, has submitted applications for rezoning and preliminary plat approval of a subdivision called Stonegate. The subject property consists of 235± acres and is located south of 10th Street (County Road 10) and west of Keats Avenue North (County Road 19).

This report is based upon the review of the following:

1. Preliminary Plat prepared by John Oliver & Associates and dated 6-4-91.
2. Preliminary Grading Plan prepared by Hakanson Anderson Associates, Inc. and dated 6-21-91.
3. Preliminary Drainage Plan prepared by Hakanson Anderson Associates, Inc. and dated 6-21-91.
4. Soils Data Map prepared by John Oliver & Associates and dated 6-6-91.

The subject property is currently designated as RED, Rural Estate Density, on the City's Future Land Use Map. A written policy for the RED land use area is to provide for rural estate development at densities not to exceed 6 units per 20 acres with a minimum of 20 acres per development.

The preliminary plat includes 67 single family lots. The subdivision density is 235 acres divided by 67 lots or 3.50 acre average. Each lot meets or exceeds the minimum 2.5 acres lot size. Each lot also meets the 250 diameter circle design standard and the minimum frontage requirement of 150 feet on a public roadway.

The proposed rezoning to RE Residential Estates is consistent with the City's Comprehensive Plan. Also, the preliminary plat of Stonegate does conform to the general standards of the RE zoning classification.

City of Lake Elmo
July 2, 1991
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Street Plan

The plan includes two access points onto 10th Street North. The entrances from 10th Street are approximately 1,500 feet apart with adequate distance for allowing turning movement. Ingress/egress permits will be required from Washington County and construction of right turn lanes and left turn lanes with a bypass lane may be required. The plat also includes three cul-de-sacs all of which are less than the 800 feet maximum length standard. Three temporary turn arounds are also shown on streets which will be through streets providing future access to adjacent properties also designated for RED land use.

Grading and Drainage Plans

Except for construction of the streets, the majority of the site will be undisturbed until such time that homes are constructed on individual lots. In most areas the site grading will not be beyond the street right of way. Street grades are within the City's slope standards and will be reviewed in more detail by the City Engineer. The developer is proposing to use the City's typical street section consisting of a 60 foot right of way and 28 foot street. The developer is proposing however a concrete surmountable curb as opposed to a bituminous curb.

Three ponding areas are being proposed on the northeasterly portion of the site. These ponds will serve as sedimentation basins and control run-off rates before storm water enter Goose Lake. The amount and location of storm sewer pipe and the distance of surface drainage areas will also be commented on by the City Engineer.

Shoreland Standards

Goose Lake is a DNR protected wetland and is classified as a natural environment lake in the City's Shoreland District Ordinance (Section 307). The shoreland ordinance requires a minimum lot size of 2 acres above the normal ordinary high watermark. The ordinance also requires a minimum lot width of 200 feet and a 200 foot structure setback from the ordinary high watermark. Those lots shown within the shoreland district area do meet the minimum shoreland requirements.

Flood Plain Management

Goose Lake and the area around the lake is shown as a general flood plain district on the City's Flood Insurance Rate Map. Based upon a determination of the 100 year flood elevation of 929 and in accordance with Section 304.120, the finished fill or lowest floor elevation must be at a 931 contour. The lowest house grade shown along the lake lots is a 945 elevation.

Parkland Dedication

The City's parkland dedication ordinance requires of 7% land or cash in lieu of land for development in a RE zone. A straight land dedication based upon 235 gross acres would require 16.45 acres. The plat does include a 20 foot park trail (1.55 acres) and the north and east sides of Goose Lake as park land dedication. It is my understanding that the Park Commission will be forwarding a recommendation to the Planning Commission on this issue. My concerns/comments include:

City of Lake Elmo
July 2, 1991
Page 3

1. The developer should not be given full credit for the dedication of parkland below the 100 year flood elevation.
2. A trailway above the ordinary high water elevation (924.4) will not be possible around the east and north end of the Lake without going onto County Road 19 or County Road 10 right of ways.
3. The linear trailway provided through the development has some merit in providing safe off-road access to the Lake Elmo Regional Park. Should this trailway be extended to the westerly boundary of the subdivision in order that it may be extended to the west sometime in the future?
4. If the developer intends to construct the path/trailway in addition to the land dedication, a credit should be given towards the 7% requirement.

RECOMMENDATION

I recommend approval of the rezoning from RR Rural Residential to RE Residential Estate for the following reasons:

1. The property is designated as RED on the City's Future Land Use Map.
2. The residential development of this property will be compatible with surrounding properties.
3. The RE zone will not be a negative impact on adjacent properties.

I also recommend approval of the preliminary plat of Stonegate subject to the following conditions:

1. The developer must obtain access permits from Washington County.
2. The developer must obtain a permit from the Valley Branch Watershed District.
3. The final grading, drainage and erosion control plan must be approved by the City Engineer.
4. The two through streets on the south end of the development shall be named as streets and not courts.
5. The parkland dedication shall be 7% of the land or cash in lieu of land as recommended by the City's Park Commission.



