



*Our Mission is to Provide Quality Public Services in a  
Fiscally Responsible Manner While Preserving the City's  
Open Space Character*

**NOTICE OF MEETING**

**City Council Meeting**

**Tuesday, April 1, 2014 7:00 P.M.**

**City of Lake Elmo | 3800 Laverne Avenue North**

**AGENDA**

- 7:00**
- A. Call to Order**
  - B. Pledge of Allegiance**
  - C. Roll Call**
  - D. Order of Business**
  - E. Approval of Agenda**
  - F. Accept Minutes**
    - 1. Accept March 18, 2014 City Council Meeting Minutes
  - G. Council Reports**
    - Mayor
    - Council
  - 7:10**
  - H. Public Comments/Inquiries**
  - I. Proclamation – National Library Week Proclamation**
  - J. Consent Agenda**
    - 2. Approve Payment of Disbursements and Payroll
    - 3. 2014 Seal Coat Project – Approve Plans and Specifications and Authorize Ad for Bids;  
**RESOLUTION NO. 2014-20**
    - 4. Family Means CUP; **RESOLUTION NO. 2014-21**
    - 5. Site Plan Review Ordinance; **ORDINANCE 08-105**
  - K. Regular Agenda**
  - 7:15**
  - 6. Horning Lot Size Variance; **RESOLUTION NO. 2014-22**
    - 7. Launch Properties CUP Concept Plan and Zoning Map Amendment; **RESOLUTION NO. 2014-23,**  
**ORDINANCE 08-106**
  - L. New Business**
  - 8:05**
  - 8. Joint Services Agreement with ISD 916
    - 9. Approve the Joint Powers Agreement with the Stillwater School District for the Establishment of  
a Multi-use Park at Oakland Junior High School
  - M. Staff Reports and Announcements**
    - City Administrator
    - City Attorney
    - Planning Director
    - City Engineer
    - Finance Director
    - City Clerk
  - 9:00**
  - N. Adjourn**

\*\*\*\*Item times are estimates and subject to change\*\*\*\*

\*\*\*Note: The Public is advised that there may be a quorum of Library Board Members in attendance as observers. No official action can or will be taken by the Library Board at this meeting.

**LAKE ELMO CITY COUNCIL MINUTES  
MARCH 18, 2014**

**CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
MARCH 18, 2014**

*Mayor Pearson called the meeting to order at 7:00 pm.*

**PRESENT: Mayor Mike Pearson and Council Members Justin Bloyer and Mike Reeves.**

Also Present: City Administrator Zuleger, City Attorney Brekken, Community Development Director Klatt, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell.

**PLEDGE OF ALLIGENCE**

**APPROVAL OF AGENDA**

Council Member Reeves asked that Item 14 be added to the agenda.

***MOTION: Council Member Reeves moved TO APPROVE THE MARCH 04, 2014 CITY COUNCIL AGENDA AS AMENDED. Mayor Pearson seconded the motion. MOTION PASSED 3-0.***

**ITEM 1: ACCEPT MINUTES**

***THE MARCH 04, 2014 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.***

**COUNCIL REPORTS:**

**Council Member Bloyer:** took the predictive index survey. He thought it was pretty amazing and was impressed with results. It was money well spent if it helps the staff. Council Member Reeves added that it identifies who we are and how we work.

**Mayor Pearson:** attended gateway corridor meeting; attended Library Board meeting; attended County/City joint project for Lake Elmo Ave. reconstruction open house. He thanked church for accommodating the open house. Some comments were about connecting to sewer; held Meet the Mayor; attended bond request meetings.

**Council Member Reeves:** attended Meet the Mayor and found it really interesting; Enjoyed the first episode of The Mayor Show; attended Parks Commission meeting on 3/17/14.

**Public Comments**

Library Director Linda Orsted spoke about the library. Spring break activities – train your brain. Working to get kids active as well as quiet time to search out favorite books; Will be screening Disney movie about Norway; have e-books available at library on two different platforms – Overdrive and Freading. To use, patron simply needs a library card from Lake Elmo Library; Library Board voted to change the reimbursement – still one card per household, but from any library system in MN.

**CONSENT AGENDA**

1. Approve Payment of Disbursements and Payroll
2. Accept Financial Report dated February 28, 2014
3. Accept Building Report dated February 28, 2014
4. Approve League of MN Cities Insurance Trust Waiver Form – Annual Renewal
5. Lake Elmo Sewer Infrastructure Improvements: I-94 to 30th St. – Pay Request No. 6.
6. 2014 Seal Coat Project – Joint Services Agreement with Baytown Township

***MOTION: Council Member Bloyer moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Council Member Reeves seconded the motion. MOTION PASSED 3-0.***

**REGULAR AGENDA**



# LAKE ELMO CITY COUNCIL MINUTES

## MARCH 18, 2014

### **ITEM 8: SCHILTGEN FARM PARCEL B SKETCH PLAN REVIEW.**

Community Development Director Klatt provided overview of the Schiltgen Farms North sketch plan submission. Explained the key issues that staff and the Planning Commission have identified as needing to be resolved prior to prelim plat. Mr. Klatt also explained the parkland, storm water retention, and open space discussions previously held.

The proposed trails along with cul-de-sacs versus more grid-like planning were discussed. Mr. Klatt explained that the comp plan calls for more traditional style (grid-like) layout in the village area. Staff has asked for more direct route to connect the east and be in line with the village land use plan.

The county's concerns, including screening/berming on CSAH 17/Lake Elmo Ave. were noted. Both parks and planning commission have reviewed application.

Mayor Pearson asked Mr. Griffin about traffic impact on street with various methods. Mr. Griffin noted that gridded does not necessarily mean straight roads. They can be curved and meandering. Important thing is to have connectivity. Connectivity benefits efficiency.

Developer Dave Gonyea stated that they were open to idea of adding pocket park. Council consensus was supportive of having something available to neighborhood. Mr. Gonyea addressed the county's concerns for Lake Elmo Avenue and noted that addressing it is in his interest. He also noted that they are considering using theming fencing. Mr. Gonyea further addressed the through-road and his concerns regarding the increased traffic.

Council Member Bloyer asked which lots were quickest to sell. Mr. Gonyea said road safety has an impact on which lots sell first. Families with kids prefer cul-de-sacs and not through roads. Mr. Gonyea also explained their approach to storm water management.

Mr. Bloyer asked about price point. Homes will probably start at \$450K to \$600K. Houses across the street will be probably \$500 to \$750K due to larger lots. The architecture, density, and lot sizes were discussed.

Mr. Gonyea asked for direction on the cut through road to the east. Council and staff discussed the benefits and concerns with connectivity and overall maintenance. Council consensus is in favor of a small neighborhood park and additional trail connections.

*No formal action taken.*

### **ITEM 9: ACCESSORY STRUCTURE ORDINANCE AMENDMENT; ORD. 08-104, RES. NO. 2014-16**

Community Development Director Klatt explained the ordinance amendment proposal. It is a minor amendment. Mr. Klatt pointed out the changes that staff recommends are different than what the Planning Commission formally recommended regarding the side entry garages.

Council Member Bloyer asked about attached garages and why they are included in accessory use structures. Mr. Klatt stated that because attached garages are subordinate to the main structure. The attached garage is considered an accessory use but not an accessory structure.

***MOTION: Mayor Pearson moved TO ADOPT ORDINANCE 08-104 AS AMENDED, REORGANIZING AND UPDATING THE CITY'S ACCESSORY STRUCTURE PROVISIONS***

**LAKE ELMO CITY COUNCIL MINUTES  
MARCH 18, 2014**

*WITHIN THE ZONING CODE, AND FURTHER AMEND BY STRIKING “UNLESS THE GARAGE IS SIDE-LOADED” FROM § 154.456 B(1)(A),(B) AND § 154.508 B(1)(A),(B). Council Member Reeves seconded the motion.*

**MOTION TO AMEND:** *Council Member Bloyer moved to AMEND EXEMPT STRUCTURE TO ADD #8 WATER ORIENTED STRUCTURES AS PERMITTED IN ACCORDANCE WITH CITY SHORELAND STRUCTURES. Mayor Pearson seconded the motion. MOTION PASSED 3-0.*

**ORIGINAL MOTION PASSED 3-0.**

Mayor Pearson thanked staff for completing this item.

**MOTION TO AMEND:** *Mayor Pearson moved to ADOPT RESOLUTION 2014-16 TO ALLOW FOR SUMMARY PUBLICATION OF ORDINANCE 08-104. Council Member Reeves seconded the motion. MOTION PASSED 3-0.*

**ITEM 10: ACCESSORY 2013 INTERNAL LOAN REPAYMENT; RES. NO. 2014-17**

Finance Director Bendel provided an overview of the \$200,000 internal loan repayment from the Village Fund to the General Fund.

**MOTION:** *Council Member Reeves moved TO APPROVE RESOLUTION NO. 2014-17, APPROVING AN INTERNAL LOAN FUND REPAYMENT, FROM THE VILLAGE FUND TO THE GENERAL FUND IN THE AMOUNT OF \$200,000 EFFECTIVE DECEMBER 31, 2013. Council Member Bloyer seconded the motion. MOTION PASSED 3-0.*

**ITEM 11: 39TH STREET NORTH: STREET AND SANITARY SEWER IMPROVEMENTS - ACCEPT PETITION AND AUTHORIZE FEASIBILITY REPORT; RES. NO. 2014-18**

City Engineer Griffin provided overview of the proposed project. It was noted that the City has heard from 3 of the 5 property owners with interests in affected parcels. It was pointed out that if the project is not completed, the city will be liable for the feasibility study costs with no way to recoup. Owners have voiced desire to have the city contribute because the street is a higher used MSA road. Mr. Griffin explained the project schedule. It is aggressive due to the timing of some of the steps required through the 429 petition process. A public hearing would be required if not 100% petition.

Council Member Reeves asked about the amount at risk and the amount owners desire the City to contribute. The amount at risk is \$9,400 for the feasibility study. An actual contribution amount has not been specified. Possible ranges of 10-30% have been discussed.

**MOTION:** *Council Member Reeves moved TO APPROVE RESOLUTION NO. 2014-18, DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF FEASIBILITY REPORT FOR THE 39<sup>TH</sup> STREET NORTH: STREET AND SANITARY SEWER IMPROVEMENTS, IN A NOT TO EXCEED AMOUNT OF \$9,400. Council Member Bloyer seconded the motion. MOTION PASSED 3-0.*

**NEW BUSINESS:**

**ITEM 12: DOWNTOWN LAKE ELMO MARKET AREA PROFILE**

Community Development Director Klatt provided overview of the study. The study will involve local business owners and officials and give the city a market profile for the downtown. Anticipated staff time

# LAKE ELMO CITY COUNCIL MINUTES

## MARCH 18, 2014

involvement is unknown, but it is believed to be beneficial to staff. Council consensus is positive that the business owners are being involved.

**MOTION:** Council Member Bloyer moved **TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF MINNESOTA EXTENSION SERVICE TO COMPLETE A MARKET AREA PROFILE FOR LAKE ELMO IN A NOT TO EXCEED AMOUNT OF \$750.** Council Member Reeves seconded the motion. **MOTION PASSED 3-0.**

### **ITEM 13: APPROVE WASHINGTON COUNTY MUNICIPAL WATER COALITION RESOLUTION; RES. NO. 2014-19**

City Administrator Zuleger gave an overview of the Washington County Municipal Water Coalition and its purpose. Mr. Zuleger also gave summary of the resolution itself. Council Member Reeves voiced his support for the resolution.

**MOTION:** Mayor Pearson moved **TO APPROVE RESOLUTION NO. 2014-19, TO ENTER INTO THE INTERGOVERNMENTAL AGREEMENT REGARDING WATER SUPPLY.** Council Member Reeves seconded the motion. **MOTION PASSED 3-0.**

### **ITEM 14: APPROVE LASERFICHE RIO UPGRADE EXPENDITURE**

City Clerk Bell explained the background of the item and the reason for the timing of the item. This upgrade expense was not budgeted for in the 2014 budget due to the amount not being available until now. Roseville IT did not provide the proposal until just before the council meeting preparation. Roseville needs the agreement approved by 3/19. Clerk Bell also explained the benefits of the software. If the City were to purchase this software on its own, it would cost more than \$20,000, so the benefit is great. It was also pointed out that the use of this software is instrumental in the 2014 Plan of Work goal of reducing the use of paper.

**MOTION:** Council Member Reeves moved **TO APPROVE THE 2014 LASERFICHE RIO UPGRADE AND DEPLOYMENT AGENCY COST CONTRIBUTION.** Council Member Bloyer seconded the motion. **MOTION PASSED 3-0.**

### **SUMMARY REPORTS AND ANNOUNCEMENTS**

**City Administrator Zuleger:** attended bonding bill meetings. Upcoming legislative hearing on bill on Thursday 8:45AM.; reported Washington County Board of Commissioners passed resolution in support of water funding; working on Joint Powers Agreement with school district for park; working on obtaining water security/letters of credit issues for Lake Elmo Ave. So far City has secured \$1.3 million; City will be discussing joint services for utilities with Oakdale; commended Mike Bouthilet for his attending utility management seminar; Council transportation workshop is moved to April 8. The joint Planning/Council commission will now be in May.

**City Attorney Brekken:** no report.

**Community Development Director Klatt:** working on ordinance on commercial wedding venue; Planning Commission will be taking it up if the Council support moving forward. Council Member Reeves asked about the number of events cap. Mr. Klatt responded that it is based on Afton's ordinance and applicant. Council consensus is that Planning Commission should go forward with item. Question was asked about what type event are involved. At this point, just ceremonies, but the Commission has discussed expanding it. The applicant has not indicated anything but ceremonies thus far.

**City Engineer Griffin:** MS4 permit has been accepted and now posted for public review. Due to deep freeze this winter, road conditions will be poor this spring. Road restrictions will be enacted soon.

**LAKE ELMO CITY COUNCIL MINUTES**  
**MARCH 18, 2014**

**Finance Director Bendel:** attended Finance Committee meeting. Still looking for two more members; audit follow-up work is continuing; working on sewer and water cash flows.

**City Clerk Bell:** working on several HR issues including Predictive Index. Encourage the entire Council to take the survey; working on the 39<sup>th</sup> St 429 petition; CFL light bulbs obtained through the County recycling grant are available for residents to promote recycling. Notice will be in newsletter and on website;

***Mayor Pearson adjourned the meeting at 9:03 pm.***

**LAKE ELMO CITY COUNCIL**

ATTEST:

\_\_\_\_\_  
Mike Pearson, Mayor

\_\_\_\_\_  
Adam R. Bell, City Clerk

## CITY OF LAKE ELMO

### NATIONAL LIBRARY WEEK 2014 PROCLAMATION

**WHEREAS**, libraries are the heart of their communities, campuses, and schools;

**WHEREAS**; librarians work to meet the changing needs of their communities, including providing resources for everyone and bringing services outside of library walls;

**WHEREAS**, libraries and librarian volunteers bring together community members to enrich and shape the community and address local issues;

**WHEREAS**, librarians are trained, tech-savvy professionals, providing technology training and access to downloadable content;

**WHEREAS**, libraries offer programs to meet community needs, providing residents with computer classes and financial planning services to both teens and older adults

**WHEREAS**, libraries continuously grow and evolve in how they provide for the needs of every member of their communities;

**WHEREAS**, libraries, librarians, library workers, and supporters across America are celebrating National Library Week.

**NOW, THEREFORE, BE IT RESOLVED** that I Mike Pearson, Mayor of Lake Elmo proclaim April 13-19, 2014 as

### NATIONAL LIBRARY WEEK

I encourage all residents to visit the library this week to take advantage of the wonderful library resources available at your library. *“Communities matter @ your library.”*

Signed this April 01, 2014

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Mike Pearson, Mayor



## **MAYOR & COUNCIL COMMUNICATION**

**DATE:** April 1, 2014  
**CONSENT**  
**ITEM** #2  
**MOTION**

**AGENDA ITEM:** Approve Disbursements in the amount of \$146,429.29

**SUBMITTED BY:** Cathy Bendel, Finance Director

**THROUGH:** Cathy Bendel, Finance Director

**REVIEWED BY:** Dean Zuleger, City Administrator

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### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Finance

**FISCAL IMPACT:** \$146,429.29

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$146,429.29. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

**LEGISLATIVE HISTORY:** NA

**BACKGROUND INFORMATION/STAFF REPORT:** The City of Lake Elmo has the fiduciary responsibility to conduct normal business operations. Below is a summary of current claims to be disbursed and paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 9,442.16	Payroll Taxes to IRS & MN Dept of Revenue 3/20/14
ACH	\$ 6,086.04	Payroll Retirement to PERA 3/20/14
DD5406-DD5431	\$ 28,597.70	Payroll Dated (Direct Deposits) 3/20/14
41120-41152	\$ 101,823.39	Accounts Payable 4/01/14
2330-2337	\$ 480.00	Library Card Reimbursement 4/01/14
<b>TOTAL</b>	<b>\$ 146,429.29</b>	

**RECOMMENDATION:** Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$.

**ATTACHMENTS:**

1. Accounts Payable – check registers

# Accounts Payable To Be Paid Proof List

User: CathyB

Printed: 03/27/2014 - 12:30 PM

Batch: 008-03-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Amazon Inc										
AMAZONIN										
60457-8781-0320	03/10/2014	313.61	0.00	04/01/2014	Books	Inv 60457-8781-032040-4	-	No		0000
206-450-5300-42500	Library Collection Maintenance									
60457-8781-0320	03/10/2014	115.89	0.00	04/01/2014	Teen Books	Inv 60457-8781-032040-4	-	No		0000
206-450-5300-42500	Library Collection Maintenance									
60457-8781-0320	03/10/2014	37.65	0.00	04/01/2014	Children's Books	Inv 60457-8781-032040-4	-	No		0000
206-450-5300-42500	Library Collection Maintenance									
60457-8781-0320	03/10/2014	174.90	0.00	04/01/2014	DVDs	Inv 60457-8781-032040-4	-	No		0000
206-450-5300-42500	Library Collection Maintenance									
60457-8781-0320	03/10/2014	28.46	0.00	04/01/2014	Wii Games	Inv 60457-8781-032040-4	-	No		0000
206-450-5300-42500	Library Collection Maintenance									
60457-8781-0320 Total:		670.51				Inv 60457-8781-032040-4				
AMAZONIN Total:		670.51								
Amazon Inc Total:		670.51								
Blue Tarp Financial										
NORTHTOO										
563091234	03/11/2014	109.99	0.00	04/01/2014	Pump	Pump	-	No		0000
601-494-9400-42400	Small Tools & Minor Equipment									
563091234 Total:		109.99								
NORTHTOO Total:		109.99								
Blue Tarp Financial Total:		109.99								
Bolton & Menk, Inc										
BOLTONME										
0164475	02/28/2014	860.00	0.00	04/01/2014	2013.126 Section 34 Water & Sewer	-	-	No		0000
601-494-9400-43030	Engineering Services					2013.126 Section 34 Water & Sewer				



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
0164475	02/28/2014	1,290.00	0.00	04/01/2014	2013.126 Section 34 Water & Sewer	2013.126 Section 34 Water & Sewer	-			
602-495-9450-43030	Engineering Services									
	0164475 Total:	2,150.00								
0164476	03/30/2014	862.50	0.00	04/01/2014	Well No 4 Connecting Watermain		-			
601-494-9400-43030	Engineering Services				2013-131					
	0164476 Total:	862.50								
	BOLTONME Total:	3,012.50								
	Bolton & Menk, Inc Total:	3,012.50								
Car Quest Auto Parts										
CARQUEST										
313968	03/24/2014	99.37	0.00	04/01/2014	Service Parts		-			
101-430-3125-42210	Equipment Parts					2055-314107, 313968				
313968	03/24/2014	47.82	0.00	04/01/2014	Misc Oils		-			
101-430-3120-42120	Fuel, Oil and Fluids					2055-314107, 313968				
	313968 Total:	147.19								
314107	03/25/2014	23.11	0.00	04/01/2014	Service Parts		-			
101-430-3125-42210	Equipment Parts					2055-314107, 313968				
314107	03/25/2014	11.56	0.00	04/01/2014	Brake Fluid		-			
101-430-3120-42120	Fuel, Oil and Fluids					2055-314107, 313968				
	314107 Total:	34.67								
	CARQUEST Total:	181.86								
	Car Quest Auto Parts Total:	181.86								
Century Power Equipment										
CENTPOW										
619224	03/25/2014	71.78	0.00	04/01/2014	Blower service parts		-			
101-430-3120-42210	Equipment Parts					Blower service parts				
	619224 Total:	71.78								
	CENTPOW Total:	71.78								
	Century Power Equipment Total:	71.78								
CenturyLink										
CENTURYL										
03.19.14	03/19/2014	125.80	0.00	04/01/2014	Phone Service - Library		-			
206-450-5300-43210	Telephone					3/19/14 Billing				