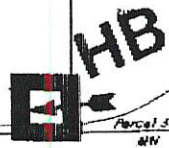
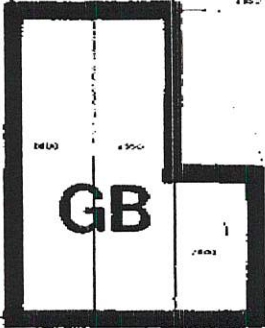
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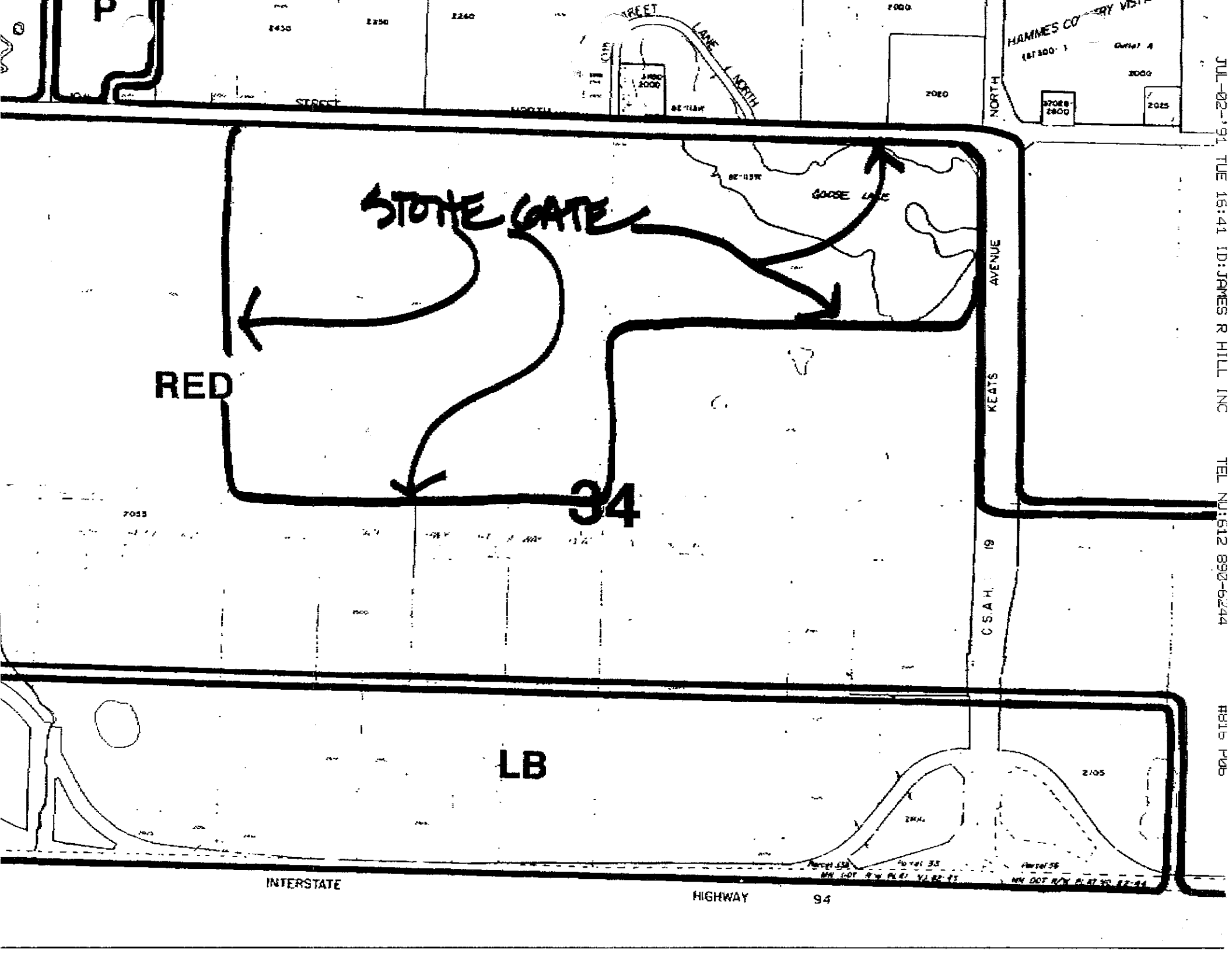
SOIL 1/4 1/2 1/4

STATE HWY RT of WAY PLAT No 82 15



Parcel 33
MN DOT R/W PLAT NO 82-43

Parcel 36
MN DOT R/W PLAT NO 82-44



2450 2250 2240

2000

HAMMES CO. VISIT
2000 2025

SECRET

NORTH

NORTH

STONE GATE

GOOSE LAKE

RED

34

KEYS AVENUE

C.S.A.H. 19

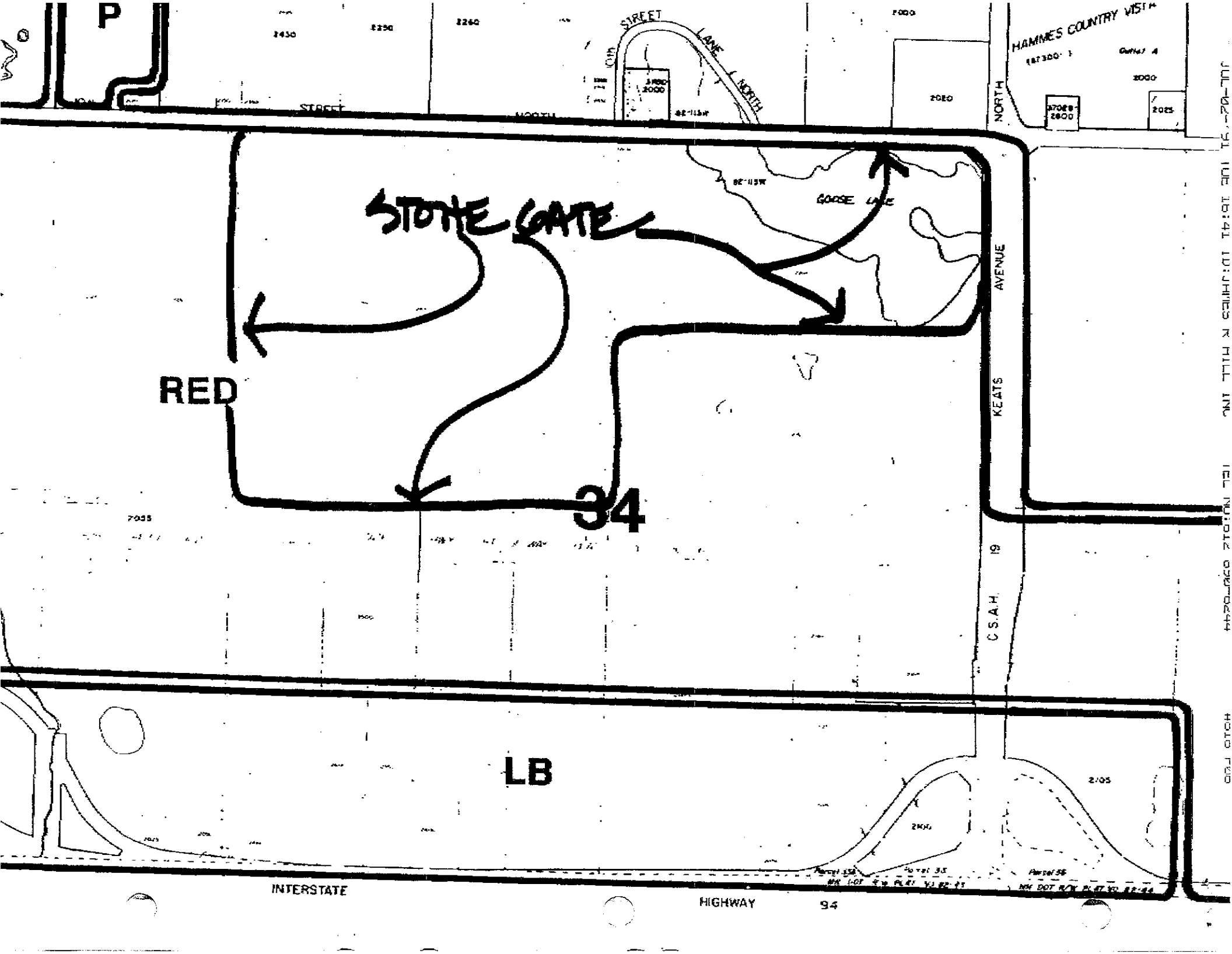
LB

2105

INTERSTATE

HIGHWAY

94



STONE GATE

RED

34

LB

HAMMES COUNTRY VISTA
187300-1
2000
2005

KEATS AVENUE
C.S.A.H. 19

INTERSTATE

HIGHWAY 94

JUL-02-21 11:04:10 JAMES R HILL, INC. TEL 703/242-0004 FAX 703/242-0004

PHOTO 200

State of Minnesota

City of Lake Elmo

Sharon Lumby, being first duly sworn, deposes and says:

I am a United States citizen. over 18 years of age, and a resident of the City of Lake Elmo, Minnesota

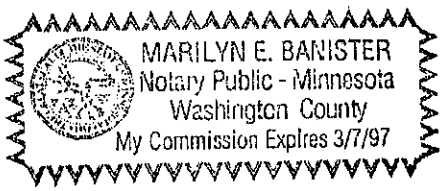
On June 27, 1991, acting on behalf of the said city, I deposited in the United States post office at Lake Elmo, Minnesota, copies of the attached public hearing notice for Stonegate Prelim plat, enclosed in sealed envelopes, with postage thereon fully prepaid, addressed to the following persons at the addresses appearing opposite their respective names:

Name	Address
See Attached	

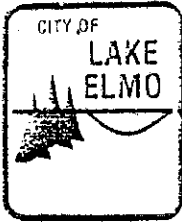
There is delivery service by United States mail between the place of mailing and the places so addressed.

Sharon Lumby
Signature

Subscribed and sworn to before me this 27th day of June, 1991.



Marilyn E. Banister
Notary Public



City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

June 27, 1991

Dear Resident/Property Owner:

The City has received an application for a rezoning and preliminary plat approval of a 67-lot subdivision to be known as Stonegate. A copy of the public hearing notice relative to this request is attached along with a map showing the area of the subdivided property.

If you have any questions regarding this proposed subdivision prior to the July 8, 1991 public hearing, please don't hesitate in calling.

Sincerely,

A handwritten signature in cursive script that reads "Mary Kueffner".

Mary Kueffner
City Administrator

CITY OF LAKE ELMO
NOTICE OF PUBLIC HEARING

The Lake Elmo Planning Commission will hold a public hearing on Monday, July 8, 1991 at 7:30 p.m. at City Hall, 3800 Laverne Avenue N., Lake Elmo, MN to consider the request of Trail Head Development Corporation/James C. Peterson for rezoning from Rural Residential (RR) to Residential Estates (RE), preliminary plat approval of a 67-lot subdivision (Proposed Goose Lake Development), and a variance request to length of cul-de-sac. The property consists of approximately 235.8 acres and is legally described, in part, as follows:

That part of the Northwest 1/4 and the North 1/2 of the Northeast 1/4 of Section 34, Township 29 North, Range 21 West, Washington County, Minnesota, together with that part of the East 1/2 of the Southwest 1/4 of said Section 34, lying north of the following described line: Beginning at a point on the East line of said East 1/2 of the Southwest 1/4, distant 89.19 feet South of the Northeast corner thereof, thence westerly to a point on the West line of said East 1/2 of the Southwest 1/4, distant 88.89 feet South of the Northwest corner thereof and there terminating.

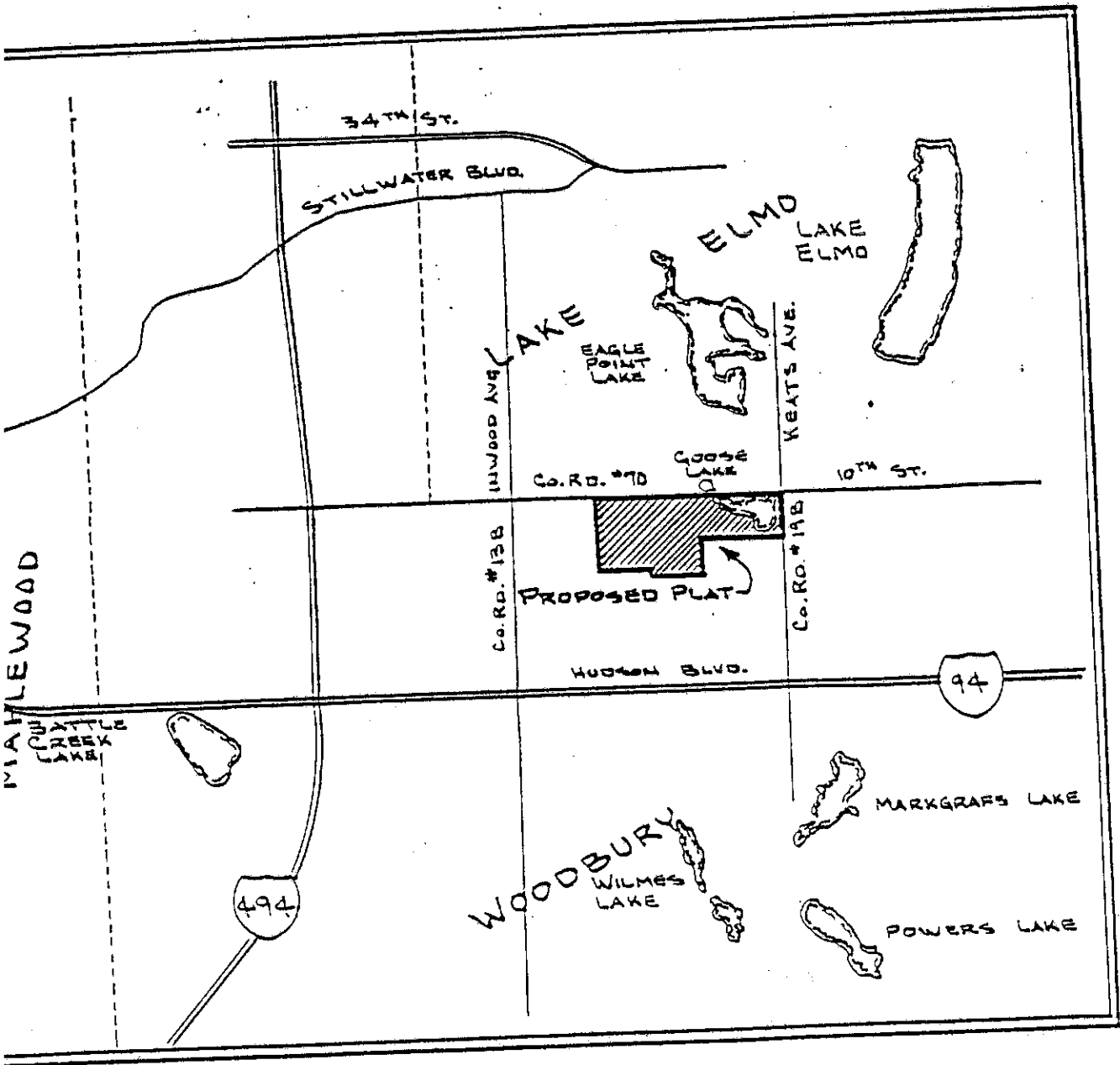
(A complete legal description is on file at City Hall.)

All persons who wish to be heard regarding this proposed rezoning, preliminary plat, and variance request will be given that opportunity at this public hearing. Written comments will be accepted up until the time of the public hearing.