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PLine #
03.19.14	03/19/2014	38.44	0.00	04/01/2014	Internet Service - Library	3/19/14 Billing	-	No		0000
206-450-5300-43250	Internet	164.24								
	03.19.14 Total:	164.24								
	CENTURYLINK Total:									
	CenturyLink Total:	164.24								
City of Roseville										
CTYROSEV										
218456	03/11/2014	2,635.58	0.00	04/01/2014	Monthly IT Svcs - March 2014	Invoices 218456 & 218496	-	No		0000
101-410-1450-43180	Information Technology/Web	2,635.58								
	218456 Total:	87.10								
218496	03/11/2014	13.75	0.00	04/01/2014	Monthly Telephone - Admin - Mar 2014	Invoices 218456 & 218496	-	No		0000
101-410-1320-43210	Telephone	13.75								
218496	03/11/2014	13.75	0.00	04/01/2014	Monthly Telephone - Bldg Insp - Mar 2014	Invoices 218456 & 218496	-	No		0000
101-420-2400-43210	Telephone	13.75								
218496	03/11/2014	27.50	0.00	04/01/2014	Monthly Telephone - Comm - Mar 2014	Invoices 218456 & 218496	-	No		0000
101-410-1450-43210	Telephone	375.75								
218496	03/11/2014	3,011.33	0.00	04/01/2014	Monthly Telephone - Eng - Mar 2014	Invoices 218456 & 218496	-	No		0000
101-410-1930-43210	Telephone	3,011.33								
218496	03/11/2014	181.75	0.00	04/01/2014	Monthly Telephone - Finance - Mar 2014	Invoices 218456 & 218496	-	No		0000
101-410-1520-43210	Telephone	375.75								
218496	03/11/2014	3,011.33	0.00	04/01/2014	Monthly Telephone - Planning - Mar 2014	Invoices 218456 & 218496	-	No		0000
101-410-1910-43210	Telephone	3,011.33								
218496	03/11/2014	24.88	0.00	04/01/2014	Monthly Telephone - PW - Mar 2014	Invoices 218456 & 218496	-	No		0000
101-430-3100-43210	Telephone	24.88								
	218496 Total:									
	CTYROSEV Total:									
	City of Roseville Total:	3,011.33								
Colemer Jamie										
COLEMER										
3.17.14	03/17/2014	24.88	0.00	04/01/2014	Reimb uniforms	Riemb uniforms	-	No		0000
101-430-3100-44170	Uniforms	24.88								
	3.17.14 Total:									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
COLEMER Total:		24.88								
Colemer Jamie Total:		24.88								
Delta Dental Of Minnesota										
DELTA										
5457335	03/15/2014	1,736.55	0.00	04/01/2014	April 2014 Dental Coverage	Inv 5457335	-			0000
101-000-0000-21706	Medical Insurance								No	
5457335 Total:		1,736.55								
DELTA Total:		1,736.55								
Delta Dental Of Minnesota Total:		1,736.55								
Emergency Automotive Tech, Inc										
EMERGAUT										
22382	01/13/2014	2,255.10	0.00	04/01/2014	Lighting upgrade to CV2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
22382 Total:		2,255.10								
22383	02/03/2014	594.20	0.00	04/01/2014	Lighting upgrade to CV1		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
22383 Total:		594.20								
EMERGAUT Total:		2,849.30								
Emergency Automotive Tech, Inc Total:		2,849.30								
Emergency Response Solutions										
EMERGRES										
1769	03/13/2014	240.00	0.00	04/01/2014	Replace Class A Foam		-		No	0000
101-420-2220-44300	Miscellaneous									
1769 Total:		240.00								
EMERGRES Total:		240.00								
Emergency Response Solutions Total:		240.00								
Ferguson Waterworks, Inc #2516										
FERGUSON										
67800-1	03/11/2014	62.04	0.00	04/01/2014	Parts		-		No	0000
601-494-9400-42300	Water Meters & Supplies									
67800-1 Total:		62.04								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	FERGUSON Total:	62.04								
	Ferguson Waterworks, Inc #2516 Total:	62.04								
Gumatz Beckie GUMATZ										
Conf mileage	03/25/2014	33.50	0.00	04/01/2014	Reimb conference mileage		-		No	0000
101-410-1320-43310	Mileage				Reimb conference mileage					
	Conf mileage Total:	33.50								
	GUMATZ Total:	33.50								
	Gumatz Beckie Total:	33.50								
Holiday Credit Office HOLIDAYC										
1400012574096	03/15/2014	542.73	0.00	04/01/2014	Fuel		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids				Fuel charges					
	1400012574096 Total:	542.73								
	HOLIDAYC Total:	542.73								
	Holiday Credit Office Total:	542.73								
Hotsy Equipment of Minnesota HOTSYS										
45152	03/10/2014	40.14	0.00	04/01/2014	Snap Switch		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg				Snap Switch					
	45152 Total:	40.14								
	HOTSYS Total:	40.14								
	Hotsy Equipment of Minnesota Total:	40.14								
Insurance Trust League of MN Cities BERKLEY										
46050-46051	03/02/2014	24,808.00	0.00	04/01/2014	Insurance - Admin		-		No	0000
101-410-1320-43610	Insurance				Insurance - Admin					
46050-46051	03/02/2014	4,266.00	0.00	04/01/2014	Insurance - Fire		-		No	0000
101-420-2220-43630	Vehicle Insurance				Insurance - Fire					
46050-46051	03/02/2014	248.00	0.00	04/01/2014	Insurance - Building Dept		-		No	0000
101-420-2400-43630	Insurance				Insurance - Building Dept					

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
46050-46051	03/02/2014	16,085.00	0.00	04/01/2014	Insurance - Public Works		-			No 0000
101-430-3100-43630	Insurance									
46050-46051	03/02/2014	3,171.00	0.00	04/01/2014	Insurance - Parks		-			No 0000
101-450-5200-43630	Insurance									
46050-46051	03/02/2014	6,499.00	0.00	04/01/2014	Insurance - Water		-			No 0000
601-494-9400-43610	Insurance									
46050-46051	03/02/2014	143.00	0.00	04/01/2014	Insurance - Sanitary Sewer		-			No 0000
602-495-9450-43610	Insurance									
46050-46051	03/02/2014	1,663.00	0.00	04/01/2014	Insurance - Library		-			No 0000
206-450-5300-43630	Insurance									
46050-46051 Total:		56,883.00								
BERKLEY Total:		56,883.00								
Insurance Trust League of MN Cities Total:										
KORTH ERIC										
KORTHER										
03242014	03/24/2014	68.75	0.00	04/01/2014	Cable Op - 3/24/14 - Planning Comm		-			No 0000
101-410-1450-43620	Cable Operations									
03242014	03/24/2014	25.00	0.00	04/01/2014	Cable Op - 3/24/14 - Planning Comm-		-			No 0000
101-410-1450-43620	Cable Operations				Bonus					
03242014 Total:		93.75								
KORTHER Total:		93.75								
KORTH ERIC Total:										
Lake Elmo Oil, Inc.										
LEOIL										
Various	02/21/2014	154.00	0.00	04/01/2014	Fuel		-			No 0000
101-420-2220-42120	Fuel, Oil and Fluids									
Various Total:		154.00								
LEOIL Total:		154.00								
Lake Elmo Oil, Inc. Total:										
Library Ideas										
Library!										
36665	02/28/2014	3.50	0.00	04/01/2014	Pay-as-you-go February 2014		-			No 0000
206-450-5300-42000	Office Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close P	OLine #
	36665 Total:	3.50									
	Libraryl Total:	3.50									
	Library Ideas Total:	3.50									
Menards - Oakdale MENARDSO											
35696	01/07/2014	0.90								No	0000
101-430-3100-42210	Equipment Parts		0.00	04/01/2014	Light ballasts - short pay		-				
35696 Total:		0.90									
39714	03/05/2014	77.94									
101-430-3100-42210	Equipment Parts		0.00	04/01/2014	Heavy Duty Hose		-			No	0000
39714 Total:		77.94									
MENARDSO Total:		78.84									
Menards - Oakdale Total:		78.84									
Miller Excavating, Inc. MILLEREX											
18038	03/21/2014	5,721.28								No	0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs		0.00	04/01/2014	Water main exc & Mat'ls; 2767 LE Ave		-				
18038 Total:		5,721.28					Water main excavation & Materials				
18039	03/21/2014	5,962.50								No	0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs		0.00	04/01/2014	Water main exc & Mat'ls; Various		-				
18039 Total:		5,962.50					Water main excavation & Materials				
MILLEREX Total:		11,683.78									
Miller Excavating, Inc. Total:		11,683.78									
MN Chapter of APA MN APA											
NA	03/25/2014	25.00								No	0000
101-410-1910-44300	Miscellaneous		0.00	04/01/2014	Job posting fee; APA MN Website		-				
NA Total:		25.00					Job posting fee; Planning intern				
MN APA Total:		25.00									
MN Chapter of APA Total:		25.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
North American Salt Company										
NAMERICA										
71141838	03/07/2014	3,959.16	0.00	04/01/2014	Road Salt Inv 71141838	Salt various invoices	-	No		0000
101-430-3125-42290	Sand/Salt									
	71141838 Total:	3,959.16								
71142667	03/10/2014	1,906.28	0.00	04/01/2014	Road Salt Inv 71142667	Salt various invoices	-	No		0000
101-430-3125-42290	Sand/Salt									
	71142667 Total:	1,906.28								
71144372	03/12/2014	3,777.25	0.00	04/01/2014	Road Salt Inv 71144372	Salt various invoices	-	No		0000
101-430-3125-42290	Sand/Salt									
	71144372 Total:	3,777.25								
71145166	03/13/2014	1,826.33	0.00	04/01/2014	Road Salt Inv 71145166	Salt various invoices	-	No		0000
101-430-3125-42290	Sand/Salt									
	71145166 Total:	1,826.33								
	NAMERICA Total:	11,469.02								
North American Salt Company Total:										
		11,469.02								
P.I. Midwest										
PIMIDWES										
AF5687	02/05/2014	3,100.00	0.00	04/01/2014	PI Annual License Fee up to 50 ee's	PI Annual License fee	-	No		0000
101-410-1320-44370	Conferences & Training									
	AF5687 Total:	3,100.00								
	PIMIDWES Total:	3,100.00								
P.I. Midwest Total:										
		3,100.00								
River Country Cooperative										
RIVRCOOP										
141352	02/28/2014	419.36	0.00	04/01/2014	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
	141352 Total:	419.36								
	RIVRCOOP Total:	419.36								
River Country Cooperative Total:										
		419.36								
S&T Office Products, Inc.										
S&T										
01QG4733	03/12/2014	-19.09	0.00	04/01/2014	Credit memo - Library		-	No		0000
206-450-5300-42000	Office Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
01QG4733 Total:										
01QG8374	03/12/2014	-19.09								
101-410-1320-42000	Office Supplies	23.37	0.00	04/01/2014	Office Supplies - Admin		-		No	0000
01QG8374	03/12/2014									
101-410-1910-42000	Office Supplies	73.16	0.00	04/01/2014	Office Supplies - Planning		-		No	0000
01QG8374	03/12/2014									
101-410-1520-42000	Office Supplies	7.95	0.00	04/01/2014	Office Supplies - Finance		-		No	0000
01QG8374 Total:										
S&T Total:		104.48								
		85.39								
S&T Office Products, Inc. Total:										
		85.39								
Sam's Club										
SAMSCLUB										
03/13/2014										
101-420-2220-44300	Miscellaneous	33.76	0.00	04/01/2014	Restock rehab supplies		-		No	0000
03/13/2014										
101-410-1940-44300	Miscellaneous	69.68	0.00	04/01/2014	City Hall supplies		-		No	0000
Total:										
SAMSCLUB Total:		103.44								
		103.44								
Sam's Club Total:										
		103.44								
TDS Metrocom - LLC										
TDS										
03/13/2014										
6517798882	Telephone	133.15	0.00	04/01/2014	Analog Lines - Fire	651-779-8882	-		No	0000
101-420-2220-43210	Telephone									
6517798882	Telephone	208.57	0.00	04/01/2014	Analog Lines - PW	651-779-8882	-		No	0000
101-430-3100-43210	Telephone									
6517798882	Telephone	123.75	0.00	04/01/2014	Analog Lines - Lift Station Alarms	651-779-8882	-		No	0000
602-495-9450-43210	Telephone									
6517798882	Telephone	43.25	0.00	04/01/2014	Analog Lines - Well House #2	651-779-8882	-		No	0000
601-494-9400-43210	Telephone									
6517798882 Total:										
TDS Total:		508.72								
		508.72								
TDS Metrocom - LLC Total:										
		508.72								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Truck Utilities Inc.										
TRKUTI										
266846	03/21/2014	27.02	0.00	04/01/2014	Hyd Hose Parts	Hyd Hose Parts	-		No	0000
101-450-5200-42210	Equipment Parts									
	266846 Total:	27.02								
	TRKUTI Total:	27.02								
	Truck Utilities Inc. Total:	27.02								
Washington County										
WASRADIO										
78346	03/17/2014	309.06	0.00	04/01/2014	800 Radio Fees	800 Radio Fees	-		No	0000
101-430-3100-43230	Radio									
	78346 Total:	309.06								
78347	03/17/2014	3,800.76	0.00	04/01/2014	Qtrly user fee for 800 MHz radios		-		No	0000
101-420-2220-43230	Radio									
	78347 Total:	3,800.76								
	WASRADIO Total:	4,109.82								
	Washington County Total:	4,109.82								
Water Conservation Svs Inc.										
WATERCON										
4839	03/17/2014	272.40	0.00	04/01/2014	Water main break location: 10833 33rd St		-		No	0000
601-494-9400-44300	Miscellaneous					Water Main break				
	4839 Total:	272.40								
	WATERCON Total:	272.40								
	Water Conservation Svs Inc. Total:	272.40								
White Anita										
Whiteani										
3.18.14 CC	03/18/2014	55.00	0.00	04/01/2014	Cable Oper - 3/18/14 - CC Mtg		-		No	0000
101-410-1450-43620	Cable Operations					Cable Operator				
	3.18.14 CC Total:	55.00								
	Whiteani Total:	55.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
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White Anita Total: 55.00

Report Total: 101,823.39



## MAYOR & COUNCIL COMMUNICATION

**DATE:** April 1, 2014  
**CONSENT**  
**ITEM #** 3

**AGENDA ITEM:** 2014 Seal Coat Project – Resolution No. 2014-20 Approving Plans and Specifications and Ordering Advertisement for Bids

**SUBMITTED BY:** Ryan Stempiski, Assistant City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer  
Mike Bouthilet, Public Works  
Cathy Bendel, Finance Director

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**SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):**

- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Engineering.

**FISCAL IMPACT:** None.

The total estimated project cost for the 2014 Seal Coat Project is \$213,000. The project will be paid through the Infrastructure Reserve Fund (Fund No. 409). Approval of this resolution does not commit the council to the project costs. Once contractor bids are received, the actual construction costs will be known and the council will be asked to consider entering into a contract to complete the work.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving, *as part of the Consent Agenda*, Resolution No. 2014-20, thereby approving the plans and specifications and ordering the advertisement for bids for the 2014 Seal Coat Project. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Resolution No. 2014-20, thereby approving the plans and specifications and ordering the advertisement for bids for the 2014 Seal Coat Project.”***

### **LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

In accordance with the annual street maintenance program, the City Council ordered, on February 18, 2014, the preparation of plans and specifications for the 2014 Seal Coat Project. In addition, the City Council approved a Joint Service Agreement with West Lakeland Township and a Joint Service Agreement with Baytown Township as part of a shared services arrangement to pursue this work in a more cost effective manner. Through a shared services arrangement, the fixed costs for the design, obtaining bids, and administering construction is shared between each community, thereby lowering the overall costs. In addition, by combining the City and Township projects together, staff hopes to promote a more competitive bid environment that may result in a reduced unit price to lower each community's respective construction costs.

The combined project includes the plans and specifications to seal coat approximately 8 miles of streets in Lake Elmo (see attached Project Location Map), 2 miles of streets in West Lakeland Township and 1.7 miles of streets in Baytown Township. A project schedule is attached. With the approval of Plans and Specifications, the bids would be presented to council for award at the May 20, 2014 council meeting. The work is scheduled to be substantially complete by July 18, 2014 and has a final completion date of August 22, 2014.

West Lakeland and Baytown will reimburse Lake Elmo for the portion of the work completed on their Township roads in accordance with the project Joint Service Agreements. Each Township will also be reimbursing the City \$3,000 for the administration and engineering services associated with the project, and they will be directly responsible for the construction oversight for the work completed on their respective roadways.

In 2013, the City completed a crack seal project for these city street segments in preparation of this year's seal coat application. The 2014 Seal Coat Project now provides the design documents for seal coating these same street segments to complete the maintenance process.

### **RECOMMENDATION:**

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Resolution No. 2014-20, thereby approving the plans and specifications and ordering the advertisement for bids for the 2014 Seal Coat Project. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Resolution No. 2014-20, thereby approving the plans and specifications and ordering the advertisement for bids for the 2014 Seal Coat Project.”***

### **ATTACHMENT(S):**

1. Resolution No. 2014-20
2. 2014 Seal Coat Project Location Map
3. Project Schedule

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2014-20**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS  
FOR THE 2014 SEAL COAT PROJECT**

**WHEREAS**, pursuant to a motion passed by the City Council on the 18<sup>th</sup> day of February, 2014, FOCUS Engineering, Inc. has prepared plans and specifications for the 2014 Seal Coat Project and has presented such plans and specifications for approval.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,**

1. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper an advertisement for bids upon making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FIRST DAY OF APRIL  
2014.**

**CITY OF LAKE ELMO**

By: \_\_\_\_\_

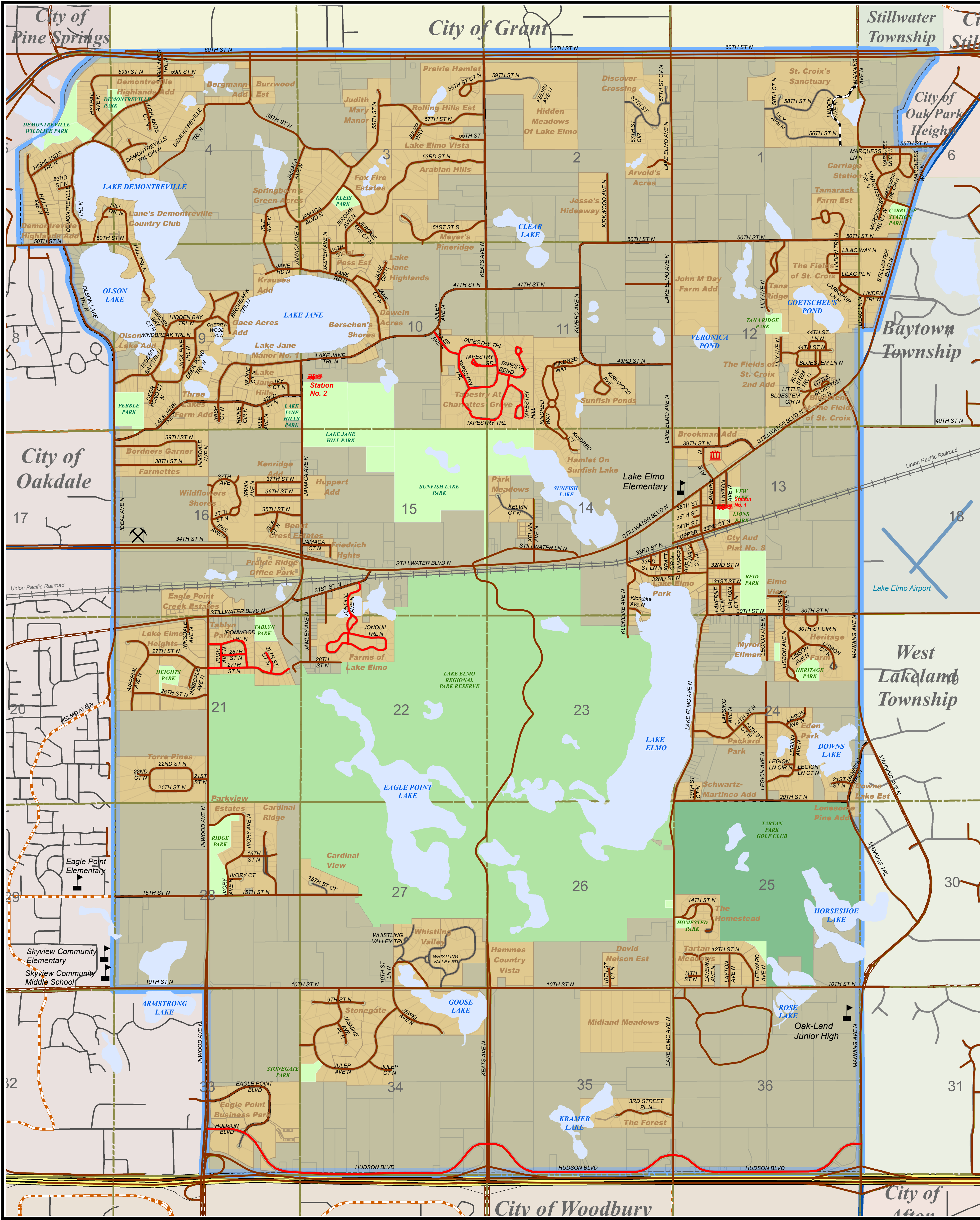
Mike Pearson  
Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk





2014 SEAL COAT PROJECT LOCATION MAP

2014 SEAL COAT



**City Hall**  
3800 Laverne Avenue N  
651/777-5510  
www.lakeelmo.org



**Public Works Building**  
3445 Ideal Ave N  
651/233-5414



**Fire Stations**  
Station No. 1  
3510 Laverne Ave N  
651/770-5006  
Station No. 2  
4259 Jamaica Ave N  
651/779-8882



**Schools**



**Parcels**



**Subdivisions**



**City Parks**

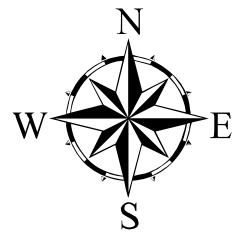


**Golf Course**



**Lakes**

**Lake Elmo Regional  
Park Reserve**  
Park Office  
651/430-8368



0 0.15 0.3 0.6  
Miles

Map Date: February 2014

Created By.