Mary Kueffner
City Administrator
June 20, 1991

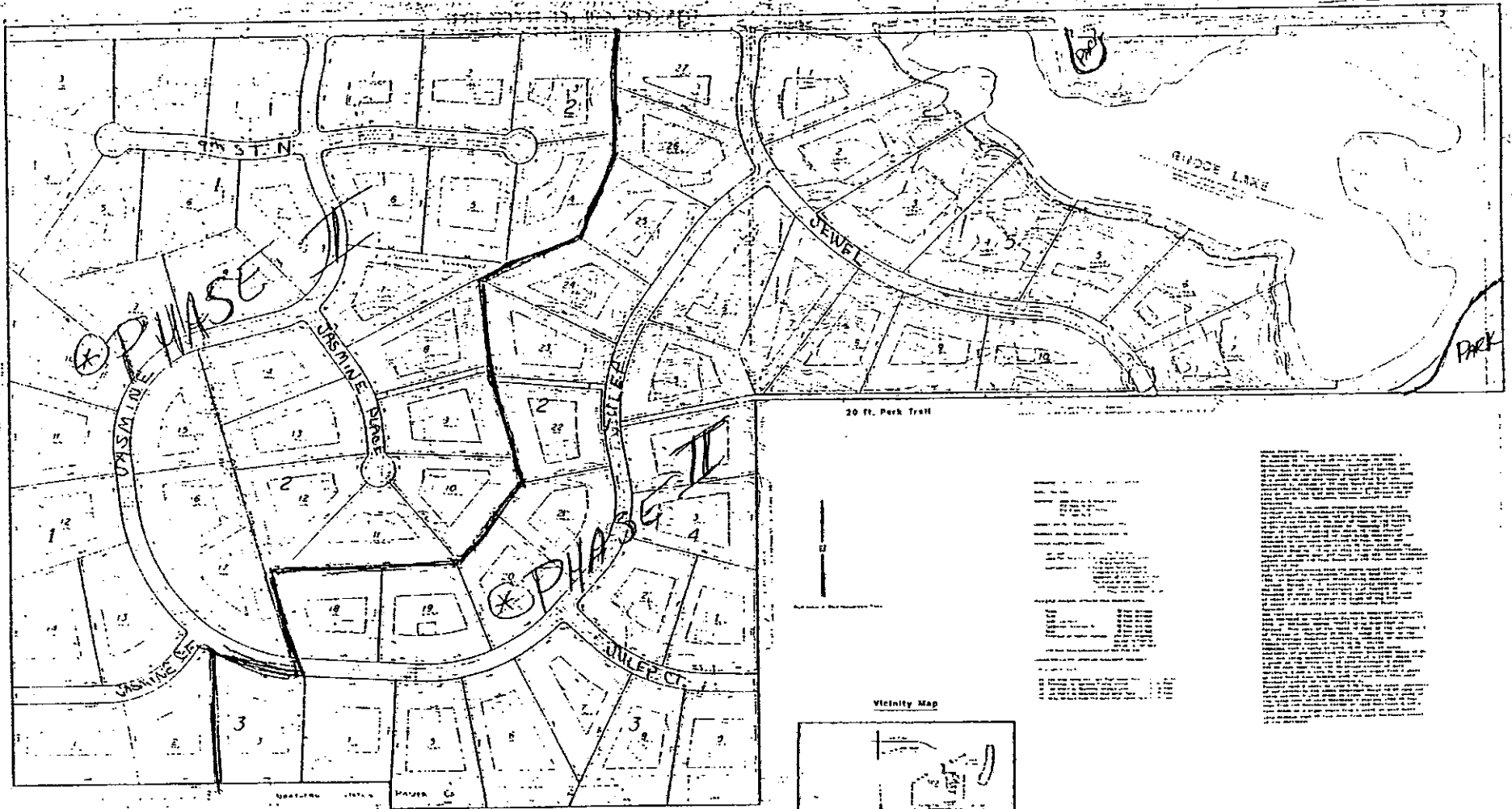
Published in the June 26, 1991 St. Croix Valley Press.

Vicinity Map



* PHASE I & II ACCORDING TO JIM PETERSON PZ MEETING 6/10/91

PRELIMINARY PLAT of: **STONEGATE**



20 ft. Park Trail

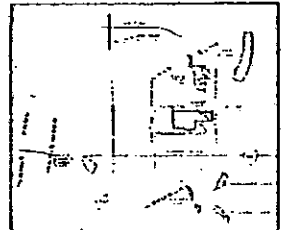
LEGEND

- Property Lines
- Proposed Streets
- Proposed Utility Lines
- Proposed Lot Lines
- Proposed Phase I
- Proposed Phase II
- Proposed Park Trail
- Proposed Easement
- Proposed Right-of-Way
- Proposed Survey
- Proposed Subdivision
- Proposed Plat
- Proposed Subdivision
- Proposed Plat

NOTES

This preliminary plat is subject to the approval of the Planning and Zoning Commission and the City Council. It is intended to show the general location and layout of the proposed subdivision and is not intended to show the exact location and layout of the proposed subdivision. The exact location and layout of the proposed subdivision will be shown in the final plat.

Vicinity Map



City of LAKE ELMO

Jim Peterson
Trail Head Development Corp.
1660 S. Hwy 100
Suite 428
Minneapolis, MN 55416

Northern States Power
414 Nicollet Mall
Property Tax Dept. 2nd Fl
Minneapolis, MN 55401

Fred & Dorothy Lyons
10072 10th St. N.
Lake Elmo, MN 55042

Ferris Laurel A.
1867 Saunders Avenue
St. Paul, MN 55116

Andrews Inc.
220 Sextant Bldg.
529 S. 7th St.
Minneapolis, MN 55415

Ronald Smith
9999 10th St. N.
Lake Elmo, MN 55042

David & Diane Zimmerhagl
9200 10th St. N.
Lake Elmo, MN 55042

Mark & Donna Peterson
9530 10th St.
Lake Elmo, MN 55042

Donald & Clausen El Olenchak
9032 10th St. N.
Lake Elmo, MN 55042

Daniel & Pamela Eichenberger
9070 10th St. N.
Lake Elmo, MN 55042

Apostolic Bible Church
6990 N. Hudson Blvd.
Oakdale, MN 55128

David & Luisa Wortman
8996 N. 10th St.
Lake Elmo, MN 55042

Northland Land Company
3500 W. 80th St.
Bloomington, MN 55431

Eleanor Pierre
122 Puma Ln
Mahtomedi, MN 55115

North Suburban Co.
2125 Desoto St.
St. Paul, MN 55117

William & Clara Hammes
10112 10th St. N.
Lake Elmo, MN 55042

Blomquist John E Inc.
360 N. Robert St.
Suite 700
St. Paul, MN 55101

William & Clara Hammes
10105 10th St. N.
Lake Elmo, MN 55042

Ferris Laurel A & Szachowicz
Edward H II
1867 Saunders Avenue
St. Paul, MN 55116

William & Helena M & Clara C
10112 N. 10th St.
Lake Elmo, MN 55042

DRAFT

DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS

Preamble

This declaration is made this _____ day of _____, 1991, by Trail Head Development Corporation, a Minnesota Corporation (hereinafter referred to as Developer).

Witnesseth:

WHEREAS, the Developer is the contract purchaser of the property located in the county of Washington, State of Minnesota and described as Stonegate, according to the plat thereof on file and of record in the office of County Recorder, and

WHEREAS, the Developer desires to create thereon a residential community of individual homesites and

WHEREAS, the Developer desires to preserve the natural beauty of Stonegate and to compliment that beauty with distinguished residences that preserve and enhance the landscape, and

WHEREAS, Trail Head Development Corporation is the fee owner of the property described as Stonegate and consent to these covenants, conditions and restrictions;

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

ARTICLE I.

DEFINITIONS

Section 1. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of Stonegate including contract purchasers, but excluding those having such interest merely as security for the performance of an obligation.

Section 2. "Stonegate" shall mean and refer to that certain real property herein before described.

Section 3. "Lot" shall mean and refer to any plot of land shown upon and recorded subdivision map of the properties with the exception of Outlots.

Section 4. "Developer" shall mean and refer to Trail Head Development Corporation , a Minnesota corporation.

ARTICLE II.

GENERAL RESTRICTIONS AND COVENANTS

Section 1. Lots. All lots shall be residential lots for a single family residential dwelling with attached garage for at least 2 automobiles.

Section 2. Storage Buildings. Only a storage building less than eight hundred fifty (850) square feet in area will be allowed. The plan must receive architectural approval by the architectural committee as hereinafter provided. All storage buildings shall have an exterior finish identical to the residence unless otherwise approved.

Section 3. Commercial Use of Property and Homes. There shall be no commercial buildings or businesses conducted hereon, except that it shall be permissible for residents of these premises to conduct a business or have an office in their home so long as the same does not change the residential character of the premises, and so long as there are no signs indicating a home is being used as an office and no outside employees are employed at the home with the exception of a secretary.

Section 4. Setbacks. No building or structure shall be located closer to a lot line than as specified in Lake Elmo Zoning Ordinance or 35 feet, whichever is greater.

Section 5. Utility Lines. Electric, telephone, gas and other utilities shall be installed underground, and any hook-up thereto, which shall be at the expense of each owner, shall also be underground.

Section 6. Prompt Completion of Construction. The exterior of any building shall be completed within six months from the date construction commences. Exterior landscaping and turf establishment shall be completed within one year from date construction commences and shall include all that area from a line fifty feet rearward and parallel to the rear of the home to the front lot line and all areas disturbed by construction excepting areas within the boulevard or drainage easements which must be restored and maintained immediately.

Section 7. Livestock and Pets. No livestock shall kept on any lot for any purpose Household pets may be kept provided they are not kept, bred, or maintained for any commercial purpose. No pet or pets shall be allowed to become a nuisance in any way to the neighborhood. Kennels for the keeping of pets must be approved by the architectural committee.

Section 8. Rubbish. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste; nor shall any unlicensed automobiles be allowed on any lot at any time. Household garbage must be kept in sanitary containers, out of public view, for regular collection.

Section 9. Approval of Building and Driveway Plans. No construction or grading on any lot shall be allowed until the building plans and site plan have been approved in writing by The Architectural Committee, hereinafter designated, or by their authorized representative.

Section 10. Architectural and Building Guidelines. Whereas the Developer values the natural beauty of Stonegate and desires that all property owners therein will maintain this natural beauty, it is therefore vital that all homes built within Stonegate be designed to be compatible with and complimentary to this beauty. Architecture of quality and distinction is deemed important and thus ultimate suitability of houses designed for Stonegate must be approved by the Architectural Committee according to the following guidelines and principles:

A. Exterior design should conform, as much as possible, with the natural surroundings so as to put these premises to the most advantageous use. Exterior design shall be of a style and quality to maintain and preserve home values within Stonegate. Existing scenery, timber, and ground contours should be conformed with as much as possible.

B. Driveways and parking areas shall conform as much as possible to natural grades. Driveways shall have blacktop or concrete surface.

C. Lawn and landscaping shall conform as much as possible to the natural grades, with wooded areas preserved and native growth protected wherever practical. All builders/homeowners shall include a minimum landscaping allowance of \$3,000.00 which shall include the planting of at least six 1 1/2" caliper deciduous trees or six 6' evergreens.

D. Minimum foundation area of houses shall be:

- One Story Construction.....1,300 Sq. Ft.
- Two Story Construction.....1,000 Sq. Ft.
- Split Level Construction.....1,250 Sq. Ft.

Minimum foundation areas will not supersede aesthetic and architectural guidelines.

E. All storage and outbuildings must be approved by the Architectural Committee. All antennae, satellite dishes and other exterior reception devices must be approved for style and location by the Architectural Committee.

F. Trees shall be cut only for the purposes of clearing a building site and improving the view from the home to be constructed on site or with approval of the Architectural Committee.

Section 11 Vehicle Storage. No boat, trailer, fishhouse, snowmobile, recreation vehicle, camper, canoe, or other vehicle shall be stored or kept on any lot except within a garage or out building except that residents may park on a temporary basis (less than one week) on a designated hard surfaced parking area.

Section 12 Lot Easements. Each lot shall be subject to permanent utility and drainage easements. All such easements shall jointly run in favor of and inure to the benefit of the owners of the adjacent lots, and any or all public authorities or utility companies maintaining or operating any utility facility upon such easement area.

Section 13. Name and Address Signs. All name and address signs shall be of a dignified character and shall not be over two square feet in size.

Section 14. Advertising Signs. No advertising sign of any kind shall be displayed in public view on any lot except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise a building during construction and sale.

Section 15. Uniform Mailboxes. Only those posts and mailboxes specified by the Developer shall be allowed. Replacement of damaged mailboxes or posts must be of the exact type specified and at the lot owners expense.

Section 16. Tanks. No elevated tanks of any kind shall be erected, placed, or permitted on any part of such premises. Any tanks for use in connection with any residence constructed on such premises must be buried or sufficiently screened to conceal them from the view of neighboring lots, roads, or streets.

Section 17. Temporary Structures. No structure of temporary character, trailer, tent, shack, barn, garage, or other building shall be used on any lot at any time as a residence, either temporarily or permanently.

ARTICLE III

ARCHITECTURAL COMMITTEE

Section 1. Membership. The Architectural Committee shall be composed of appointees of Trail Head Development Corporation, who shall serve as the Architectural Committee until such time as residents can be appointed who will act for the common good of Stonegate.

Section 2. Powers and Rights. The committee shall have the power and right to employ inspectors to insure that proper building standards are maintained. The inspector or inspectors as designated from time to time by the committee shall operate pursuant to rules approved by the committee.

Section 3. Architectural Liability. The Architectural Committee shall be concerned about aesthetic characteristics only and does not assert architectural expertise. In the course of its duties, the Architectural Committee may request certain design modifications in the interest of producing an overall improvement more complimentary or compatible with Stonegate. It is the sole responsibility and duty of the applicant to employ an architect or other person to design the requested modifications in a safe and architecturally sound manner. Each owner of any interest in Stonegate, his heirs, successors, or assigns, as a condition of his ownership, waives any right to damages which result from architectural designs and changes requested by the Architectural Committee.

ARTICLE IV

ENFORCEMENT OF EASEMENTS, RESTRICTIONS, AND COVENANTS

Section 1. Persons Authorized. Each of the easements, restrictions, and covenants as set forth herein shall be enforceable by any of the owners of any lot which is benefited by such easement, restriction, or covenant, or any of the respective successors in title, but no other person shall have any right to enforce any such easements or restrictions and covenants, nor shall any other person, other than such owner, the owner's tenants, invitees, and licensees, have any interest in the easements, restrictions, and covenants hereby created and declared. Nothing contained herein shall constitute a dedication of any interest in such easements, restrictions, and covenants to the public or give members of the public any rights hereunder. The failure of any owner to enforce any of the easements or restrictions and covenants herein contained shall in no way be deemed a waiver of the right to do so thereafter.