**FOCUS** ENGINEERING, inc.





**CITY OF LAKE ELMO  
2014 SEAL COAT PROJECT  
PROJECT NO. 2014.118**

**PROJECT SCHEDULE**

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February 18, 2014	Council orders preparation of Plans and Specifications.
April 1, 2014	Presentation of Plans and Specifications. Council Approves Plans and Specifications and Orders Advertisement for Bids.
April 5, 2014	Placement of Advertisement for Bids. –Oakdale-Lake Elmo Review. Publication on April 9 – Quest CDN. Publication on April 2
May 1, 2014	Receive Contractor bids.
May 20, 2014	City Council accepts bids and awards Contract.
May 23, 2014	Process and send out Contract Documents.
June 6, 2014	Receipt of Contractor's Bonds/Legal Review.
June 10, 2014	Conduct Pre-Construction Meeting and Issue Notice to Proceed.
June 11, 2014	Contractor begins Work.
July 18, 2014	Substantial Completion of Work (including sweeping of excess aggregate).
August 22, 2014	Final Completion of Work (including Punchlist and final documentation).



## **MAYOR & COUNCIL COMMUNICATION**

**DATE: April 1, 2014**  
**CONSENT**  
**ITEM #4**

**AGENDA ITEM:** Family Means CUP Amendment

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director

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### **SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECCOMENDER:** The Planning Commission and Staff recommend approval of the Conditional Use Permit (CUP) Amendment request by Family Means to construct a community center in the Cimarron Manufactured Home Park. The community center will allow Family Means to provide expanded and improved programming to youth in Cimarron Park, providing a service that will benefit the greater Lake Elmo community.

**FISCAL IMPACT:** None – All City review costs were recuperated through the required application fee

**SUMMARY AND ACTION REQUESTED:** The City Council is asked to approve a CUP Amendment request by Family Means to construct a community center in the Cimarron Manufacture Home Park as part of the Consent Agenda. The community center will be utilized to provide expanded after-school and summer programming to youth ages 6-18 in Cimarron Park. The Planning Commission held a public hearing on 3/24/14 and unanimously recommended approval of the request.



*The Planning Commission and Staff are recommending that the City Council approve the CUP Amendment request as part of the Consent Agenda. If removed from the Consent Agenda, the CUP Amendment request can be approved through the following motion:*

***“Move to adopt Resolution No. 2014-21, approving the Conditional Use Permit Amendment request by Family Means to allow for the construction of a community center in the Cimarron Manufactured Home Park.”***

#### **LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:**

The Cimarron Manufactured Home Park was approved by the Town of East Oakdale in 1967 via Special Use Permit (Attachment #6). As part of the approval of the manufactured home park, various accessory uses that would be permitted in the future were also identified in the approval. Community centers were identified as one of the permitted accessory uses. As Cimarron Park proceeded with various accessory uses, such as the golf course, the City processed the request as a Conditional Use Permit (CUP) Amendment. Following this established procedure, Family Means requesting an amendment to Cimarron Park’s CUP to proceed with the construction of the community center. To provide further clarification, it should be noted that Special Use Permits, which were common during this time period, have now been replaced by CUPs procedurally.

The Planning Commission held a public hearing on the CUP amendment request at its meeting on 3/24/14. No one spoke in favor or against the request. The Planning Commission voiced their support of the project. After discussing a few questions related to parking and programming, the Planning Commission unanimously recommended the CUP Amendment request for approval (Vote: 5-0).

#### **BACKGROUND INFORMATION (SWOT):**

**Strengths:** Allowing for the construction of a community center allows the Family Means organization the expanded space and facilities to improve after-school and summer programming for youth in Cimarron Park and the greater Lake Elmo community.

**Weaknesses:** None

**Opportunities:** Family Means currently operates after-school and summer programming in the existing clubhouse of Cimarron Park. Allowing for the construction of the community center will allow Family Means to serve a larger population of youth, as well as provide expanded and improved programming for the population.

**Threats:** None

**RECOMMENDATION:**

*Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council approve the CUP Amendment request as part of the Consent Agenda. If removed from the Consent Agenda, the CUP Amendment request can be approved through the following motion:*

***“Move to adopt Resolution No. 2014-21, approving the Conditional Use Permit Amendment request by Family Means to allow for the construction of a community center in the Cimarron Manufactured Home Park.”***

**ATTACHMENTS:**

1. Resolution No. 2014-21
2. Planning Commission Report, 3/24/14
3. Location Map
4. CUP Application Form and Narrative
5. Community Center Plan Sets
6. Cimarron Park Special Use Permit
7. CUP Required Findings (§154.106.A)

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2014-21**

*A RESOLUTION APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO  
ALLOW FOR THE CONSTRUCTION OF A COMMUNITY CENTER WITHIN THE CIMARRON  
MANUFACTURED HOME PARK*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Family Means, 1875 Northwestern Avenue, Stillwater, MN (“Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit Amendment to allow the construction of a community center for the purpose of providing after-school and summer programming to children between the ages of 6 and 18 within the Cimarron Manufactured Home Park (901 Lake Elmo Avenue North, Lake Elmo, MN); and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on March 24, 2014; and

**WHEREAS**, the Lake Elmo Planning Commission submitted its report and recommendation concerning the Conditional Use Permit Amendment request to the City Council as part of a Staff Memorandum dated April 1, 2014; and

**WHEREAS**, the City Council considered said matter at its April 1, 2014 meeting.

**NOW, THEREFORE**, based on the testimony elicited and information received, the City Council makes the following:

**FINDINGS**

- 1) That the procedures for obtaining said Conditional Use Permit (CUP) are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit Amendment is to allow the construction of a community center to serve youth in the Cimarron Manufactured Home Park as more fully described in application materials submitted to the City.
- 4) That the proposed Conditional Use Permit Amendment will apply to leased property legally described in Exhibit A.
- 5) That a community center is a permitted accessory use per the approved Special Use Permit for the Cimarron Manufactured Home Park.

- 6) That the proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
- 7) That the proposed use conforms to the City of Lake Elmo Comprehensive Plan.
- 8) That the proposed use is compatible with the existing neighborhood.
- 9) That the proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- 10) That the proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring uses.
- 11) That the proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- 12) That the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 13) That the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 14) That vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- 15) That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

### **CONCLUSIONS AND DECISION**

Based on the foregoing, the Applicants' application for a Conditional Use Permit Amendment is granted.

Passed and duly adopted this 1<sup>st</sup> day of April by the City Council of the City of Lake Elmo, Minnesota.

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Adam Bell, City Clerk



PLANNING COMMISSION  
DATE: 3/24/14  
AGENDA ITEM: 4A – PUBLIC HEARING  
CASE # 2014-13

ITEM: Family Means Conditional Use Permit Amendment

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director  
Jack Griffin, City Engineer  
Rick Chase, Building Official  
Greg Malmquist, Fire Chief

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to hold a Public Hearing to review an amendment to the Conditional Use Permit for the Cimarron Manufactured Home Park. The proposed amendment to the CUP is to allow for the construction of a 4,000 square-foot youth center to serve as an accessory use to the existing manufactured home park. The youth center will be run by the Family Means organization to accommodate after-school and summer programming for young residents of Cimarron between the ages of 6-18. Staff is recommending that the Planning Commission recommend approval of the CUP amendment request.

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### **GENERAL INFORMATION**

*Applicant:* Family Means (Arba-Della Beck); 1875 Northwestern Avenue, Stillwater, MN 55082

*Property Owners:* Equity Lifestyle Properties, Inc. (Kate Yunke); 901 Lake Elmo Avenue North, Lake Elmo, MN 55042

*Location:* Part of Sections 36, Township 29 North, Range 21 West in Lake Elmo, immediately east of Lake Elmo Avenue (CR-17) and immediately south of 10<sup>th</sup> Street (CSAH 10). PID Number: 36.029.21.21.0001.

*Request:* Conditional Use Permit (CUP) Amendment

*Existing Land Use:* Manufactured Home Park w/various accessory uses

*Existing Zoning:* MDR – Urban Medium Density Residential

*Surrounding Land Use:* North – gasoline station and neighborhood convenience store, and Tartan Meadows rural single family neighborhood; west – Midland Meadows rural single family neighborhood; south – vacant land guided for Urban Medium Density Residential (MDR) and Business Park (BP); east – Oakland Jr. High School and vacant/agricultural land guided for Urban High Density Residential (HDR).

*Surrounding Zoning:* RS – Rural Single Family (west and north); CC – Convenience Commercial (north); RT – Rural Development Transitional District (south and east)

*Comprehensive Plan:* Urban Medium Density Residential

*History:* Property was given approval through a Special Use Permit to operate a manufactured home park in 1967. As part of the approval for the manufactured home park, various accessory uses were also permitted, including a golf course, utility buildings, and a community center. As the park proceeded with the construction of the various accessory uses, such as the golf course in 1988, the City processed that additional uses via a Conditional Use Permit. Therefore, the proposed community center related to the Family Means youth programs is being processed as an amendment to Cimarron Park’s existing Conditional Use Permit. It should be noted Special Use Permits have been replaced by Conditional Use Permits in current land use law or best practice.

*Deadline for Action:* May 1, 2014 (60 day time deadline per State Statute)

*Applicable Regulations:* §154.106 Conditional Use Permits

## **REQUEST DETAILS**

The City of Lake Elmo is in receipt of a proposed amendment to the Conditional Use Permit (CUP) for the Cimarron Manufactured Home Park. The CUP amendment has been submitted by Family Means, a non-profit organization that runs after-school and summer programming for youth in the Cimarron Manufactured Home Park. Family Means currently runs similar programming inside the existing clubhouse and office of Cimarron Park. However, due to a lack of space (900 square feet) within the existing facilities, the applicants have noted that they are unable to expand programming in Cimarron Park to provide a greater variety of programs and services. Due to this limitation, Family Means is proposing to construct a 4,000 square-foot youth center in the southeast corner of the existing parking lot that serves the clubhouse and office. As guided by the established procedure of adding other accessory uses to the manufactured home park in the past, the proposed use requires an amendment to Cimarron’s existing CUP.

## **BACKGROUND**

The building proposed by Family Means is intended to increase capacity for after-school and summer programming for youth within the Cimarron manufactured home park. Family Means is currently providing some programming within a 900 square-foot space in the basement of the existing clubhouse/office of Cimarron Park. However, as stated in the provided narrative, they would like to expand their capacity and programming to serve greater numbers of youth with expanded activities. The proposed youth center would allow them to accomplish these goals. The applicants first met with staff in 2012 to discuss this proposal. At the meeting, staff instructed the applicants that the review of the youth center would be processed as an amendment to their existing CUP (formerly Special Use Permit). As instructed by staff, the applicants are now moving forward with their proposal by submitting an application for an amendment to the existing CUP.

The applicant’s submission to the City includes the following components:

- *Narrative.* The attached narrative includes a general overview of the project with additional background information regarding the organization and the intended use of the structure. The structure will have a teen area and a children's area, as well as additional space for quiet study, computer stations and a commercial grade kitchen. The applicants have noted that there is adequate parking for the facility with 108 total parking spots at the end of construction. In addition, the narrative provides important details about how the structure will be served by the domestic sanitary sewer and water systems within Cimarron Park. Finally, it is noted that the project will result in an overall reduction in the amount of impervious surface.
- *Lease Agreement.* Family Means have entered into a 30-year lease agreement with Equity Lifestyle Properties, Inc., the owners of Cimarron Park, to lease the area needed for the construction of the new youth center. In addition, the lease also provides access to common areas surrounding the building, including the dedicated parking spots for the facility.
- *Plan Sets*
  - *Lease Description Sketch.* The sketch includes a description of the area to be leased for the youth center, as well as information relating to existing conditions and topography.
  - *Grading, Drainage, Erosion Control and Utility Plan w/Details.* The grading and utility plan shows the proposed grading as well as the proposed utility connections. The sanitary sewer service for the building will connect to the existing 6" service line for the clubhouse and office. The proposed water service will be connected via a 6" service line on the northern side of the structure. The plan also shows a proposed rain garden on the east side of the site to address updated conditions related to drainage and storm water runoff. It is the City's understanding that the applicant has prepared the submitted plan in coordination with the Valley Branch Watershed District. Finally, the plan includes measures to address erosion and sediment control.
  - *Landscape Plan.* The Landscape Plan includes the species and location of a variety of plantings proposed for the site. The plan includes 6 trees and multiple varieties of shrubs and perennials. Upon review of the City's landscape ordinance, Staff found the proposed landscape plan to be consistent with the City's requirements.
  - *Building Plans and Elevations.* The applicants have provided elevations from the south and west sides of the proposed youth center, as well as the out or storage building. Building plans are also provided, showing how the interior space will be utilized in the youth center.
  - *Site Plan Sketch.* The Site Plan Sketch shows consistent information that supports the other documents in the plan sets. The sketch also demonstrates how the resulting parking lot will be striped in order to accommodate adequate parking facilities. The sketch and narrative note that 108 parking stalls will result from the redesign. However, when counting the stalls on the sketch, staff counted 95 parking stalls. Staff would request that the applicant verify the final number of parking stalls in advance of the building permit being approved.

In reviewing the submitted materials, staff has determined that the applicants have provided a complete and thorough application to review the proposed amendment to Cimarron's CUP. In order to further review the proposed use, staff reviewed the application in accordance with the City's

ordinance pertaining to conditional use permits. In addition, staff did review the history of the site to better understand how to process the request.

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#### **STAFF REVIEW COMMENTS:**

In terms of the history of the manufactured home park, Cimarron Park was granted a Special Use Permit by the Town of East Oakdale in 1967 (Attachment #4). As part of this approval, various accessory uses were identified that could be constructed accessory to the manufactured home park at a later date. These accessory uses included a nine-hole golf course and a community center/office. In reviewing this application, staff has determined that the proposed youth center is an accessory use that is consistent with the original approval of the park. It should be noted that cities no longer issue special use permits, as these types of approvals have been replaced by conditional use permits (CUPs).

In reviewing the proposed amendment to the CUP, staff reviewed the request according to the required finding of the City's CUP Ordinance. The required findings include 12 findings that relate to minimizing potential impacts or nuisances associated with the proposed use. For the convenience of the Planning Commission, staff has provided the 12 required findings in Attachment #5. In reviewing the 12 required findings for granting a conditional use permit, or an amendment to that permit in this case, staff has found that the proposed use meets all of the required findings. In the judgment of staff, the proposed use is an expansion of a use that is currently occurring within the Cimarron clubhouse/office that will positively impact the community. In addition, there are no nearby land uses in close proximity that would be negatively impacted by the construction of the youth center in this location. After reviewing the required findings, staff finds that the proposed use would not conflict with the City's requirements for granting an amendment to the existing Conditional Use Permit. For these reasons, staff is recommending that the Planning Commission recommend approval of the proposed amendment to the CUP. To facilitate the review by the Planning Commission, staff can address any questions related to specific findings if needed.

The Fire Chief also reviewed the proposed youth center. The site will contain a fire hydrant in close proximity, and the structure will be sprinkled. The Fire Chief also wanted to know whether or not the facility could serve a dual purpose as an additional storm shelter in cases of extreme weather. Staff will follow up with the applicants and representatives of the manufactured home park to discuss any possibilities.

---

#### **RECOMMENDATION:**

*Staff is recommending that the Planning Commission recommend approval of the proposed amendment to the Conditional Use Permit for the Cimarron Manufactured Home Park to allow the construction of a 4,000 square-foot youth center through the following motion:*

***“Move to recommend approval of the Conditional Use Permit Amendment submitted by Family Means to allow for the construction of a 4,000 square-foot youth center at the Cimarron Manufactured Home Park”***

#### **ATTACHMENTS:**

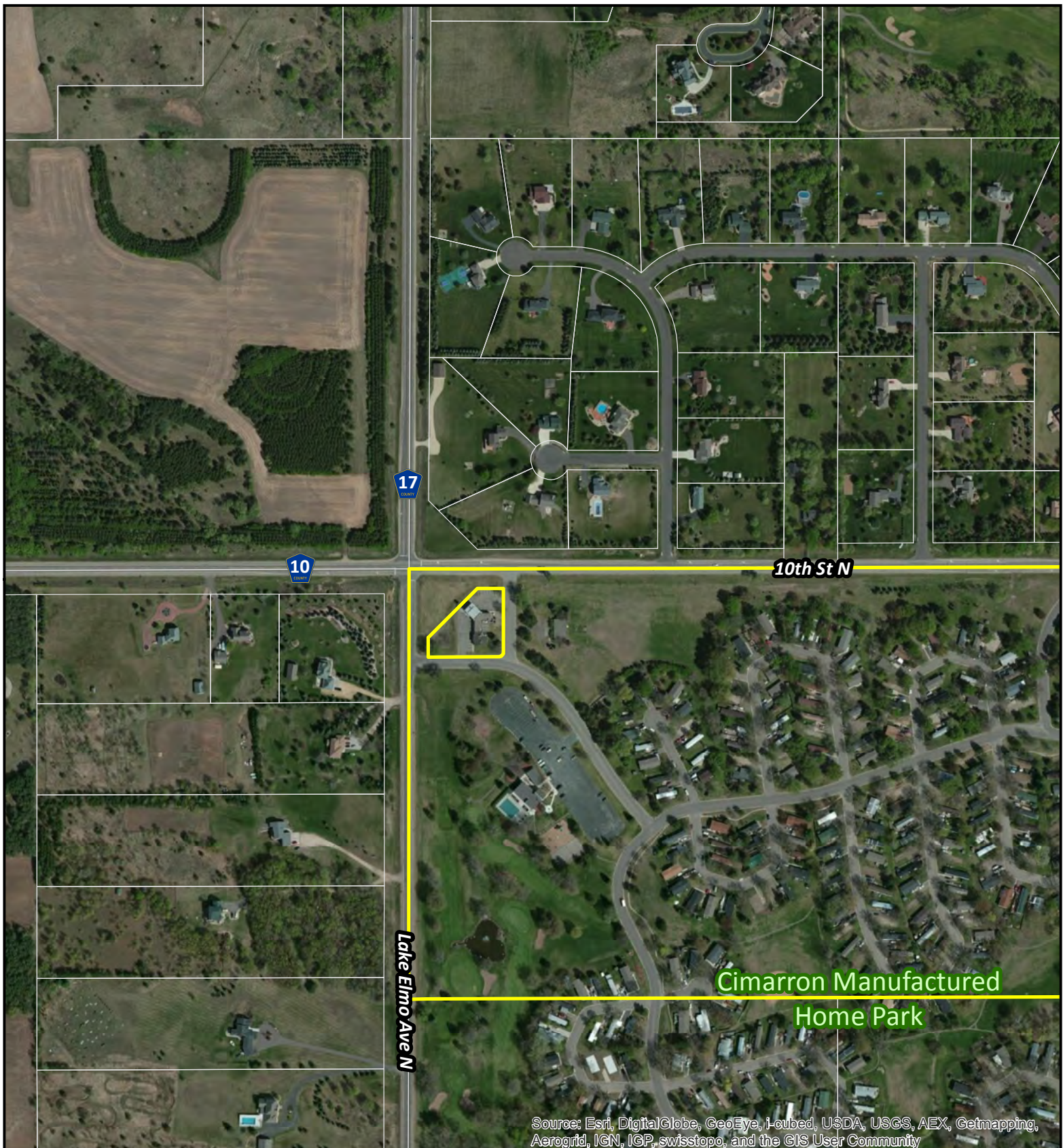
1. Location Map



- 2. Application Form & Narrative
- 3. Youth Center Plan Sets
- 4. Cimarron Park’s Approved Special Use Permit
- 5. CUP Required Findings (§154.106.A)

**ORDER OF BUSINESS:**

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



## Location Map: Family Means CUP Amendment



Data Source: Washington County, MN  
3-19-2014



Project Location  
901 Lake Elmo Ave N

0 200 400 800 Feet  
1"=400'





Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

## LAND USE APPLICATION

☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance\*(see below) ☐ Zoning Appeal

☒ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading  
**AMENDMENT**

☐ Lot Line Adjustment ☐ Minor Subdivision

Applicant: Family Means, Arba-Della Beck, President / Brian Larson, AIA, architect

Address: 1815 Northwestern Avenue, Stillwater MN 55092

Phone # owner: 651-439-4840 architect: 651-430-0056

Email Address: owner: abeck@familymeans.org  
architect: brian@larsonarchitectsllc.com

Fee Owner: Equity Life Style Properties Inc. / Cimarron Park Manager, Kate Yunke

Address: 901 Lake Elmo Ave. N. 55042

Phone # 651-436-8180

Email Address: Cimarron park - mgr@equitylifestyle.com

Property Location (Address and Complete (long) Legal Description: SEE ATTACHED DRAWING/SURVEY. LEASE  
901 Lake Elmo Ave. N. Lake Elmo 55042 DESCRIPTION SKETCH

Detailed Reason for Request: SEE ATTACHED LETTER: Conditional Use Permit  
Amendment to add a Community Building in an existing parking  
lot to accomodate after-school and summer programs for  
Cimarron children ages 6-18.