Section 2. Remedies for Violation. In the event of any violation or attempted or threatened violation of the terms hereof, or any interference or attempted or threatened interference with the easement rights herein granted, each of the easements, restrictions, and covenants may be enforced by a proceeding at law or in equity, or both. If any person shall elect to enforce the terms hereof by a proceeding in equity, such person may petition for a restraining order or injunction, temporarily or permanent, prohibiting such violation or interference and demanding compliance with the provisions, which restraining order and injunction shall be obtainable upon proof of the existence of such violation or interference, and without the necessity of proof of the inadequacy of legal remedies or irreparable harm.

Section 3. Cost of Enforcement. If any of the easements or restrictions and covenants created herein are enforced by appropriate proceedings by any owner, and if such owner shall prevail in any such proceeding, such owner shall be reimbursed for all or any part of the costs incurred by such owner in the enforcement thereof, including but not limited to reasonable attorney's fees, costs, and expenses.

Section 4. Invalidation. Invalidation of any of these covenants or restrictions by judgment or by court order shall not affect any of the other provisions which shall remain in full force and effect.

ARTICLE V

DURATION OF RESTRICTIONS

These restrictions and covenants are to run with the land and shall be binding upon the parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been executed and recorded agreeing to change

Stonegate

Preliminary stages are the most important in long range development of the single family, owner-occupied residential neighborhood. Through cooperation with and assistance from the City of Lake Elmo, a quality plan with neighborhood identity can be created. Within the plan it is essential to perpetuate the natural aesthetics through minimal change in the natural land form. The creation of a healthy, comfortable neighborhood will be a plus for the development and a plus for the City.

A. PLANNING CONTEXT

Our site is located in the southwest quadrant of Keats Ave. North and 10th Street North. The site includes natural features such as Goose Lake, wetlands, rolling hills, and several tree groves or treed fencelines. The high elevation of the hills provides exceptional views of the county.

The preliminary plan takes into consideration the natural lay of the land, the natural drainage patterns, and the storm water runoff on site. Also of prime consideration was the existing waterways for drainage of the site and the control of traffic speed and movements.

B. SITE CRITERIA

Respect for the natural features and systems of the site is a basic consideration in the proposed design. The proposed development preserves those areas of the site with exceptional environmental amenities and ecological significance and directs construction to those areas most suited for development. A study of the natural determinants including topography, geology, soils, and existing vegetation provides the basis for an intelligent approach to land development. Natural determinants

indicate which areas will serve best as open space, and which areas can accomodate housing and roads with the least damage to the landscape. In planning the proposed subdivision natural systems have been evaluated in order to place construction where it will have a minimum impact.

The slope area offers a diverse pattern of slope conditions including gentle, rolling land, steeper slopes and natural channels created by drainage. The steeper slopes are to be left as natural areas in the rear of lots and as basements walkout areas. The drainage plan has been planned around a continuation of the natural drainage pattern.

Vegetation on the site consists of farm crops, wooded treelines, mixed grasses, and wooded areas around the lake. Special consideration was given to the wooded areas so that project construction would not destroy the natural beauty of these areas.

The purpose of this proposed street layout is to allow efficient ingress and egress to the subdivision by distributing the traffic paths within the subdivision without creating a bottleneck at any one access point. Curving roads discourage speeding through a residential development and increase visual interest. Curvilinear plans allow for curving roads and lots which conform to the natural contours. Curvilinear plans can minimize the problems of erosion and retain more natural vegetation.

C. CONCLUSION

The development as proposed is an efficient use of the land and respects the natural aesthetics of this unique environment. Small, close knit neighborhoods are possible because of the use of cul-de- sacs and the integral trail sytem. The proposed park area would allow all residents of the City to enjoy this unique environmental lake. The proposed development represents the highest and best use of this unique parcel of land to the mutual benefit of all.

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: July 8, 1991

AGENDA TOPIC: John Day Final Plat	ITEM NO. 4.
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The City Council approved the preliminary plat of John Day Farm Addition. (Minutes attached).

Our Planner and Engineer have reviewed the final plat and their comments are attached for you review.

Based on these comments, I offer the following recommendation for your consideration:

To recommend that the City Council grant final plat approval for the John M. Day Farm Addition based on the following conditions:

1. A permit must be obtained from the Valley Branch Watershed District.
2. Prior to construction on any lot, the drainfield area shall be roped off to prohibit vehicles crossing the area.
3. Driveway permits shall be obtained from Washington County.
4. Driveways entering off of 50th Street shall have 18 inch culverts with safety aprons. Driveway side slopes shall be 6:1.
5. A park dedication fee shall be paid to the City equal to 4% of the property fair market value.

UP *MARY*
COPIED P.Z.

T.K.D.A.

ENGINEERS ARCHITECTS PLANNERS

TOLTZ, KING, DUVALL, ANDERSON
AND ASSOCIATES, INCORPORATED

2800 AMERICAN NATIONAL BANK BUILDING
SAINT PAUL, MINNESOTA 55101-1293
612/292-4400
FAX 612/292-0083

June 28, 1991

Planning and Zoning Commission
Lake Elmo, Minnesota

Re: Final Plat Review
John M. Day Farm Addition
Lake Elmo, Minnesota
Commission No. 9150-001

Dear Planning Commission Members:

I have reviewed the final plat for the referenced addition. The following are my comments:

1. As requested by the Valley Branch Watershed District, the minimum building elevations should be recorded on the final plat.
2. It appears that on lots, 2, 5 and 8 the driveways would be constructed over a drainage easement. The drainage easement should be platted around the driveways.
3. Driveways should be constructed above the 100-year flood elevation.
4. Flood levels for the ponds have been approved by the Valley Branch Watershed District.
5. The developer should submit a grading plan showing proposed ditches and driveway filling.

We recommend final plat approval contingent upon submittal of a final plat with the above corrections made, an approved grading plan, and entering into a developer's agreement with the City of Lake Elmo.

Sincerely,



Thomas D. Prew, P.E.

TDP/mha



JAMES R. HILL, INC.

PLANNERS ENGINEERS SURVEYORS

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

MEMORANDUM

TO: Lake Elmo Mayor, City Council and City Administrator
FROM: Michael J. Black *MJB*
DATE: July 1, 1991
RE: JOHN M. DAY FARM ADDITION
Final Plat

Ms. Margaret A. Juhl, personal representative of the estate of John M. Day, has submitted to the City for review and approval the final plat of the John M. Day Farm Addition. A copy of the final plat will be distributed with this report.