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

**REPRESENTING FAMILY MEANS - BRIAN LARSON, AIA**

Signature of applicant: [Signature] Date: MARCH 3 2014

### City Use Only

Planning: Zoning District: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Subject to the following conditions: \_\_\_\_\_

Engineering: Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Subject to the following conditions: \_\_\_\_\_

City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN MN 55042  
03/03/2014  
REVISED -03/18/14

### **Application for Conditional Use Amendment:**

**Cimarron Community Building 901 Lake Elmo Avenue North, Lake Elmo, MN 55042**

#### **Cimarron Park**

Equity LifeStyle Properties, Inc.  
Kate Yunke, Property Manager  
901 Lake Elmo Avenue North, Lake Elmo, MN 55042  
651-436-6188

#### **Owners/Lessees:**

Arba-Della Beck, President  
FamilyMeans  
1875 Northwestern Avenue  
Stillwater, MN 55082  
651-439-4840

#### **Architect:**

Brian Larson, AIA  
Larson Architects, LLC  
807 N. 4<sup>th</sup> Street  
Stillwater MN 55082  
651-430-0056

### **Project Background**

FamilyMeans is a private nonprofit social services agency founded in 1963 by Stillwater area community leaders. Their Youth Development Initiative provides on-site after-school and summer enrichment programs for Cimarron children and teens. FamilyMeans has 20 years of experience providing high quality youth programs. Local law enforcement and Equity LifeStyle Properties (ELS) management have publically credited their Cimarron program as instrumental in reducing juvenile crime within the community.

The Cimarron youth programs have outgrown their existing space, located in the basement of the Cimarron golf clubhouse and business office. This 900 square-foot space limits the number of youth who can participate, as well as the variety of programming that can be offered.

FamilyMeans and ELS have entered a 30-year lease agreement, allowing FamilyMeans to construct a new 4,000 sf one-story building and 500 sf outbuilding at the south end of the Cimarron clubhouse parking lot. The larger building will support and allow for the growth of Cimarron's youth programming. Youth currently have the opportunity to explore art, science, music, sports, cooking and computer skill-building in an open free-choice environment. Expanded summer programming offers a soccer club, bike program and entrepreneurial garden project. Activities also include field trips and community service efforts. Help with school work is available daily, and teens explore post-secondary education options.

## **Project Narrative**

As noted above, the proposed Cimarron Community Center building is located near the community entrance and existing offices and golf clubhouse. The new building and its yard occupy one end of an existing parking lot adjacent to existing playground and court areas, and are a short distance from the offices and the community pool. With its rear yard greenspace, the project reduces the overall impervious area of the site, and its location allows shared use of the existing parking lot. When striped as indicated, the remaining parking lot could provide 108 parking spaces ( including the 15 spaces needed for this new facility) . The plans have been developed in consultation and with support from the ELS/Cimarron local staff, who have concluded that this number of spaces will be more than adequate for all parking needs.

The main building is a gable-roofed, slab-on-grade wood-framed structure with porches on both sides. Adjacent to the main building is an outbuilding with a seasonal bike shop and storage areas for outdoor recreation. The two buildings form edges to an outdoor play area bounded on the remaining sides by a earth berm and the playground areas.

The main building's plan is symmetrical, with a teen area and a children's area on each side separated by a movable wall partition . Each side has its separate entrance from the parking lot/drop-off area to the north, as well as direct access to the outdoor play area to the south. In the center of the building are large activity multi-use spaces , with high (12'-0" ) ceilings. The center movable wall partition can be folded into a pocket, allowing the entire center area to be opened for special events. There are also quiet rooms to the south, facing the play yard, for study, art or small group activities. A central commercial-grade kitchen will be used for preparing food and for teaching purposes. On both the north and south sides of the building there are outdoor porches protecting entrances and providing space for small gatherings out of the elements.

The site development of the building and yard will result in removal of some existing parking , and a net gain in pervious green space. As part of the reconfiguration of parking lot stormwater systems, a raingarden/bioswale is proposed that can help infiltrate and treat stormwater runoff from site and building. Smaller nearby raised bed gardens may be constructed to support the program's gardening and produce initiative.

A new 6" PVC line sanitary sewer service for the new building will be connected to the existing 6" sanitary sewer line running from the existing clubhouse/office building to the sanitary main in the street. Most of the usage from toilets, sinks, kitchen and other wastewater will be simply transferred from the program's current use in the existing building to the new building. Any increase in usage from the new facility should easily be accommodated: according to the Chris Chvala, Cimarron Utility Director, the Cimarron wastewater treatment facility has an average flow of 72,000gal. with a capacity of 120,000 gal. The water service to the new building will via a new 4" line connected to the existing water service near an adjacent fire hydrant. Chris Chvala indicated that water pressure in this area is good, with few other sites using the existing 6" main in the street. Once a sprinkler contractor is engaged, water flow rates at the site will be verified.

## **Summary**

The primary use of the proposed new Community Building for after-school and summer programs (currently housed by the existing clubhouse) appears to conform and be compatible with uses in the immediate area. Its scale, appearance and character differentiates enough to provide its own identity, but is also compatible with the existing office/clubhouse and the surrounding residential neighborhood. No additional parking will need to be created, with the existing parking lot providing all of the spaces needed. The overall net impervious surface area will decrease as a result of this project, with the addition of green space in the rear yard.



Equity LifeStyle Properties, Inc.  
Two North Riverside Plaza, Suite 800  
Chicago, Illinois 60606  
(312) 279-1400  
(312) 279-1715 Fax

Direct Dial: (312) 279-1674  
Direct Fax: (312) 279-1675  
E-mail: walter\_jaccard@equitylifestyle.com

July 25, 2013

***By Federal Express***

Arba-Della Beck  
FamilyMeans  
1875 Northwestern Ave. S.  
Stillwater, MN 55082  
651 789 4001

Dear Arba-Della:

Enclosed is a fully signed original of the Ground Lease for Family Means' new facility at the Cimarron Village Manufactured Home Community.

Sincerely,

Walter B. Jaccard  
Vice President – Legal

Enclosure

---

## GROUND LEASE

THIS GROUND LEASE made and entered into as of the 1<sup>st</sup> day of July, 2013, by and between MHC Cimarron, L.L.C., a Delaware limited liability company (the "Lessor"), and FamilyMeans, a Minnesota nonprofit corporation (the "Lessee").

Lessor and Lessee, for and in consideration of the keeping by the parties of their respective obligations hereinafter contained agree as follows:

### ARTICLE I Leased Premises

Upon the terms and conditions hereinafter set forth, and in consideration of the payment of the rents and the performance by Lessee of the covenants and agreements, to be kept and performed by Lessee, Lessor does hereby lease, let, and demise to Lessee and Lessee hereby leases from Lessor, the premises, situate, lying, and being in Washington County, State of Minnesota, together with certain easements for the benefit of the premises, all as described on **Exhibit "A"** attached hereto, and all other rights, privileges, easements and appurtenances belonging to or in any way pertaining to said premises including, but not limited to, the right to use in common with others the "Common Area", as defined and described on **Exhibit "B"** attached hereto (all of the foregoing being hereinafter collectively referred to as the "Leased Premises").

LESSEE HEREBY ACCEPTS THE LEASED PREMISES IN ITS "AS IS" CONDITION, SUBJECT TO THE EXISTING STATE OF TITLE (WITHOUT EXPRESS OR IMPLIED WARRANTY OF LESSOR WITH RESPECT TO THE CONDITION, QUALITY, REPAIR OR FITNESS OF THE PREMISES FOR A PARTICULAR USE OR TITLE THERETO, ALL SUCH WARRANTIES BEING HEREBY DISCLAIMED BY LESSOR AND WAIVED AND RENOUNCED BY LESSEE).

**SIGNATURE PAGE FOR GROUND LEASE**

IN WITNESS WHEREOF, Lessor and Lessee have hereunto set their hands and seals, the day and year above written.

**LESSOR:**

**MHC Cimarron, L.L.C.,  
a Delaware limited liability company**

By: *Ronald C. Bunce*  
Its: RONALD C. Bunce, Sr. Vice President

STATE OF Arizona )  
COUNTY OF Maricopa ) ss.

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of July, 2013, by Ronald C. Bunce, the Senior Vice President of MHC Cimarron, L.L.C., a Delaware limited liability company, on behalf of said company.



*Susan Mary Subia*  
Notary Public

**LESSEE:**

**FamilyMeans, a Minnesota non-profit corporation**

By: *Jennifer L. Gillespie*  
Its: Board Chair

STATE OF MINNESOTA )  
COUNTY OF Washington ) ss.

The foregoing instrument was acknowledged before me this 3 day of July, 2013, by Jennifer Gillespie, the Board Chair of FamilyMeans, a Minnesota non-profit corporation, on behalf of said corporation.



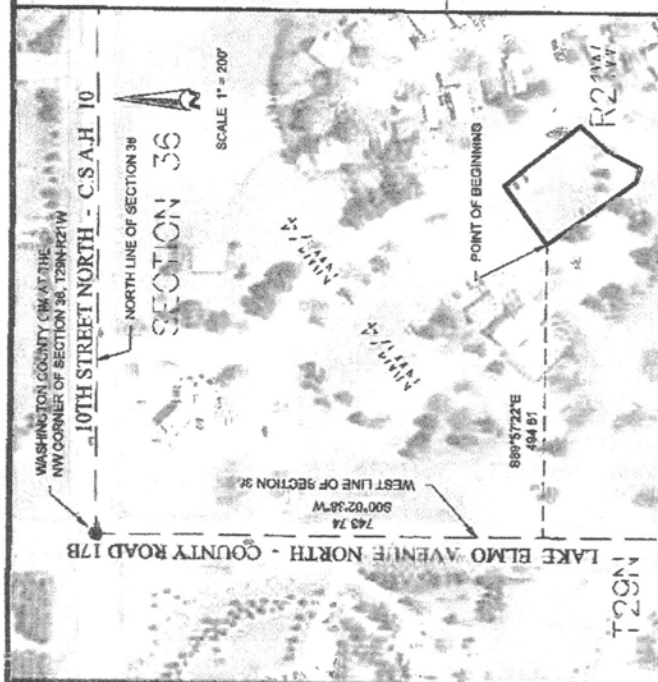
*Elizabeth Johnson*  
Notary Public



**EXHIBIT "A"**

**Leased Premises/Permitted Exceptions**

Legal Description and Graphic Depiction of Leased Premises



**PROPOSED LEASE PARCEL DESCRIPTION**

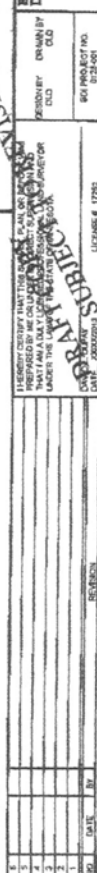
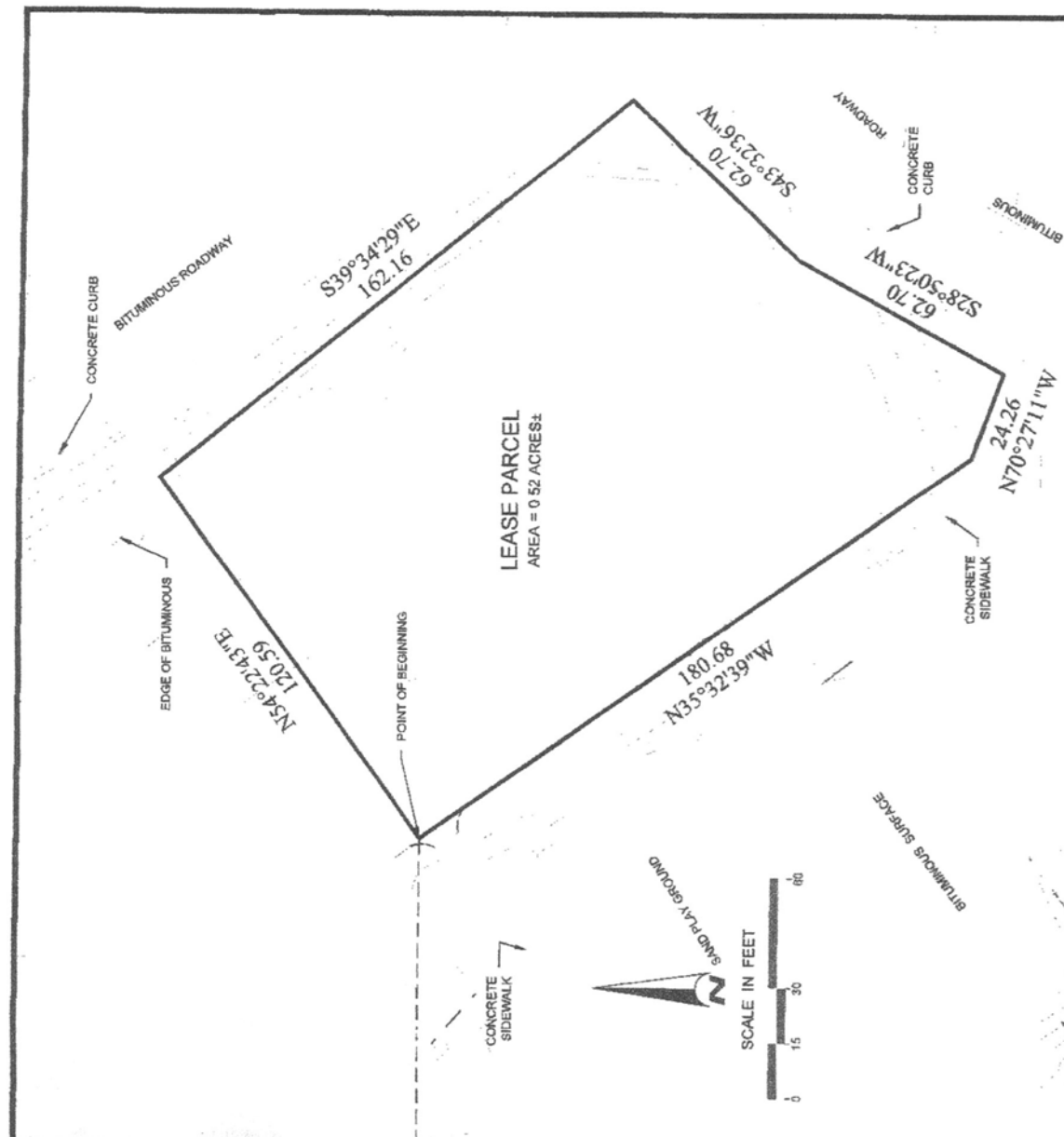
That part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota described as follows:

Commencing at the northwest corner a said Section 36, thence South 00 degrees 02 minutes 38 seconds West, bearing oriented to the Washington County Coordinate System, NAD83, 1986 adjustment, along the west line of said Section 36 a distance of 743.74 feet; thence South 89 degrees 57 minutes 22 seconds East 494.61 feet to the point of beginning; thence North 54 degrees 22 minutes 43 seconds East 170.59 feet; thence South 39 degrees 34 minutes 29 seconds East 162.16 feet; thence South 43 degrees 32 minutes 36 seconds West 62.70 feet; thence South 28 degrees 50 minutes 23 seconds West 62.70 feet; thence North 70 degrees 27 minutes 11 seconds West 24.26 feet; thence North 35 degrees 32 minutes 39 seconds West 180.68 feet to the point of beginning, containing 0.52 acres, more or less.

TOPOGRAPHY SHOWN HEREON IS BASED ON FIELD SURVEY PERFORMED IN JUNE OF 2011 BY BEARTOOTH DESIGN, INC.

ORIENTATION OF THIS BEARING SYSTEM IS THE WASHINGTON COUNTY  
COORDINATE SYSTEM, NAD83, 1986 ADJUSTMENT.

AERIAL PHOTOGRAPHY IS FROM A FLIGHT BY THE NATIONAL GEODETIC ASSOCIATION AND OBTAINED FROM THE MINNESOTA NORTH STAR MAPPING WEB SITE.



**THE FLOODING**  
2315 PEBBLE AVE. NORTH  
ST. LOUIS, MO 63104

**FAMILYMEANS**  
175 NORTHWESTERN AVENUE  
STILLWATER, MN 55062

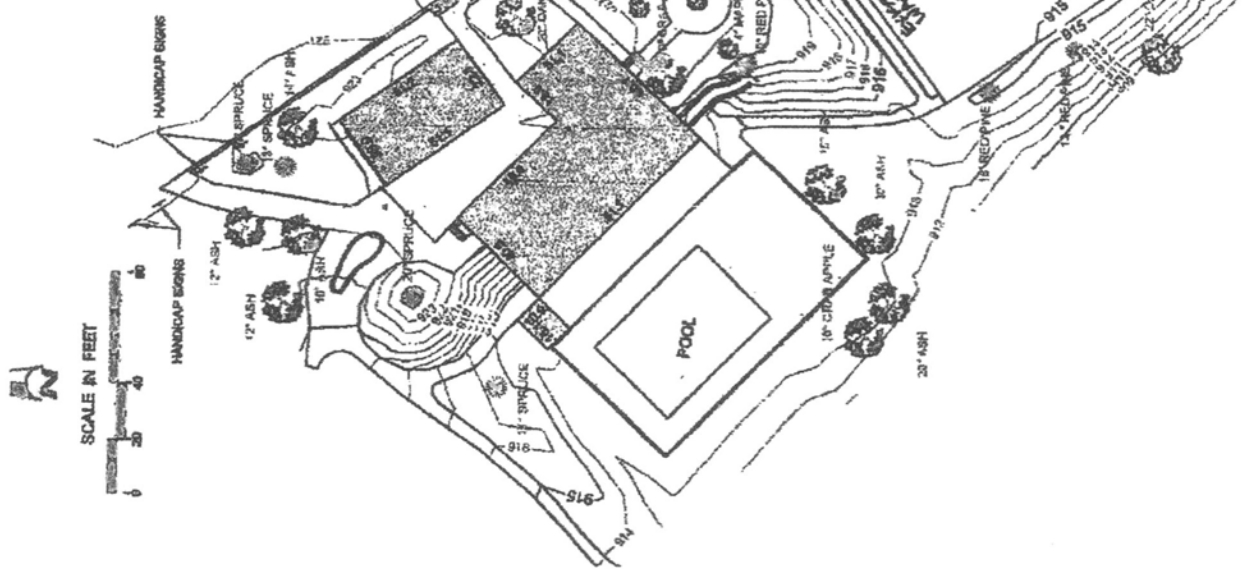
CIMARRON SITE  
LAKE ELMO, MN 55042

LEASE DESCRIPTION  
SKETCH

**EXHIBIT "B"**

**Common Area**

# Exhibit B Common Area



SCALE IN FEET



Common Area  
and  
APPROXIMATE  
CONSTRUCTION  
LIMITS

LEASED  
PROPERTY

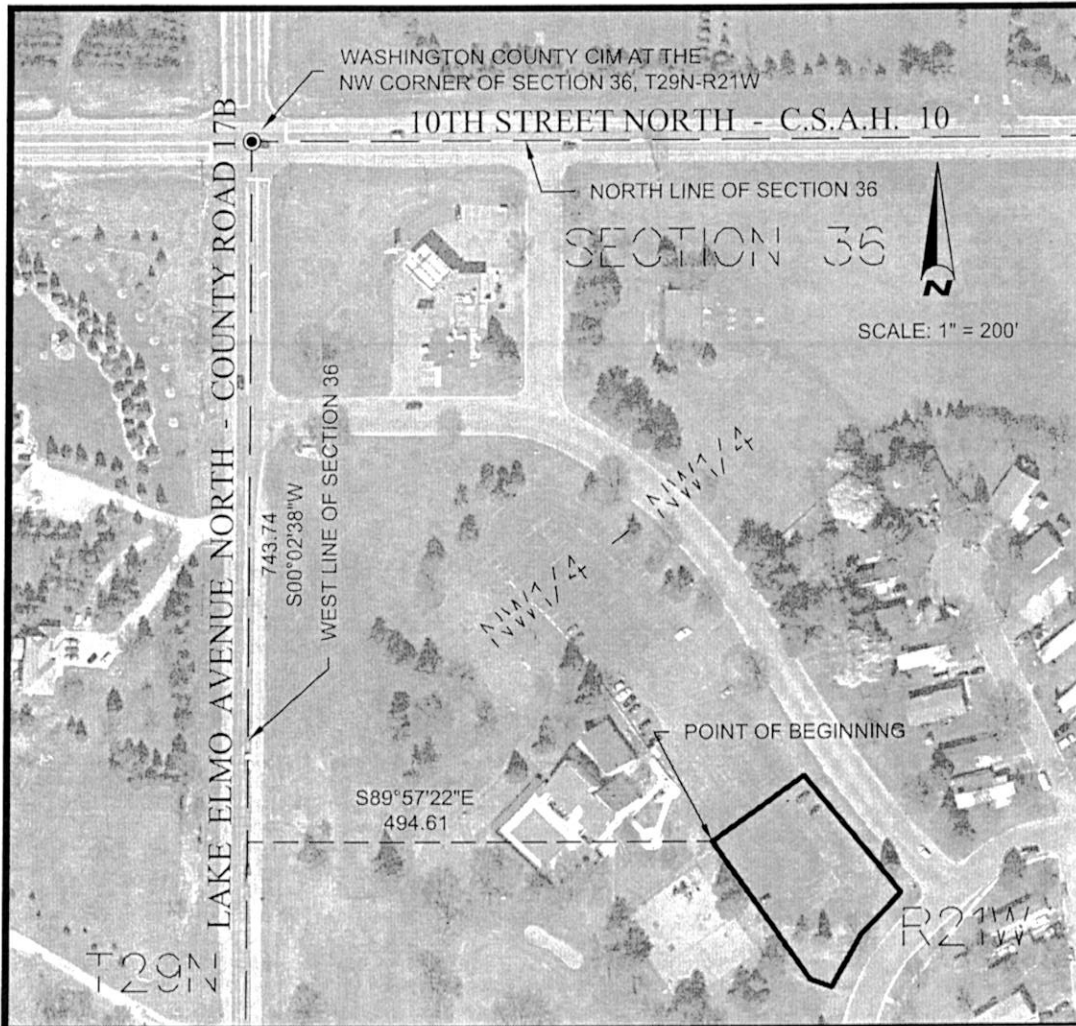
EXISTING  
CIMARRON SITE PLAN.

08-14-13 - LARSON ARCHITECTS

Plan North



1:40



PROPOSED LEASE PARCEL DESCRIPTION

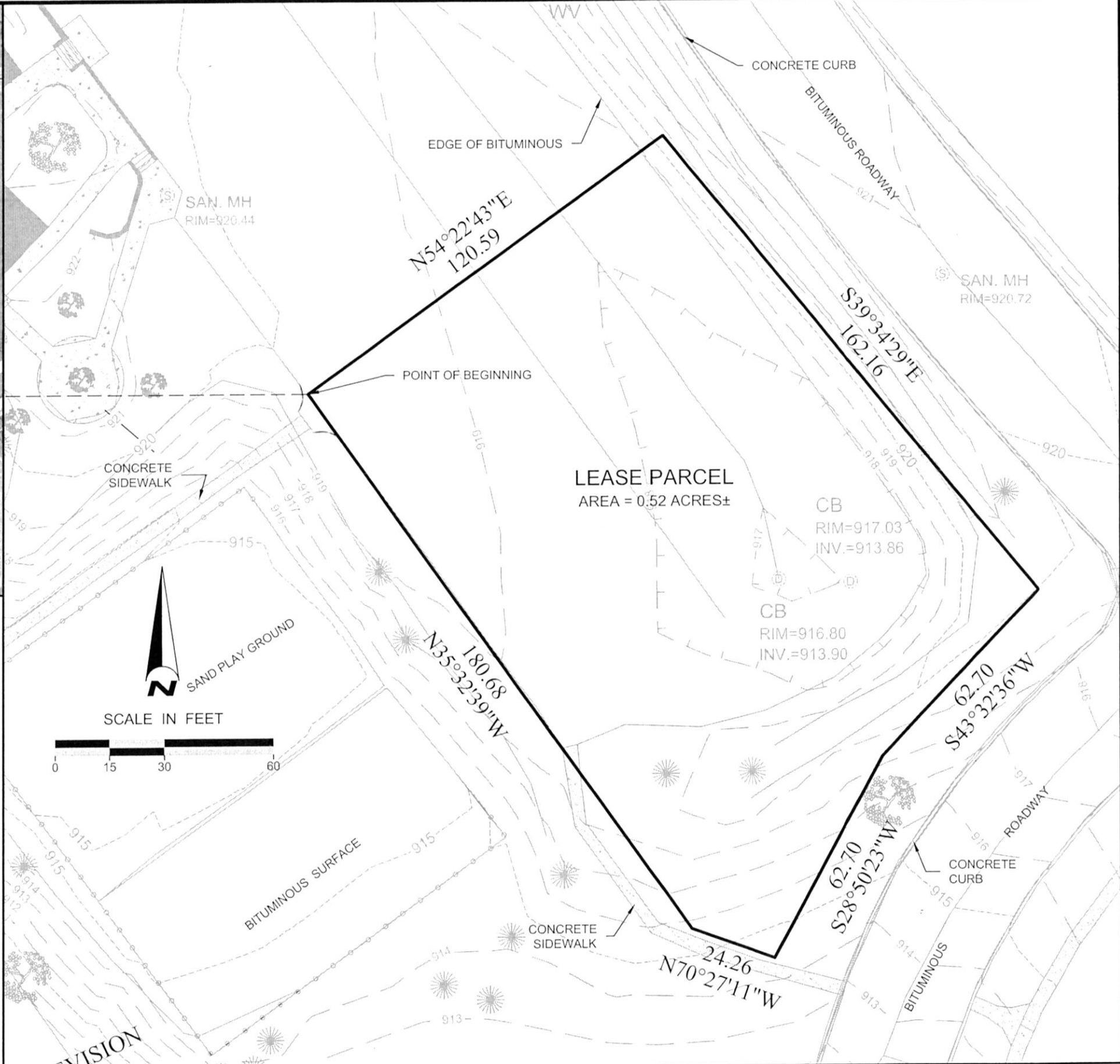
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Commencing at the northwest corner a said Section 36; thence South 00 degrees 02 minutes 38 seconds West, bearing oriented to the Washington County Coordinate System, NAD83, 1986 adjustment, along the west line of said Section 36 a distance of 743.74 feet; thence South 89 degrees 57 minutes 22 seconds East 494.61 feet to the point of beginning; thence North 54 degrees 22 minutes 43 seconds East 120.59 feet; thence South 39 degrees 34 mintues 29 seconds East 162.16 feet; thence South 43 degrees 32 minutes 36 seconds West 62.70 feet; thence South 28 degrees 50 minutes 23 seconds West 62.70 feet; thence North 70 degrees 27 minutes 11 seconds West 24.26 feet; thence North 35 degrees 32 mintes 39 seconds West 180.68 feet to the point of beginning, containing 0.52 acres, more or less.

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6			
5			
4			
3			
2			
1			
NO	DATE	BY	REVISION

I HEREBY CERTIFY THAT THIS SURVEY PLAN, OR REPORT, WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 04/12/2013  
DATE: XXXXX/2013  
LICENSE # 17252

DESIGN BY  
DLD  
DRAWN BY  
DLD

BDI PROJECT NO.  
0123-001

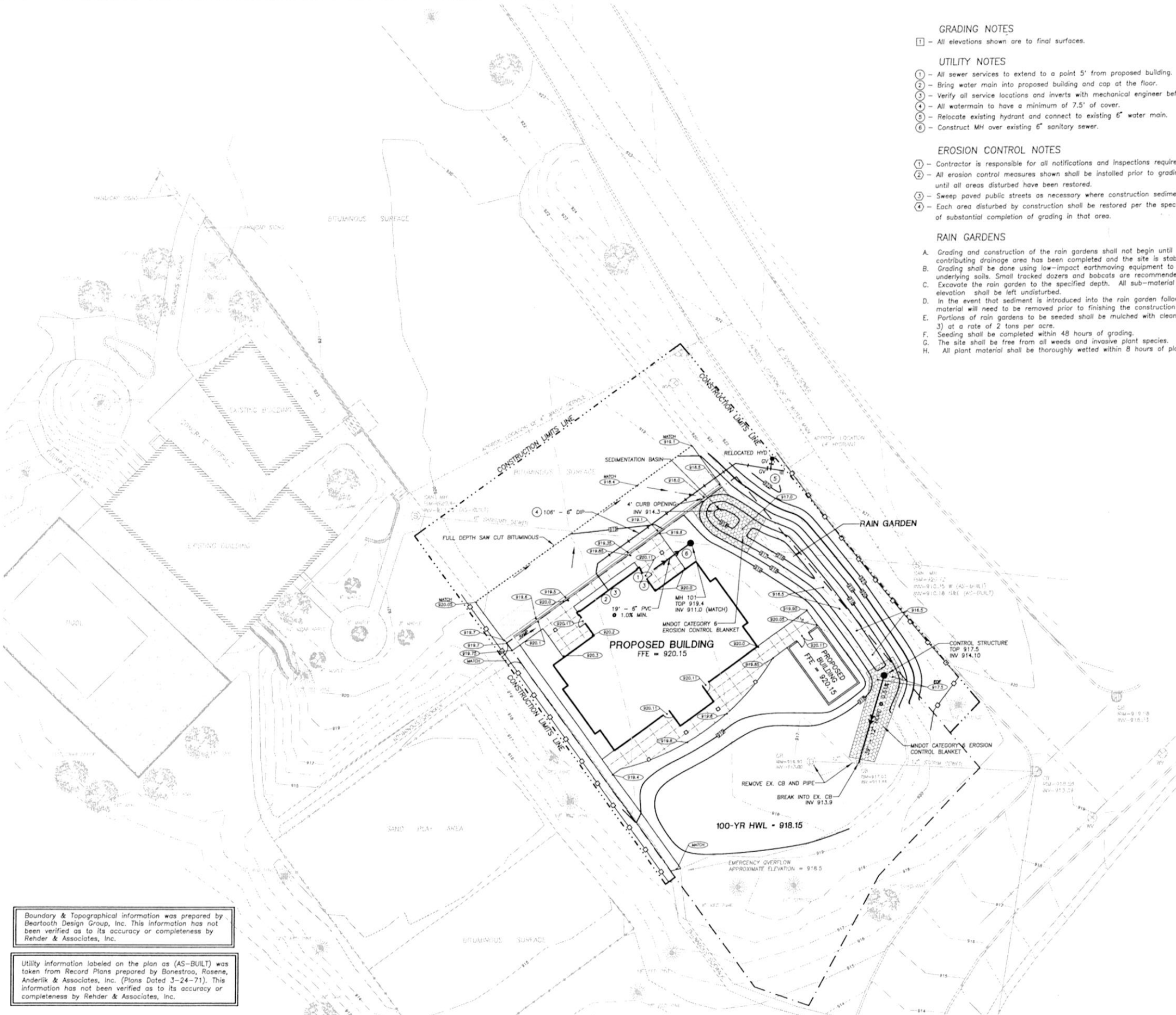
BEARTOOTH  
DESIGN, INC.  
2315 PERIWINKLE AVENUE NORTH  
STILLWATER, MN 55082-1634  
(855) 438-1781 dave@beartoothdesign.com

FAMILYMEANS  
1875 NORTHWESTERN AVENUE  
STILLWATER, MN 55082

CIMARRON SITE  
LAKE ELMO, MN 55042

LEASE DESCRIPTION  
SKETCH  
SHEET 01 OF 01 SHEETS





#### GRADING NOTES

- 1 - All elevations shown are to final surfaces.

#### UTILITY NOTES

- 1 - All sewer services to extend to a point 5' from proposed building.
- 2 - Bring water main into proposed building and cap at the floor.
- 3 - Verify all service locations and inverts with mechanical engineer before construction.
- 4 - All watermain to have a minimum of 7.5' of cover.
- 5 - Relocate existing hydrant and connect to existing 6" water main.
- 6 - Construct MH over existing 6" sanitary sewer.

#### EROSION CONTROL NOTES

- 1 - Contractor is responsible for all notifications and inspections required by the Watershed or City.
- 2 - All erosion control measures shown shall be installed prior to grading operations and maintained until all areas disturbed have been restored.
- 3 - Sweep paved public streets as necessary where construction sediment has been deposited.
- 4 - Each area disturbed by construction shall be restored per the specifications within two weeks of substantial completion of grading in that area.

#### RAIN GARDENS

- A. Grading and construction of the rain gardens shall not begin until all construction in the contributing drainage area has been completed and the site is stabilized.
- B. Grading shall be done using low-impact earthmoving equipment to prevent compaction of underlying soils. Small tracked dozers and bobcats are recommended.
- C. Excavate the rain garden to the specified depth. All sub-material below the specified elevation shall be left undisturbed.
- D. In the event that sediment is introduced into the rain garden following excavation, this material will need to be removed prior to finishing the construction process.
- E. Portions of rain gardens to be seeded shall be mulched with clean grain straw (MnDOT Type 3) at a rate of 2 tons per acre.
- F. Seeding shall be completed within 48 hours of grading.
- G. The site shall be free from all weeds and invasive plant species.
- H. All plant material shall be thoroughly wetted within 8 hours of planting.

PROGRESS PRINT  
2-26-14

#### LEGEND

- PROPOSED MANHOLE
- PROPOSED GATE VALVE
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATERMAIN
- PROPOSED CONCRETE
- PROPOSED STD. DUTY BITUMINOUS
- PROPOSED CONTOUR
- PROPOSED ELEVATION
- SILT FENCE
- CONSTRUCTION LIMITS
- BOUNDARY/ROW/BLOCK LINE
- DRAINAGE ARROW
- EXISTING CONTOUR
- x 995.50 EXISTING ELEVATION

N

0 10 20 40 60  
Scale in Feet

## LARSON ARCHITECTS

807 FOURTH STREET  
STILLWATER, MINNESOTA  
55062

Telephone:  
651-430-0056

lars@larsenarchitects.com

#### Consultants

#### Rehder & Associates, Inc.

Civil Engineers, Planners and Land Surveyors  
5560 Federal Drive, Suite 110  
Eagan, Minnesota 55122  
Phone: 651-450-5051  
Fax: 651-450-4797  
email: info@rehder.com  
PROJECT NO.: 141-2720.010  
DRAWING FILE: 2720010.DWG

Revisions		
No.	Date	Description

Date: 1-29-2014

Project No:

Drawn By: NPA

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

Signed:

License # 16525

## Cimarron Community Center

901 Lake Elmo Ave. N.  
Lake Elmo, MN 55042

#### GRADING, DRAINAGE, EROSION CONTROL & UTILITY PLAN

Sheet Title

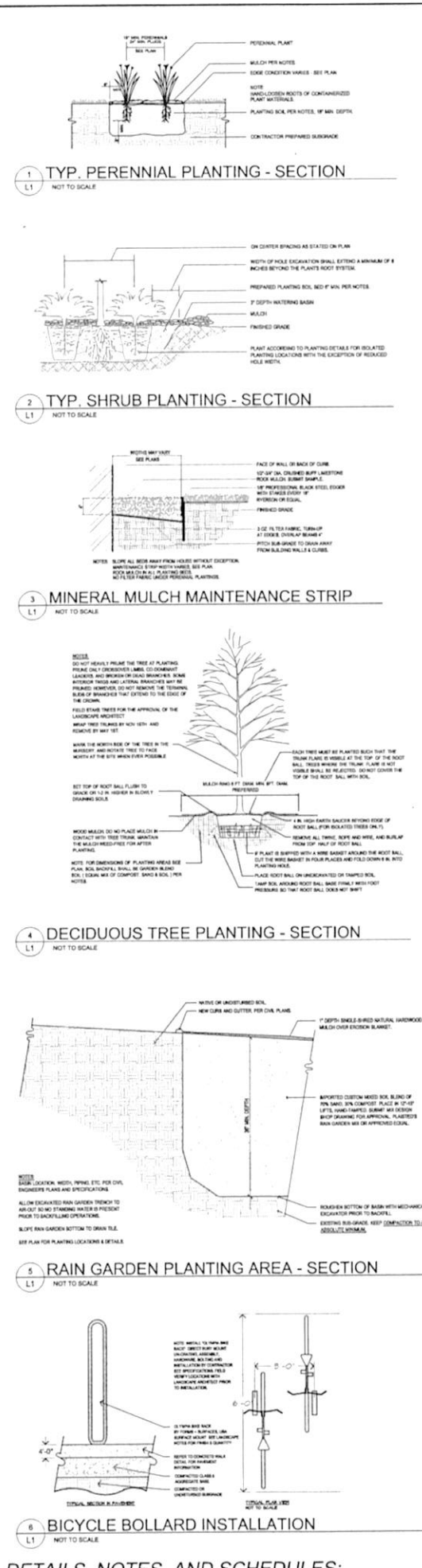
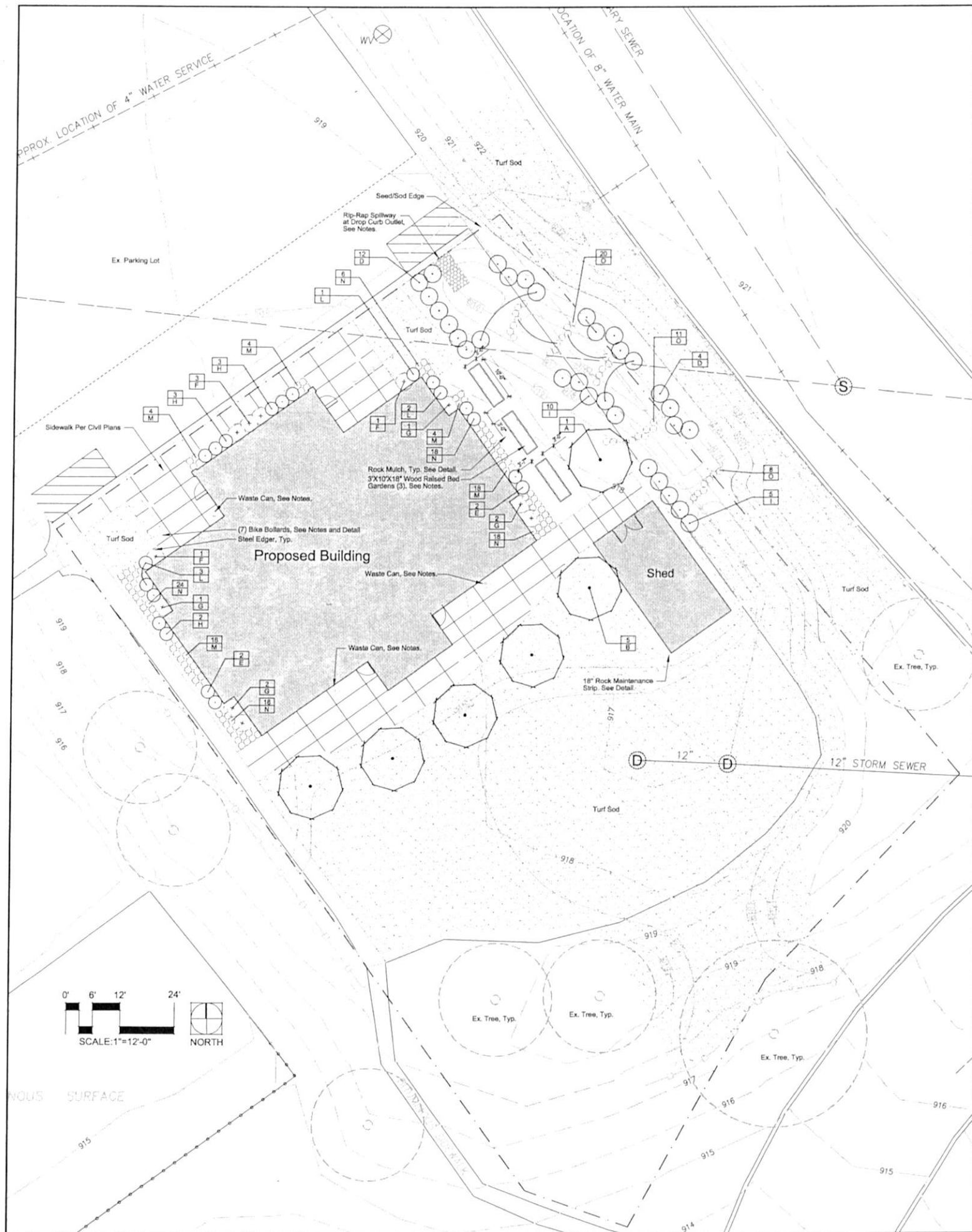
C1

Printed:  
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Boundary & Topographical information was prepared by Beartooth Design Group, Inc. This information has not been verified as to its accuracy or completeness by Rehder & Associates, Inc.