At their meeting on May 7, 1991, the City Council passed a motion (5-0) approving the Preliminary Plat subject to:

1. A permit must be obtained from the Valley Branch Watershed District.
2. Drainage easements shall be dedicated on the final plat as required by the Watershed District and/or City Engineer.
3. No site grading shall be allowed until such time that individual building permits are requested for each lot.
4. Prior to construction on any lot, the drainfield area shall be roped off to prohibit vehicles crossing the area.
5. Driveways entering off of CSAH 17 shall require a permit from Washington County.
6. Driveways entering off of 50th Street shall have 18" culverts with safety aprons. Driveway side slopes shall be 6:1.
7. Highwater elevations for landlocked ponds will be verified by the Valley Branch Watershed District.
8. As recommended by the Park Commission, a park dedication fee shall be paid in lieu of a land dedication.
9. The Park Dedication Fee shall be 4% of the property's fair market value.

PLANNING COMMENTS AND RECOMMENDATION

The subject property is zoned R-R Rural Residential and as approved on the preliminary plat, each of the 8 lots on the final plat exceed the minimum 10 acre (nominal) lot size. The final plat is drawn to the center line of both 50th Street North and Lake Elmo Avenue North right of ways. Forty feet of right of way is dedicated for 50th Street and 60 feet is dedicated for Lake Elmo Avenue.

One minor change shown on the final plat from what was presented on the preliminary plat is the configuration of the common lot line between Lots 7 and 8. Due to a final determination of drainage elevations by the Valley Branch Watershed District, a change in the alignment of this common lot line was needed to accommodate a driveway access to the buildable portion of Lot 8. With this change, Lots 7 and 8 still meet the minimum lot area and width requirements of the R-R zone.

No public roadway or other improvements are necessary with this plat and hence a development contract may only be needed if certain drainage improvements and ditch grading are required by the Watershed District. A determination on the need for a developers contract will be made prior to City Council consideration of the Final Plat.

I recommend approval of the Final Plat of the John M. Day Farm Addition subject to:

1. A permit must be obtained from the Valley Branch Watershed District.
2. Prior to construction on any lot, the drainfield area shall be roped off to prohibit vehicles crossing the area.
3. Driveway permits shall be obtained from Washington County.
4. Driveways entering off of 50th Street shall have 18 inch culverts with safety aprons. Driveway side slopes shall be 6:1.
5. A park dedication fee shall be paid to the City equal to 4% of the property fair market value.

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: July 8, 1991

AGENDA TOPIC: Thoroughfare Plan (Continuation).	ITEM NO. 5.
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This was discussed, but tabled, at your last meeting. Please be sure to bring with you the information.

REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: July 8, 1991

AGENDA TOPIC: Everett Beaubien	ITEM NO. 6.
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Mr. Beaubien has asked for a concept review of a proposed subdivision and variance to the required frontage on a city improved street. The Commission has looked at this before, but has not come to a consensus.

I have attached a drawing indicating what Mr. Beaubien is proposing to subdivide - that which is outlined in red. Mr. Beaubien has asked that commission members visit the site so they can get a better understanding of the layout of the land, and so that he can personally show you what his plan is.

Mike Black has looked at this proposal in a very preliminary way, and his comments (though very rough) are attached.

As a point of discussion, Commissioner Conlin stated perhaps time would have been saved if this "jam" session would have taken place before this point in time.

7. Woodbury's Major Comp Plan Amendment

City Planner Mike Black reviewed the Comp. Plan amendment proposed by Woodbury and gave the Commission an update. Woodbury is requesting Met. Council include approximately 2,522 acres be included in the MUSA. This expansion will be done with no impact on Metro line systems namely transportation, open space, roads, or sewers. The three interceptors that serve Woodbury now would be used to handle the additional sewer needed for the proposed area. The Commission decided to review the amendment and if there are any issues raised to bring them up before the next meeting, and they appreciate staff and Mike Black bringing this to the Commission's attention.

8. Request from Everett Beaubien

Mr. Beaubien, 3691 Kelvin, has requested a concept review of a proposed subdivision and variance to frontage on a public improved street. The Planning Commission received a drawing indicating the request for another homesite allowed off of the private road, without the required frontage on a public improved street. Mr. Beaubien has also proposed donating to the City approximately three acres of land across Sunfish Lake from his home so it can be combined with Sunfish Park.

Commissioner Conlin stated she had visited Mr. Beaubien at the proposed area, and gave the Commission an overview of the drawing. Some of the Commissioners decided they needed to go out to the site and look at the area before making a decision. The Commission could not come to a consensus on this proposal.

M/S/P Johnston/Enes - to get additional information and visit the site before making a decision, and then write a letter to Mr. Beaubien with the Planning Commission's recommendation. (Motion carried 7-1, against: Conlin - believes the Commissioner's had plenty of time to visit the site before the meeting.)

M/S/P Enes/Arkell - to Adjourn the Planning Commission meeting at 10:25 p.m. (Motion carried 8-0.)

Commissioner Enes gave the Commission two FYI's: on 10th Street and Manning Avenue in Afton there is a development for sale of five acre lots with a brand new road, showing this is feasible. Also, for new members, that haven't received any GTS (Government Training Centers) in the mail, they offer some totally awesome seminars on planning and land use. Suggested for new members is "Annual Planning Institute: the Basics". The City will pay for these seminars.

BEAUBIEN PROPERTY

6.25.91

ZONE - R-R

LOT SIZE - 10 AC. (Homestead)

LOT WIDTH - 300'

W/D RATIO 4:1

SB. - F. 30

S. 10

SST. - 25

R. 40

COMP PLAN - RAD

RURAL AG DENSITY

SHORELAND STANDARDS

SUNFISH LAKE - N.E.

2 AC. MID.

LOT WIDTH - 200'

SETBACK - OHW - 200'

OHW - 896.4

100 YR. - 900.0

BUDG. ELEV. - 903

6.25.91

SUBDIVISION REG.

SIMPLE LOT DIV. ——— NO

LARGE LOT DIV. ——— NO

PLATTING REQ. ——— YES

SKETCH PLAN — PRE. PLAT — FINAL PLAT

** IF DEAL WITH EXISTING 3RD AC PARCEL
≡ ONLY — THEN WE MAY PROCEED
BY A LARGE LOT DIVISION.

IF NEW PARCEL LESS THAN 10 AC.

VARIANCE TO LOT SIZE / ROAD FRONTAGE
AND / CUL DE SAC LENGTH.