Utility information labeled on the plan as (AS-BUILT) was taken from Record Plans prepared by Bonestroo, Rosene, Anderlik & Associates, Inc. (Plans Dated 3-24-71). This information has not been verified as to its accuracy or completeness by Rehder & Associates, Inc.





Planting Palette:					
TREES:					
Qty	Key	Scientific Name	Common Name	Size	Root
1	A	Syringa reticulata	Japanese Tree Lilac	6' Hgt.	B&B
5	B	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	6' Hgt.	B&B
SHRUBS:					
Qty	Key	Scientific Name	Common Name	Size	Root
16	D	Cornus alba 'Sibirica' 'Red Gnome'	Red Gnome Dogwood	#2	POT
4	E	Diervilla lonicera	Dwarf Bush Honeysuckle	#2	POT
5	F	Taxus x media 'Dark Green'	Dark Green Yew (Spreading)	#5	POT
6	G	Juniperus chinensis 'Old Gold'	Old Gold Juniper	#5	POT
8	H	Spiraea japonica 'Neon Flash'	Neon Flash Spirea	#2	POT
15	I	Salix purpurea 'Nana'	Dwarf Blue Arctic Willow	#2	POT
PERENNIALS:					
Qty	Key	Scientific Name	Common Name	Size	Root
6	L	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	#1	POT
48	M	Echinacea purpurea 'Tomato Soup'	Tomato Soup Coneflower	#1	POT
84	N	Hemerocallis 'Pumpkin Festival'	Pumpkin Festival Daylily	#1	POT
39	O	Iris sibirica 'Sky Wings'	Sky Wings Siberian Iris	#1	POT

**Landscape Plan Notes:**

- Tree saucer mulch to be four inches (4") depth natural single-shred hardwood mulch for trees outside of a plant bed. Install per tree planting detail.
- By submitting a bid, the contractor attests that they personally walked the site and understand the existing conditions as they relate to the new improvements shown. No change orders will be considered for claims of unknown existing conditions or similar, above grade.
- All plant material shall comply with the latest edition of the American Standard for Nursery, American Association of Nurserymen. Unless noted otherwise, deciduous shrubs shall have at least 5 canes at the specified shrub height. Plant material shall be delivered as specified.
- Plan takes precedence over plant schedule if discrepancies in quantities exist.
- All proposed plants shall be located and staked as shown.
- Adjustment in location of proposed plant material may be needed in field. Should an adjustment be required, the client will provide field approval. Significant changes may require city review and approval.
- The project landscape contractor shall be held responsible for watering and properly handling all plant materials brought on the site both before and after installation. Schedule plant deliveries to coincide with expected installation time within 36 hours.
- All plant materials shall be fertilized upon installation as specified.
- The landscape contractor shall provide the owner with a watering schedule appropriate to the project site conditions and to plant material growth requirements.
- If the landscape contractor is concerned or perceives any deficiencies in the plant selections, soil conditions, drainage or any other site condition that might negatively affect plant establishment, survival or guarantee, they must bring these deficiencies to the attention of the landscape architect & client prior to bid submission.
- Contractor shall establish to his/her satisfaction that soil and compaction conditions are adequate to allow for proper drainage at and around the building site.
- Contractor is responsible for ongoing maintenance of all newly installed material until time of owner acceptance. Any act of vandalism or damage which may occur prior to owner acceptance shall be the responsibility of the contractor. Contractor shall provide the owner with a maintenance program including, but not limited to, pruning, fertilization and disease/pest control.
- The contractor shall guarantee newly planted material through one calendar year from the date of written owner acceptance. Plants that exhibit more than 10% die-back damage shall be replaced at no additional cost to the owner. The contractor shall also provide adequate tree wrap and deer/damage protection measures for the plantings during the warranty period.
- This layout plan constitutes our understanding of the existing conditions. Contractor shall inspect the site prior to bid submission and verify existing conditions to their own satisfaction. Submission of a bid constitutes acceptance of existing conditions.
- The landscape contractor shall be responsible for obtaining any permits and coordinating inspections as required throughout the work process.
- Plant size & species substitutions must be approved in writing prior to acceptance in the field.
- The landscape contractor shall include an irrigation system as a bid-alternate for the new improvements shown. Use Hunter Industries or equal. Bid to include internal house connection from the main building water line beyond the meter, atmospheric vacuum breaker, backflow device, time clock, main line, lateral lines, valves, heads, drip tubing, etc. Include the cost of plumbing and electrical in bid. All irrigation-related work to comply with Minnesota Uniform Building Code and City of Lake Elmo Plumbing Code permitting and regulations. Test irrigation system prior to plant installation. Include (1) fall shut-down and (1) spring start-up service in bid.
- All edge shall be professional grade black steel edger, 1/8" thick, Ryerson or Equal. Anchor every 18" on-center (minimum). Submit sample.
- Landscape Contractor is responsible for coordination with the Owner to protect the new and existing improvements on and off-site during landscape work activities. Report any damage to the Owner immediately.
- Unless otherwise noted/indicated, plant beds shall receive 2" depth buff limestone mulch (50" to 75" dia) without weed mat. Do not use weed mat under perennials or annuals. Submit mulch sample for Owner approval.
- Protect existing conditions to remain and report any damage outside the construction limits to the general contractor immediately.
- All sod areas shall be prepared prior to planting with a hand rake to provide a firm planting bed free of stones, sticks, construction debris, etc. Any alternate seed mixtures, rates, & application method noted shall be submitted to the landscape architect for approval. Sod areas outside plant bed limits disturbed by work within the scope of this project phase.
- Remove all demolition materials from the site the same day removal occurs. Stockpiling is not allowed.
- The Landscape Contractor shall furnish samples of all landscape materials for approval prior to installation.
- The Landscape Contractor shall be responsible for coordinating site staging location with Owner to minimize impact on driveway access.
- The general contractor shall be responsible for procurement of site furnishings, storage, on-cresting, assembly, & installation. Furnishings noted as surface-mount shall have a quick-bolt anchor concealed with an escutcheon plate or bolt painted to match furnishing color. Use stainless steel hardware and tamper-proof bolts.
- Rip-rap stone for rain garden inlet storm water dispersion shall be field stone (MnDOT Type III or better), 4"-6" diameter, hand-placed over filter fabric erosion control mat to a depth of 8" (min.) Slope edges of filter fabric every 18" and ensure all fabric is covered by rip-rap material. Hand-stage a V-ripple down the middle of the rip-rap bed. Refer to Civil Engineer's plans for grading and storm water piping. Match width at curb outlet opening.
- Site Furnishings shall consist of the following products & quantities:

Product	Manufacturer	Quantity	Model	Comment	Mounting	Color
Drainage Waste Can	Forma+Surfaces	04	SLDIS-220-1G	Including Liner	Surface	Black
Bike Bollard	Forma+Surfaces	07	OL1MFA	Random Finish	Surface	Black

Contact Mike Koniczky, Forma+Surfaces Product Rep. at (651) 402-1432, for material quotation.
- The Landscape Contractor shall furnish samples of all landscape materials for approval prior to installation.
- Native Seed Area:**

Mixed Height Mesic Grass Mix (Rain Garden Area)	Rate: 40 lbs. per acre
Mixed Height Mesic Wildflower (Forb) Mix	Rate: 10lbs. per acre

Application: Drill into compacted seed bed then install EC blanket per Note #33 below. Vendor: Prairie Restorations, Inc. or Equal.
- Install Curlex NetFree Erosion Control Straw Blanket with Bio-degradable Corn Starch Staples after seeding is completed per note #32. Apply 1" depth of natural double-shred hardwood mulch chips over blanket. Prairie seeding contractor shall provide the Owner with a proposal for (2) additional years of prairie maintenance. In addition to the (1) year warranty, it shall be the Owner's option to continue maintenance of the native prairie areas. Maintain under warranty per MnDOT Seeding Manual, 2007 edition.
- Landscape contractor to furnish and install (3) raised bed planters for gardening. Construct out of clear 2X12 cedar planks, reinforce with cedar 2X4's at inside corners. Use epoxy screws and pre-drill all holes. Fasteners are to be flush with wood surface. Finished above-grade dimensions: 3'-0" Wide, 12'-0" Long, 18" Tall. Install 4oz. filter fabric on sub-grade, then add 2" washed pea rock, then another layer of filter fabric, then 16" imported planting soil.

Consultant:

cdg

**Calyx Design Group, llc**  
Landscape Architecture  
Sustainable Design  
Master Planning

1583 Berkeley Avenue  
St. Paul, MN 55105

telephone: 651.334.5498  
internet: [www.calyxdesigngroup.com](http://www.calyxdesigngroup.com)  
e-mail: [info@calyxdesigngroup.com](mailto:info@calyxdesigngroup.com)

Project:

Cimarron  
Community  
Center

at

901 Lake Elmo  
Avenue North

LAKE ELMO, MN

Certification:  
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.  
Print Name: Benjamin D. Hartberg, A.S.L.A.  
Signature: \_\_\_\_\_  
Date: X/XX/XX MN License # 48084

SCALE: AS NOTED  
DATE: 2/16/2014  
REVISIONS:  
2/17/2014 OWNER REVIEW

LANDSCAPE  
PLAN

L1



# PLAN

Cimarron Community Center

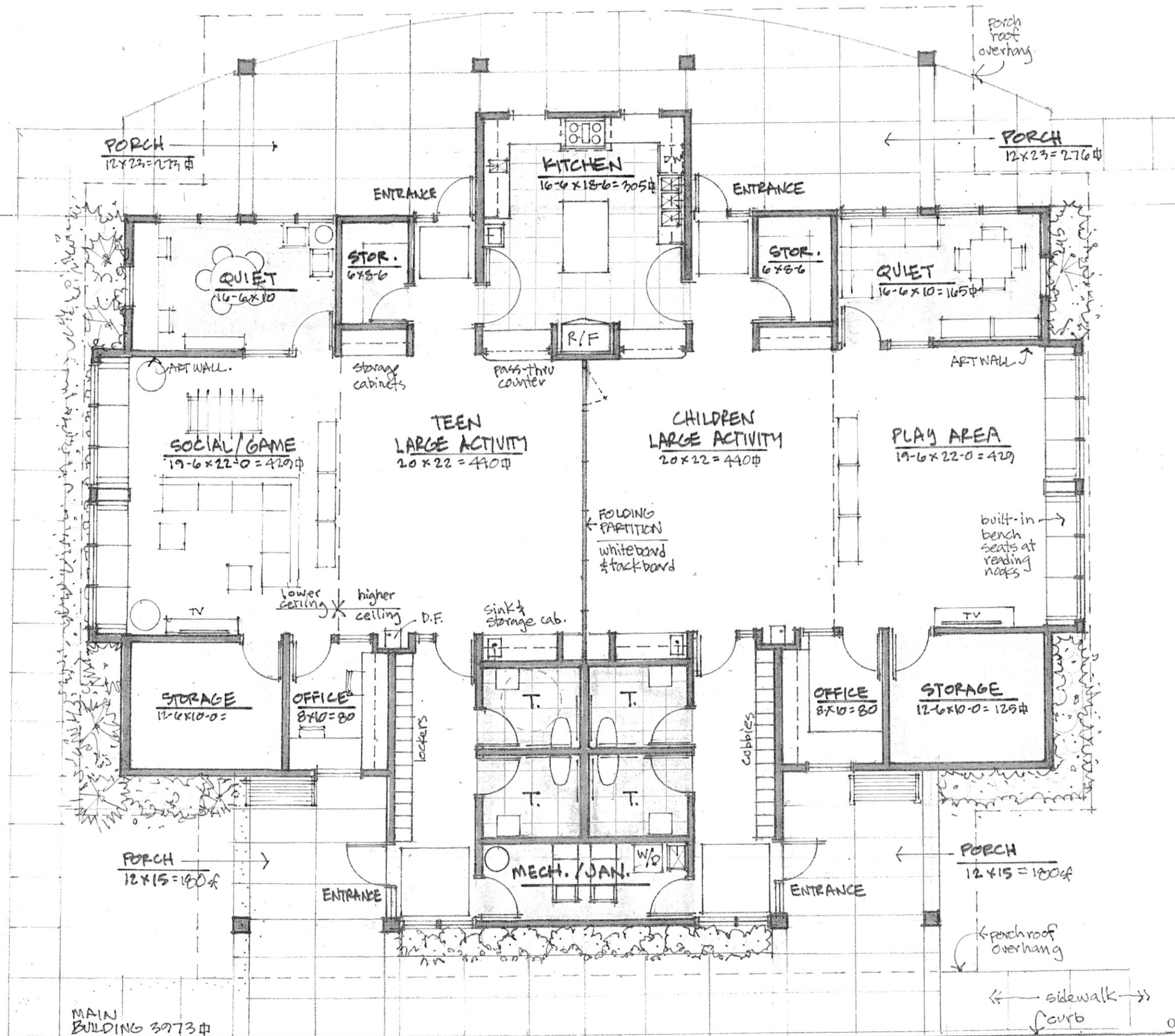
MAIN BUILDING 3973 sq ft

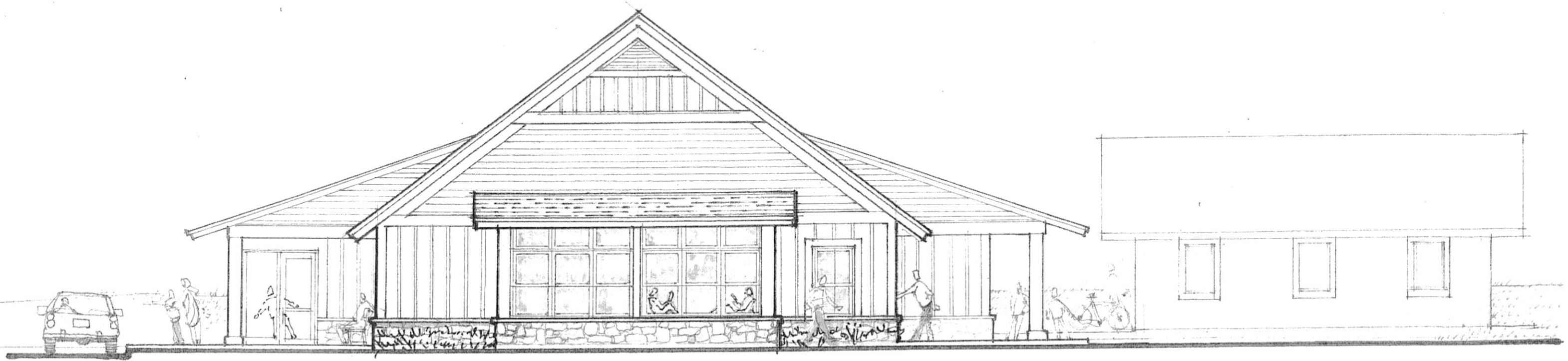
Larson Architects LLC 807 North Fourth Street Stillwater Minnesota 55082 651.430.0056

October 7, 2013

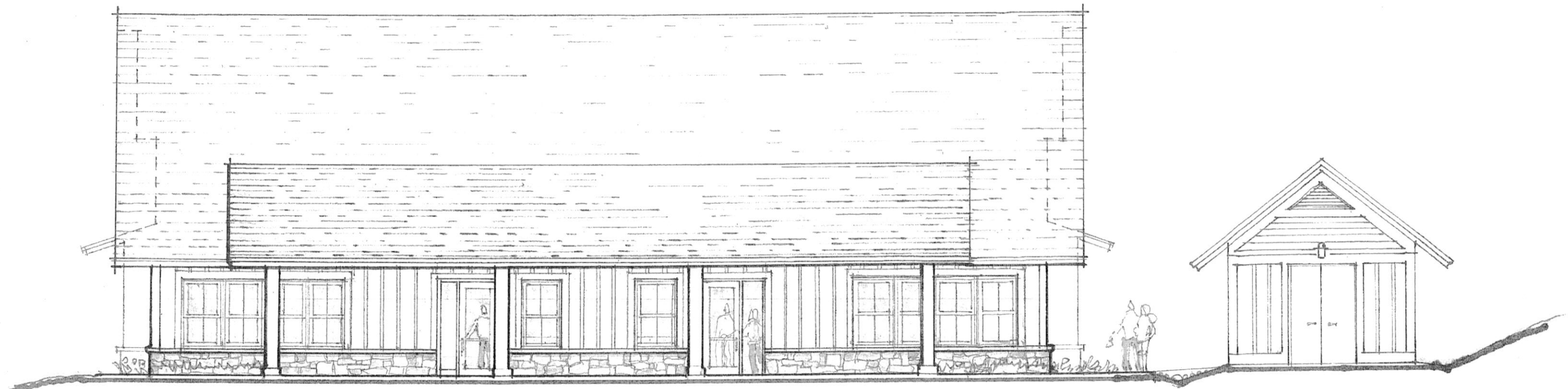
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2





WEST ELEVATION 1/8"



SOUTH ELEVATION 1/8"

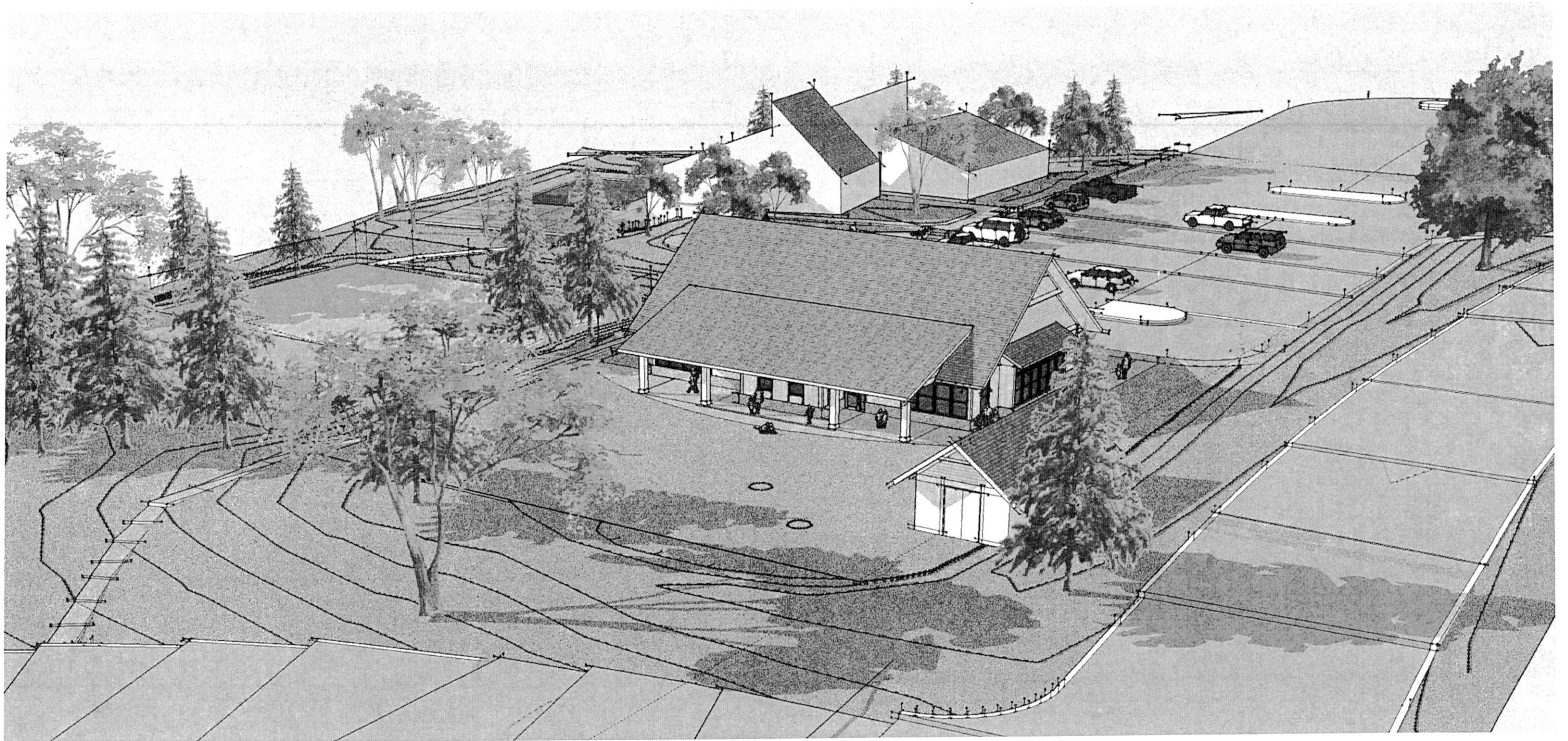
## ELEVATIONS

Cimarron Community Center

Larson Architects LLC 807 North Fourth Street Stillwater Minnesota 55082 651.430.0056

October 7, 2013





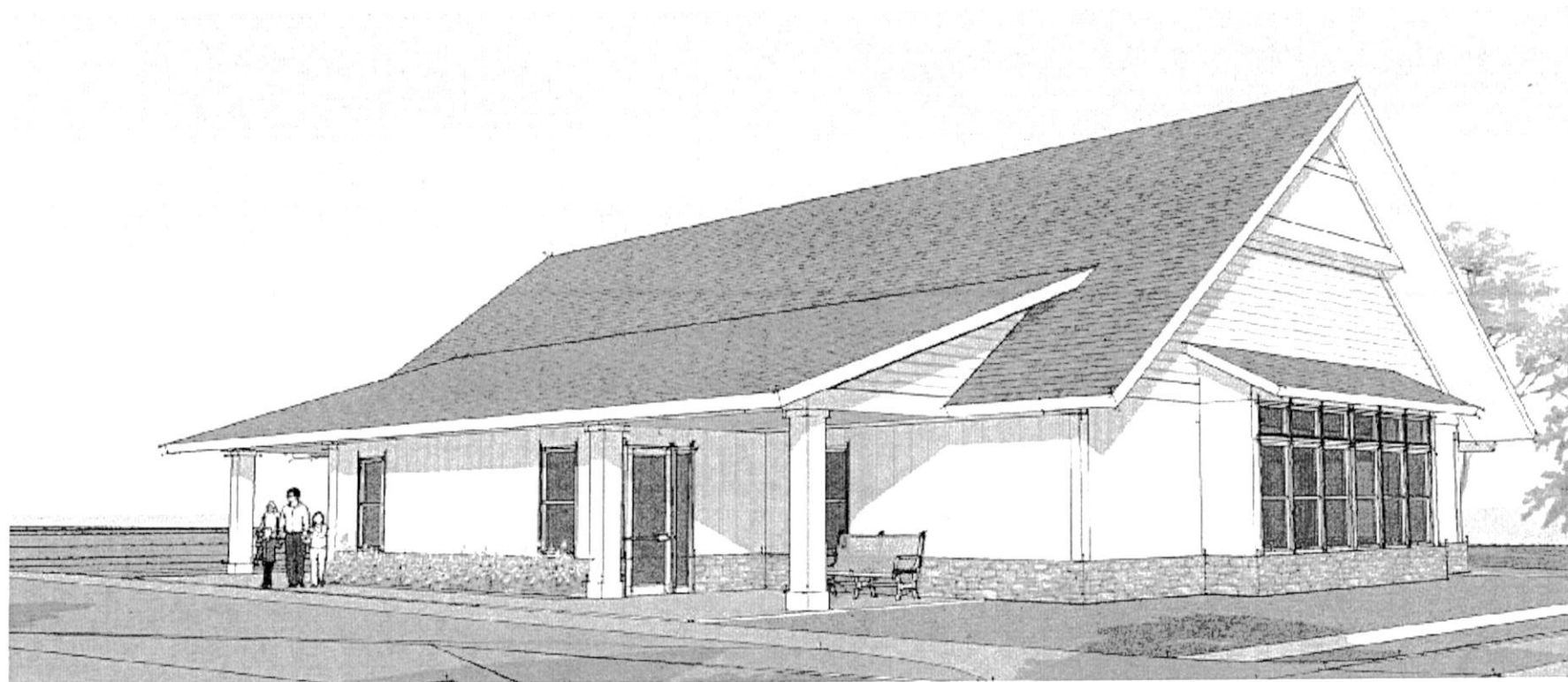
Aerial View from the Southeast

## BUILDING IMAGES

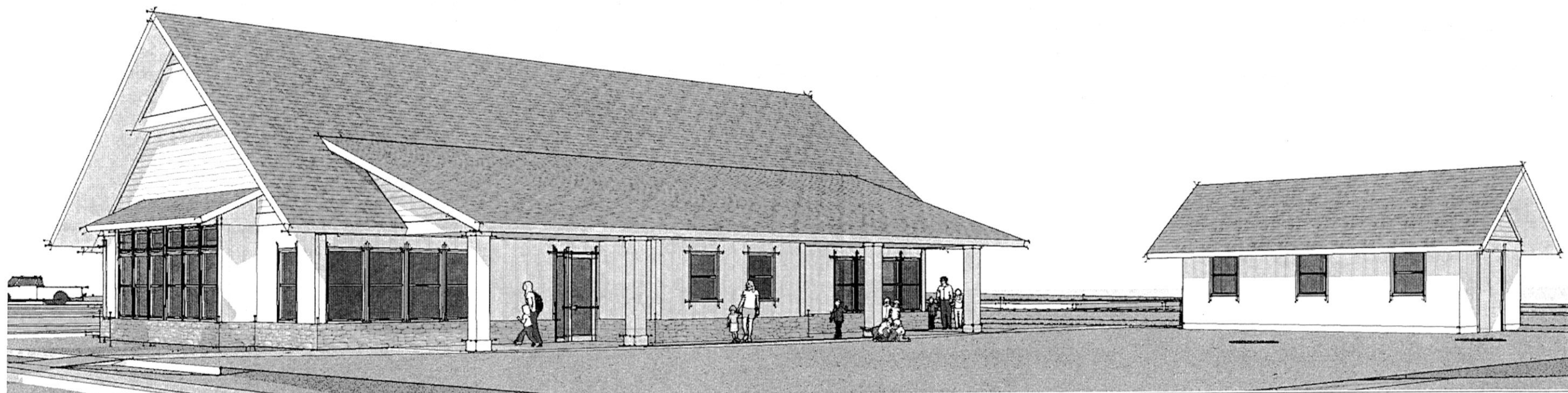
Cimarron Community Center

October 7, 2013

Larson Architects LLC 807 North Fourth Street Stillwater Minnesota 55082 651.430.0056



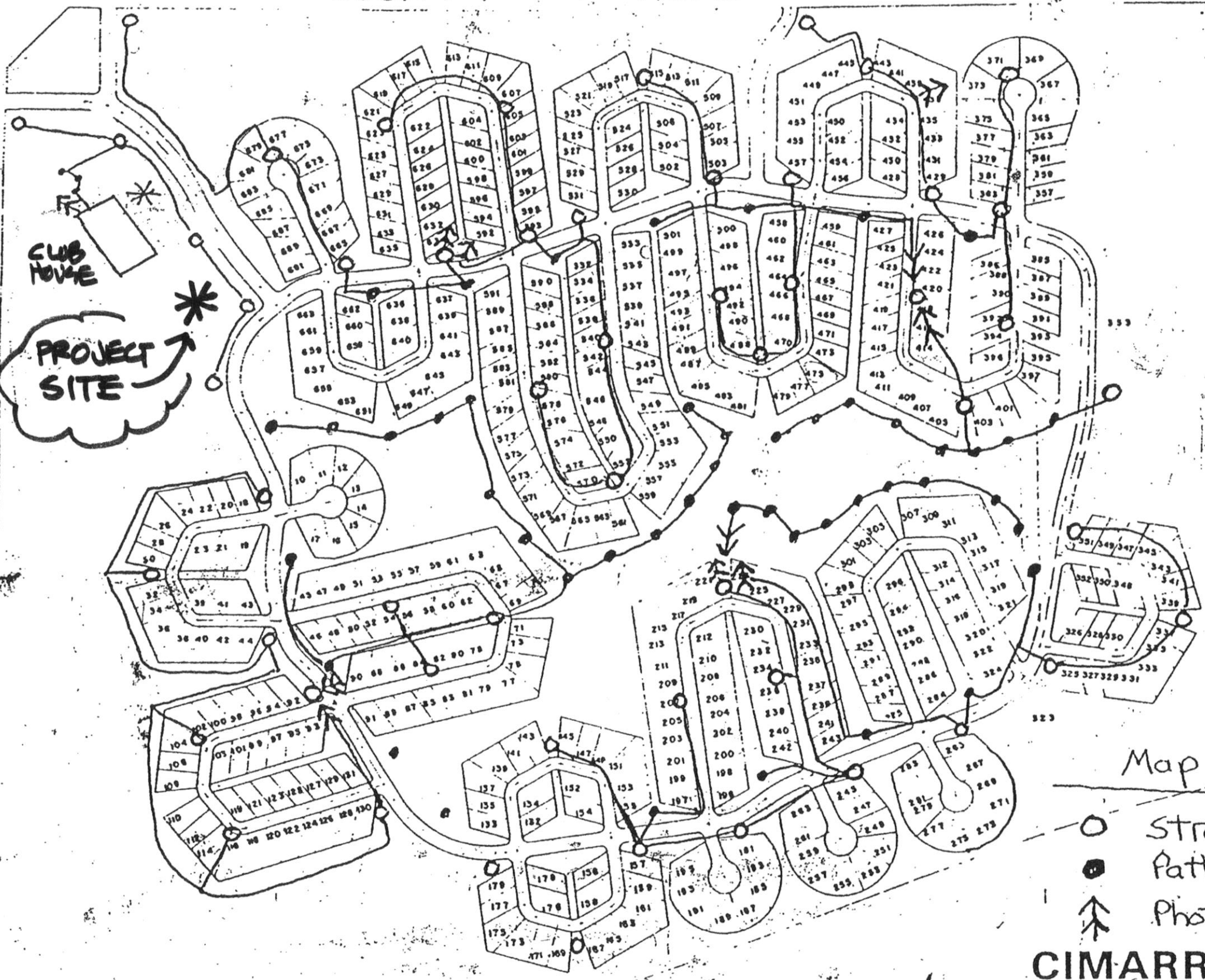
View From Northwest



View from Southwest



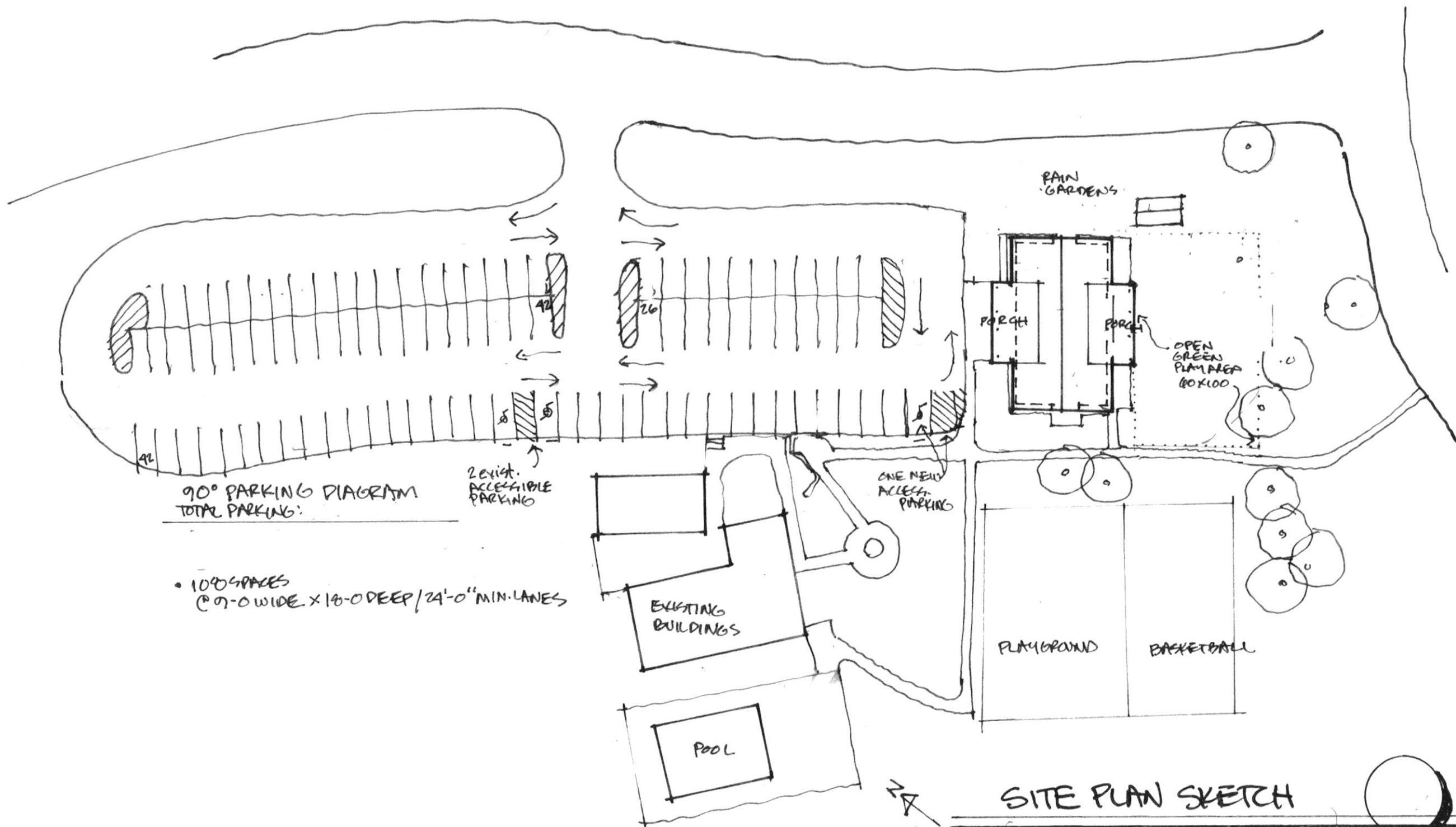
# COUNTY ROAD NO 70



Map Key

- Street Light
- Path Light
- ↑ Photo cell/circuit

**CIMARRON**



## SITE PLAN SKETCH

LARSON ARCHITECTS

02.28.14

1:50



ZONING FORM

The Town of East Oakdale, Minnesota

TO: Board of Supervisors  
The Town of East Oakdale, Minnesota  
Care of: William R. Park, Clerk  
2450 Birch Bark Lane  
St. Paul 9, Minnesota

Case No. \_\_\_\_\_

Fee Paid \_\_\_\_\_

Date Filed \_\_\_\_\_

Application for a Permit to Establish, Maintain and Operate a Trailer  
Coach Park Pursuant to Ordinance No. 32 of the Town of East Oakdale.

The undersigned does hereby petition the Board of Supervisors of the Town of East Oakdale, Minnesota, for the issuance of a permit to establish, maintain and operate a trailer coach park on the land hereinafter described.

Name and Address of Applicant: - Pentom, Inc.  
8053 Bloomington Freeway  
Minneapolis, Minnesota  
Phone: 888-9561

Name and Address of Fee Owners:- Joseph Friedrich and Ila Friedrich,  
husband and wife,  
RFD, Lake Elmo, Minnesota  
  
Raymond E. Friedrich and Elvera  
Friedrich, husband and wife,  
RFD, Lake Elmo, Minnesota

Legal Description of Land to be Used for a Trailer Coach Park:

See the attached Exhibit A, which is hereby made a part hereof.

Location of Land: A part of the Southeast quadrant bounded by County Road 70 on the North and Lake Elmo Road (CSAH 17) on the West.

Complete plan of the Trailer Coach Park in conformity with Section 8 of the above referenced Ordinance:

See the attached Exhibit B, which is hereby made a part hereof.

Preliminary Plans and Specifications of all Buildings, Improvements and Facilities Constructed or to be Constructed within the Trailer Coach Park Lands:

See the attached Exhibit C, which is hereby made a part hereof.

Date: 5-25-67

Respectfully submitted

PENTOM, INC.

By Bruce A. Thomas Its President  
By J. O. Flax Its Secretary



LEGAL DESCRIPTION

Mobile Home Site:

The West 10 Rods of the NW 1/4 of the NE 1/4; all that part of the N 1/2 of the NW 1/4, Section 36, Township 29, Range 21, except the West 700 feet of the North 630 feet thereof; all that part of the South 1/2 of the NW 1/4 and the SW 1/4 of the NE 1/4, all in Section 36, Township 29, Range 21, lying Northerly of the proposed Interstate Highway No. 94, County of Washington, State of Minnesota

EXHIBIT A



Exhibit B: East Oakdale Mobile Home Park

Drainage: Ultimate drainage of the site will be thru the natural drainage course to Horseshoe Lake. The development itself will be properly graded and will contain two ponding areas not only for esthetic reasons, but also for partial storage of the storm water runoff. The drainage system will consist of concrete storm sewers, manholes, curb inlets, and other appurtenances necessary to provide for complete drainage of the site, according to approved plans and specifications by the Town Engineer.

Sanitary Sewer and Water Systems: The site will be served by a central sanitary sewer and water system approved by the Minnesota Health Department and the Town Engineer. The sewage system will provide for an on-site sewage treatment plant with an approved method of effluent disposal, and a collection system of pipes serving each lot. The water system will consist of a deep well of adequate depth and capacity, pumping facilities, distribution system to serve each lot, hydrants, valves, and other appurtenances necessary to provide for a complete central water system.

Lot Size, Setbacks, and Density: The site will consist of approximately 170 acres, in which 505 mobile home lots will be developed for an overall density of approximately three per acre.

---



Land to be used for parks and recreation will exceed the 10 per cent requirement. The lots will vary in size from a minimum of 45' x 100' to 60' x 100', all of which will back onto an open space which will be developed as either parks, parkways, or golf course. Mobile homes will be at least 20 feet apart, be 20 feet from the front lot line, and be 10 feet from the rear property line. No trailers will be located closer than 125 feet from the edge of the traveled part of a public road and no closer than 30 feet to a public road right of way. All lot corners will be staked to designate lot lines.

Roads and Walkways: All roadways within the development will be private, requiring no maintenance from the township. The width of the roadways will be as follows:

Main entrance: 41 feet, back of curb to back of curb

Ring Road and secondary entrances: 36 feet, back of curb to back of curb

Residential roads: 32 feet, back of curb to back of curb

All roadways will consist of S512 concrete curb and gutter, 2 inches of MHD 2341 bituminous pavement, 4 inches of class 5 gravel base and 4 inches of sand sub-base.

Walkways will be constructed throughout the parks, parkways and adjacent to the curb on one side of the Ring Road. Walkways will be hard surfaced and be four feet wide.

Guest parking to be provided for on residential streets on one side only. Residential streets are 10 feet wider than required to accomodate guest parking.



Electrical, Gas, and TV Services: All electrical and gas service mains will be buried, including a TV cable to each lot. Electrical service will be at least 50 amps to each lot.

Lot Improvements: Each mobile home lot will have, including previously listed improvements, the following:

1. Bituminous paved parking area for two cars.
2. Concrete patio.
3. Outdoor enclosed storage with canopy according to approved plans.
4. Landscaping, varying on each lot but in accordance with the approved overall landscaping plan for the development.

Community Facilities: Provided within the development will be the following community facilities:

1. Utility buildings having washer and dryer facilities.
2. Tot lots conveniently located near the utility buildings.
3. Park and parkways within and along the perimeter of the development will be landscaped according to approved plans, with security lighting and walkways throughout.
4. Nine hole, 2345 yard, golf course along the north and west perimeter of the development.
5. Community center to include recreational rooms, mobile home park office, swimming pool, tennis court, and putting green all according to approved plans.



Special Conditions or Restrictions as Imposed:

- 1 - Submission of final plans and specifications in substantial compliance with said preliminary plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the Trailer Coach Park;
- 2 - Execution of Development Agreement between the Town of East Oakdale and Pemtom, Inc. providing for:
  - a. A development performance bond in amounts and with sureties satisfactory to the Town Board; and
  - b. Provision for a limitation of .24 school-age children per mobile home.
- 3 - Conformance to the requirements of Section 8 of Ordinance No. 32, subject to granted variances thereto.
4. The permit shall outline and detail operational requirements necessary to fulfill the intent of Ord. #2 and Ord. #32 so there will be no misunderstanding. Such permit must be reapplied for and renegotiated sixty days prior to expiration of any current permit in effect. (Permits are issued Approved - Denied for one year and run concurrent with Minnesota Dept. By the Planning Commission of the of Health's Mobile Home Permit.) Town of East Oakdale on \_\_\_\_\_, 1967.

Approved - ~~Denied~~  
By the Board of Supervisors of the  
Town of East Oakdale on June 29, 1967.

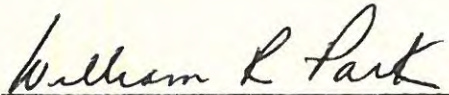
/s/Robert R. Watson  
Chairman Town Board  
East Oakdale

ATTEST: /s/ William R. Park  
Clerk, Town of East Oakdale

STATE OF MINNESOTA     )  
COUNTY OF WASHINGTON   ) ss  
TOWN OF EAST OAKDALE   )

I, The undersigned, being the duly qualified and acting Clerk of the Town of East Oakdale, Minnesota, DO HEREBY CERTIFY that I have carefully compared the attached and foregoing extract zoning form, find that the same is a full, true, and complete transcript therefrom.