6.25.91

W. B. L.

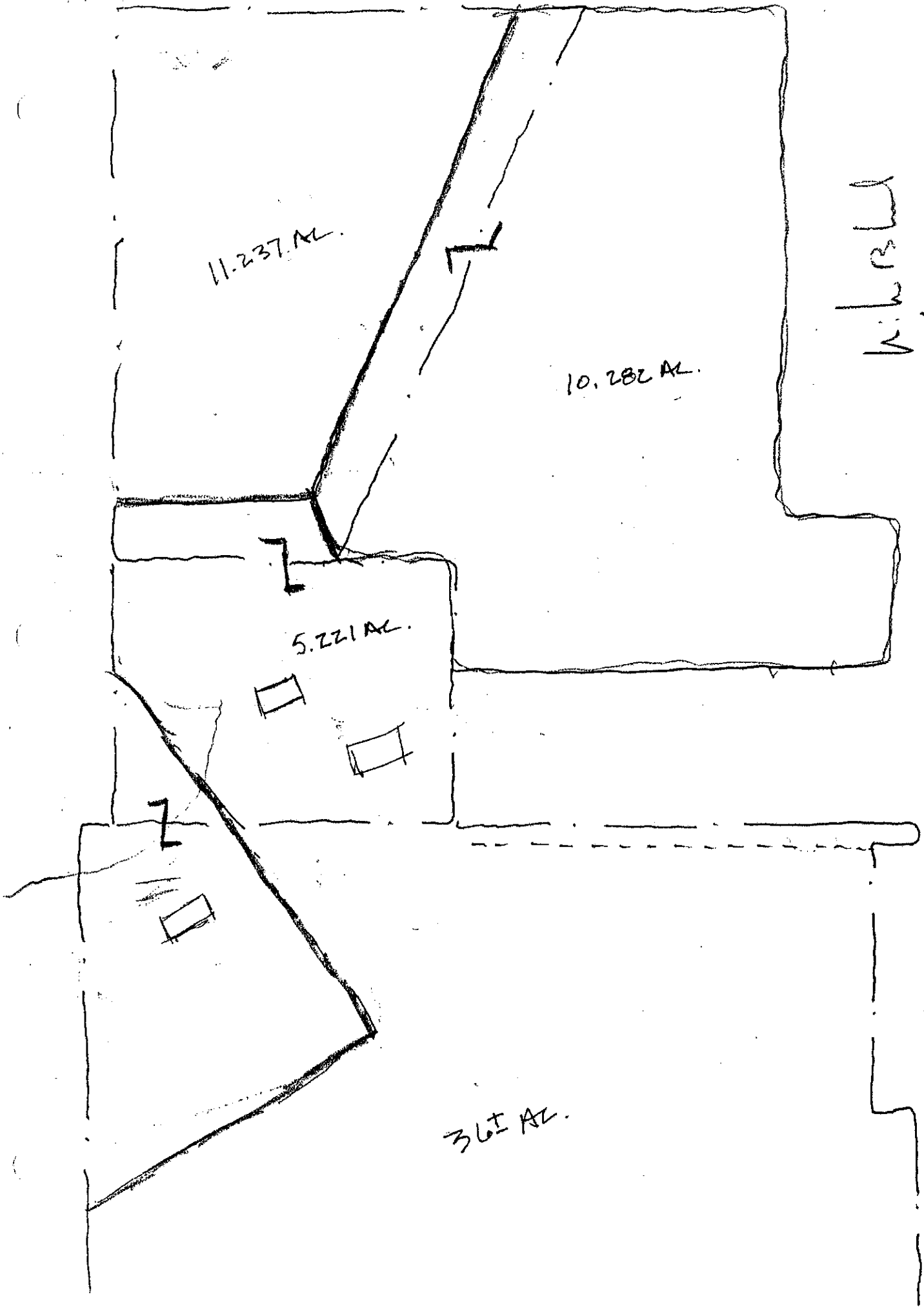
11.237 AC.

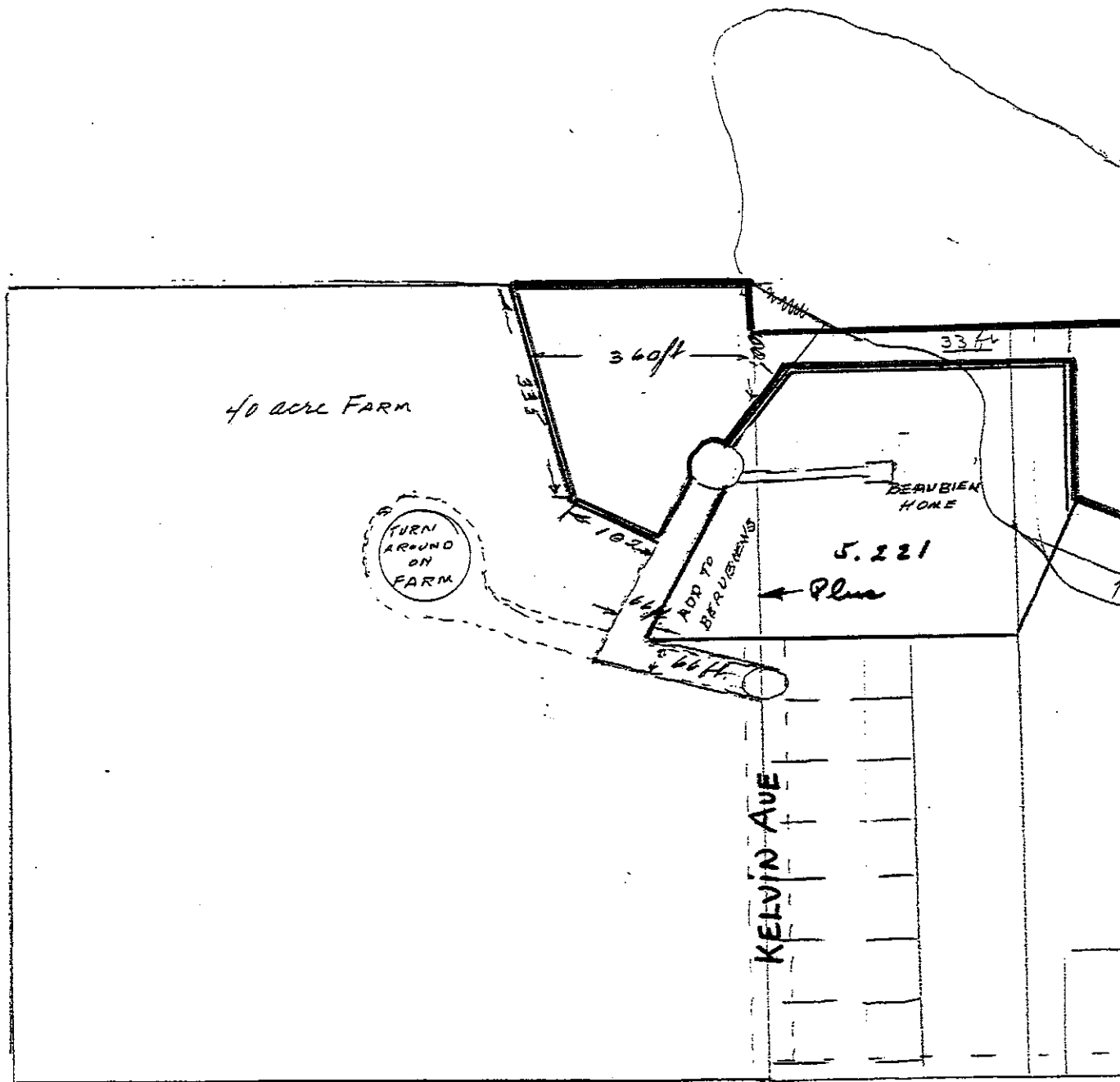
10.282 AC.

5.221 AC.

361 AC.

W. H. B. L. L.
6.25.91





REQUEST FOR PLANNING COMMISSION REVIEW

Meeting Date: July 8, 1991

AGENDA TOPIC: REcommendation on Planner	ITEM NO. 7
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The Council discussed, at its July 2 meeting, the amount of money that is being spent on planning services that are not covered by pass thru. What are your suggestions?