WITNESS my hand as such Clerk and the corporate seal of the Town this 11th day of July, 1967.

  
Town Clerk, William R. Park



## **FINDINGS OF FACT: CONDITIONAL USE PERMIT**

All applications for Conditional Use Permits in the City of Lake Elmo shall be reviewed according to the following required findings (§154.106.A):

1. The proposed use will/will not be detrimental to or endanger public health, safety, comfort, convenience or general welfare of the neighborhood or city because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. The use or development does/does not conform to the City of Lake Elmo Comprehensive Plan because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The use or development is/is not compatible with the existing neighborhood because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. The proposed use does/does not meet all specific development standards for such use listed in Article 7 of the Zoning Ordinance because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. If the proposed use is in a flood plain or shoreland area, the proposed use does/does not meet all specific standards for such use in §150.250-257 (Shoreland Ordinance) and Chapter 152 (Flood Plain Management) because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. The proposed use will/will not be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will/will not change the essential character of the area because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. The proposed use will/will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. The proposed use will/will not be served by adequate public facilities because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. The proposed use will/will not create excessive additional requirements at public cost for public facilities and services and will/will not be detrimental to the economic welfare of the community because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. The proposed use will/will not include excessive production of traffic, noise, smoke, fumes, glare or odors because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. Vehicular approaches to the property will/will not create traffic congestion or interfere with traffic on surrounding public thoroughfares because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
12. The proposed use will/will not result in the destruction, loss or damage of a natural or scenic feature of major importance because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Exhibit A

Lease Parcel Legal Description:

That part of the Northwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota described as follows:

Commencing at the northwest corner of said Section 36; thence South 00 degrees 02 minutes 38 seconds West, bearing oriented to the Washington County Coordinate System, NAD83, 1986 adjustment, along the west line of said Section 36 a distance of 743.74 feet; thence South 89 degrees 57 minutes 22 seconds East 494.61 feet to the point of beginning; thence North 54 degrees 22 minutes 43 seconds East 120.59 feet; thence South 39 degrees 34 minutes 29 seconds East 162.16 feet; thence South 43 degrees 32 minutes 36 seconds West 62.70 feet; thence South 28 degrees 50 minutes 23 seconds West 62.70 feet; thence North 70 degrees 27 minutes 11 seconds West 24.26 feet; thence North 35 degrees 32 minutes 39 seconds West 180.68 feet to the point of beginning, containing 0.52 acres, more or less.



## **MAYOR & COUNCIL COMMUNICATION**

**DATE: April 1, 2014**  
**CONSENT**  
**ITEM # 5**  
**ORDINANCE 08-105**

**AGENDA ITEM:** Site and Building Plan Review Ordinance

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director

---

### **SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECCOMENDER:** The Planning Commission and Staff recommend repealing the Site and Building Plan Review Ordinance to improve operational efficiency and remove redundant and unnecessary provisions related to the review of building permits for permitted uses on pre-existing platted lots.

**FISCAL IMPACT:** None

**SUMMARY AND ACTION REQUESTED:** The City Council is asked to consider repealing the Site and Building Plan Review Ordinance as part of the Consent Agenda. The ordinance contains outdated information and requirements related to landscaping, storm water management and other provisions that no longer apply. In addition, it presents procedural inefficiencies that are not common amongst other communities.

*The Planning Commission and Staff are recommending that the City Council repeal the Site and Building Plan Review Ordinance as part of the Consent Agenda. If removed from the Consent Agenda, the ordinance can be repealed through the following motion:*



***“Move to adopt Ordinance 08-105, repealing the Site and Building Plan Review Ordinance.”***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:**

In the judgment of staff, the Site and Building Plan Review Ordinance was originally adopted to ensure adequate plan preparation and orderly development in Lake Elmo. However, now that the City's Zoning Code and other ordinances have since been updated, many provisions in the ordinance are now redundant or unnecessary. From a procedural standpoint, the ordinance (subsection B) requires the Planning Commission and City Council to review development or construction proposals for permitted uses on pre-existing platted lots. From a comparison perspective, this requirement is atypical in other communities, where Planning Commission and City Council review is only required for instances of platting, land subdivision and conditional uses. Now that the City has adopted the Design Guidelines and Standards Manual, staff now recommends processing building permits for permitted uses on platted lots administratively, as is the typical practice in most cities. Repealing the Site and Building Plan Review Ordinance would allow the City to proceed with growth of the community in a more efficient manner.

The Planning Commission reviewed the proposed action at its meeting on 3/24/14. There was minimal discussion of the proposed action. The Planning Commission unanimously recommended that the ordinance be repealed (Vote: 5-0).

**BACKGROUND INFORMATION (SWOT):**

**Strengths:** Removing redundant and unnecessary provisions in the City Code helps avoid confusion, making the process more straightforward for the applicant. In addition, processing building permits for permitted uses on platted lots administratively allows the City to be operationally efficient. Operational efficiency is important during a growth phase.

**Weaknesses:** None

**Opportunities:** The proposed action provides the City the opportunity to remove redundant and unnecessary provisions from the City Code, allowing for better communication with the applicant/taxpayer. In addition, repealing the ordinance allows the City to process building permits for permitted uses on platted lots administratively, improving operational efficiency.

**Threats:** Requiring Planning Commission and City Council review of all building permits for permitted uses on platted lots adds additional workload to these bodies. In addition, requiring Planning Commission and City Council review for permitted uses on platted lots is not common amongst other communities, putting Lake Elmo at a competitive disadvantage in some cases.

**RECOMMENDATION:**

*Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council repeal the Site and Building Plan Review Ordinance as part of the Consent Agenda. If removed from the Consent Agenda, the ordinance can be repealed through the following motion:*

***“Move to adopt Ordinance 08-105, repealing the Site and Building Plan Review Ordinance.”***

**ATTACHMENTS:**

1. Ordinance 08-105
2. Planning Commission Report, 3/24/14
3. Site and Building Plan Review Ordinance

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-105

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
REPEALING OUTDATED PROVISIONS RELATED TO SITE AND BUILDING PLAN REVIEW

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 151: Building Regulations, by repealing City Code Section 151.070 in its entirety.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-105 was adopted on this first day of April 2014, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

LAKE ELMO CITY COUNCIL

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Adam Bell, City Clerk

This Ordinance 08-105 was published on the \_\_\_\_ day of \_\_\_\_\_, 2013.



PLANNING COMMISSION

DATE: 3/24/14

AGENDA ITEM: 5B – BUSINESS ITEM

CASE # 2014 - 19

ITEM: Zoning Text Amendment – Site and Building Plan Review Ordinance

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to review the Site and Building Plan Review Ordinance. Staff is recommending to strike the ordinance with the intent of improving operational efficiency by administratively processing construction projects for permitted uses on existing platted lots. This recommendation is based upon the fact that the City has a full-time administrative, planning, engineering and building staff who are able to process these requests administratively. In addition, the newly adopted design review process should aid staff in the review of building permits for permitted uses on existing platted lots. The requested action does not require a public hearing, as the ordinance is not located in the Zoning Code. Staff is recommending that the ordinance be struck.

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### **REQUEST DETAILS**

City staff has been working on an updating the Zoning Code and other Code sections to prepare for what is anticipated to be a busy growth phase for the community. In order to improve operational efficiency in advance of this growth period, staff is proposing to strike the Site and Building Plan Review Ordinance. The main reason to strike the ordinance relates to Section B, which reads the following:

“(B) *Review of Zoning Administrator.* The Zoning Administrator shall review the site and building plans for the purpose of determining their compliance with this section and other applicable city ordinances. The Zoning Administrator shall have 60 days in which to complete the review of the site and building plans. During the same 60-day period, the Council and Planning Commission shall also review the site and building plan and refer the plan to other city staff for review for the same purpose.”

Per the required procedure established under this ordinance, permitted uses on pre-existing platted lots also have to be reviewed by the Planning Commission and City Council. When reviewing this procedure compared to other communities, this requirement can only be described as atypical. In staff’s judgment, this ordinance language is likely remnant when the City did not have a full-time planning, building and engineering staff to review the construction projects in the community. In addition, now that the City has developed and adopted a design review process, staff is more prepared to assume the responsibility of processing these types of requests administratively. To be clear, staff would only process construction projects administratively in cases where the proposed use was a permitted use under the City’s Zoning Code, and the property is a pre-existing platted lot. In a significant proportion or majority of development projects, some platting or land subdivision will be required. In addition, applicants proposing a use that under the City’s Code is a conditional use will always be required to apply for a conditional use permit, which addresses many of the uses that have

potential impacts or nuisances associated with them. Both of these processes require a public hearing. It is only in cases where the proposed use is permitted and the lot is already platted where the staff administrative review would occur.

In addition to the improving operation efficiency component, there are other provisions within this ordinance that are no longer applicable. For example, the City has adopted new landscaping provisions and requirements. Therefore, the landscaping provisions within the Site Plan Review Ordinance are no longer necessary. Other requirements included in the ordinance, such as lighting, surveys, building plans, storm water management plans and other requirements are already addressed by other ordinances and by the City's building permit process. In other words, the Site Plan Review Ordinance is currently outdated and only adds additional unnecessary review. Staff would recommend striking this ordinance to improve efficiency and reduce confusion.

As stated in the summary, the proposed action does not require a public hearing because the ordinance is not in the City's zoning code. Staff is bringing the proposed action before the Planning Commission because it does relate to land use and development. Now that the City's design review process is in place, staff recommends proceeding with removing this ordinance to improve operational efficiency.

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#### **RECCOMENDATION:**

*Staff is recommending that the Planning Commission recommend striking the Site and Building Plan Review Ordinance (§151.070) through the following motion:*

***“Move to recommend striking the Site and Building Plan Review Ordinance.”***

#### **ATTACHMENTS:**

1. Site and Building Plan Review Ordinance (§151.070)

#### **ORDER OF BUSINESS:**

- Introduction .....Planning Staff
- Report by Staff .....Planning Staff
- Questions from the Commission ..... Chair & Commission Members
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission ..... Chair & Commission Members

Print

Lake Elmo, MN Code of Ordinances

**§ 151.070 SITE AND BUILDING PLAN REVIEW.**

(A) *Information required.* Except has hereinafter provided, every person, before commencing construction or alteration of a structure, shall submit to the Zoning Administrator the following documents and information:

(1) A survey drawing by a registered engineer or land surveyor showing pertinent existing conditions, accurately dimensioned;

(2) A complete set of preliminary drawings prepared by an architect, landscape architect, engineer, or planner showing:

(a) An accurately scaled and dimensioned site plan indicating parking layout including access provisions, designation of locations of principal and accessory buildings, landscaping, in conformance with the zoning code and division (A)(3) below;

(b) Fences or walls or other screening, including height and type of material in conformance with Chapter 1500 and the zoning district regulations;

(c) Lighting provisions, type, and location;

(d) Curbs;

(e) Building elevations, sections, and outline specifications, including material proposed;

(f) Existing and proposed land elevations in 2 foot contours, drainage provisions, and utility provisions as may be required, including water, sewer, drainfield, lake shore, flood plain, airport or environmental overlay districts; and

(g) Existing limitations imposed by zoning.

(3) Landscaping and screening plan.

(a) Complete landscaping, screening, and erosion control plans shall be prepared and signed by a professional landscape architect or professional site planner with educational training or work experience in land analysis and site plan preparation. These plans shall include:

1. Detailed natural land analysis, including vegetation, soil types, and slopes;

2. Man-made features (berms, fences, and the like);

3. Details of all proposed vegetative landscaping materials including: placement, Latin name/common name, caliper/height, and quantity;

4. Details of proposed non-vegetative landscaping materials; and

5. Planning and construction schedule for completion of landscaping and screening plans.

(b) The final landscaping and screening plan must be approved by the Council/engineer at the time of the site plan review.

(c) The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks, or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:

<b><i>Project Value (Including building construction, site preparation, and site improvements)</i></b>	<b><i>Percentage of Total Project Value to Be Allocated to Landscaping</i></b>
Below \$1,000,000	2%
\$1,000,001 to \$2,000,000	1 and 3/4%
\$2,000,001 to \$3,000,000	1 and 1/2%
\$3,000,001 to \$4,000,000	1 and 1/4%
Over \$4,000,000	1%

(d) All landscaping must be guaranteed for 2 growing seasons, with a bond or security .

(4) A Storm Water Management Plan and/or and Erosion and Sediment Control Plan as required in § 150.273.

(B) *Review of Zoning Administrator.* The Zoning Administrator shall review the site and building plans for the purpose of determining their compliance with this section and other applicable city ordinances. The Zoning Administrator shall have 60 days in which to complete the review of the site and building plans. During the same 60-day period, the Council and Planning Commission shall also review the site and building plan and refer the plan to other city staff for review for the same purpose.

(Am. Ord. 9764, passed - -)

(C) *Exceptions.* The following types of construction or alteration are exempt from the site and building plan review provisions of this section:

(1) The construction or alteration of a single or double family detached dwelling and buildings accessory thereto; and

(2) The construction or alteration of any building where the Building Inspector estimates that the total cost of the construction or alteration will not exceed \$2,500, provided that in no event shall buildings be constructed or altered in violation of the Uniform Building Code or city ordinances.

(1997 Code, § 520.01) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99



## **MAYOR & COUNCIL COMMUNICATION**

**DATE: April 1, 2014**  
**REGULAR**  
**ITEM #6**  
**RESOLUTION NO. 2014-022**

**AGENDA ITEM:** Horning Lot Size Variance – Lot 9 of Krause’s Addition

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick Johnson, City Planner

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### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

**POLICY RECCOMENDER:** The Planning Commission considered an application for a lot size variance at its March 24, 2014 meeting. The Commission is recommending approval with the draft findings and conditions of approval as specified in Resolution 2014-022.

**FISCAL IMPACT:** N/A – if the parcel were considered a buildable lot, the City would have collected an assessment for the subject lot as part of a recent road project. The Planning Commission is recommending that the applicant pay a fee in lieu of this dedication at the time a building permit is issued for the site.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from Suzanne Horning (as Trustee of the Suzanne R.W. Horning Trust) for a variance that would classify Lot 9 of Krause’s Addition to Lake Elmo as a buildable lot. The lot currently does not meet the City’s minimum lot size for a lot of record in a RS – Rural Single Family Residential Zoning District. The applicant has also requested a variance from Section 154.017 of the Zoning Ordinance, which states that any variance granted by the City “shall expire if work



does not commence within 12 months of the date of the granting of the variance. The applicant has asked that the 12-month time limit be waived for this request.

*The suggested motions to adopt the Planning Commission recommendation is as follows:*

***“Move to adopt Resolution No. 2014-22 approving a Variance from the minimum lot size requirements in a RS District and the maximum time for which a variance is valid.”***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** The attached staff report to the Planning Commission provides an overview of the request and the draft findings that have since been slightly modified by the Planning Commission. The Commission conducted a public hearing concerning the variance at its March 24, 2014 meeting and received the following comments from neighboring property owners:

- Christine Cirilly, representing the applicant, stated that the applicant has been paying property taxes on the property as a building lot since 1985. She noted that the applicant intends to build a home that is consistent with the character of the neighborhood.
- Greg Zeipelt, 4940 Jamaca Avenue North, stated that, prior to purchasing his house immediately to the north of the applicants lot, he had been informed this lot was not buildable. He discussed the existing drainage in the neighborhood, and pointed out that drainage has gotten worse since the 2012 road project.
- Bill and Valerie Brass, 8930 Jane Road North, expressed concern about setting a precedence for allowing building on other substandard lots in the neighborhood. They also expressed concern about drainage in the area, and noted that the eastern portion of their lot collects water that drains from the subject property.
- Jason Brash, 9030 Jane Road North, explained that he recently moved to Lake Elmo and chose it for the open space and large lots. He encouraged the Planning Commission to keep it this way.

The Planning Commission generally discussed the drainage around the site; Staff responded that the City Engineer has been out to look at this area, but ultimately found that the water is draining to a low area in the neighborhood that has been previously designated as a ponding area. The Commission recommended the addition of two conditions of approval and asked that an existing condition be modified to require that any future construction on the site not exacerbate the existing drainage situation in the neighborhood.

The Planning Commission adopted a motion to recommend approval of the variance request with the findings and conditions as noted in the attached Resolution 2014-021. This resolution includes the conditions as revised and recommended by the Planning Commission. The motion passed unanimously.

**BACKGROUND INFORMATION (SWOT):**

- |                      |  |
|----------------------|--|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• The Planning Commission found that the applicant met the City's four variance criteria.</li><li>• The variance will allow the applicant to build on a lot that has previously been considered buildable by the City.</li></ul> |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• The City will need to track this variance to ensure the five-year deadline is met.</li></ul>   |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• The variance will allow the current and past tax assessment for the property to match the classification as a buildable lot.</li></ul>   |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• The neighbors in attendance at the public hearing expressed concern over the existing drainage situation on the lot and the loss of open space in the neighborhood.</li></ul>  |

**RECOMMENDATION:** The Planning Commission is recommending that the City Council approve the request from Suzanne Horning (as Trustee of the Suzanne R.W. Horning Trust) for a variance that would classify Lot 9 of Krause's Addition to Lake Elmo as a buildable lot and to allow the variance to remain valid for longer than one year subject to conditions. The suggested motion to adopt the Planning Commission recommendation is as follows:

***“Move to adopt Resolution No. 2014-22 approving a Variance from the minimum lot size requirements in a RS District and the maximum time for which a variance is valid.”***

**ATTACHMENTS:**

1. Resolution No. 2014-022
2. Planning Commission Staff Report – 3/24/14
3. Application and Project Narrative
4. Existing Site Conditions/Survey
5. Location Map
6. Krause's Addition Plat
7. Septic System Report – Tom Trooien

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION 2014-022**

***A RESOLUTION APPROVING A VARIANCE FROM THE MINIMUM LOT SIZE  
REQUIREMENT IN A RS DISTRICT AND FROM THE MAXIMUM TIME FOR WHICH A  
VARIANCE IS VALID***

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Suzanne Horning (as Trustee), 8991 Jane Road North, (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a variance from the minimum lot size requirements in the RS – Rural Single Family Residential zoning district and to waive the one-year deadline for completion of the work proposed under the variance; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on March 24, 2014; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated April 1, 2014; and

**WHEREAS**, the City Council considered said matter at its April 1, 2014 meeting.

**NOW, THEREFORE**, based on the testimony elicited and information received, the City Council makes the following:

**FINDINGS**

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.
- 2) That all the submission requirements of said Section 154.109 have been met by the Applicant.
- 3) That the proposed variance includes the following components:

- a) A variance from the minimum lot size requirements in the RS – Rural Single Family Residential zoning district. The subject lot is 0.785 acres in size and the minimum required size to be buildable is 0.9 acres.
  - b) A variance to waive the one-year deadline for completion of the work proposed under the variance.
- 4) That the Variance will be located on property legally described as follows: Lot 9 of Krause's Addition to the City of Lake Elmo, Washington County, Minnesota. PID 09.029.21.11.0015.
  - 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. ***Specific findings: That the proposed use is reasonable because the lot was platted as a buildable parcel and all other parcels of similar size have had houses constructed on them since the subdivision was approved. The property is very close to meeting the required 0.9 acre minimum lot size requirement, and construction of a home on this lot will not be any more obstructive than structures built on lots meeting the 0.9 acre requirement. The applicant also purchased the lot at the time it was a buildable parcel. The applicant has demonstrated the ability to install a complaint septic system on the property. A five year deadline for construction of a home on the property is a reasonable period of time for this work to be completed.***
  - 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: That the applicant's property is unique due to former platting of this property as a buildable lot and continued classification of the property as buildable since the lot was subdivided. The applicant purchased the property with the understanding that a house could someday be built on the property, and City records indicate that the lot was indeed buildable at the time of purchase. Other homes on neighboring smaller lots were constructed prior to the adoption of the City's zoning regulations.***
  - 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. ***Specific findings: The applicant's lot is larger than several of the lots in the surrounding neighborhood and is close to the minimum size needed to be considered buildable. The lot is of sufficient size to allow the installation of a compliant septic system and to allow the placement of a home on the parcel consistent with neighboring structures.***
  - 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. ***Specific findings: No impacts above and beyond those considered normal for any other single-family lot in the surrounding neighborhood would be expected should the variance be granted.***

## **CONCLUSIONS AND DECISION**

Based on the foregoing, the Applicant's application for a Variance is granted, subject to the following conditions:

- 1) The driveway for the future home of the lot shall access Jane Road North. Driveway access to Jamaca Avenue North shall be prohibited.
- 2) The applicant shall provide a drainage easement for the portion of the lot that collects storm water runoff from the subject property and adjacent parcels prior to the issuance of a building permit for the site. The specific location of the drainage easement shall be approved by the City Engineer.
- 3) The variance shall be valid for a period of five years, but may be renewed upon review and approval by the Board of Adjustment.
- 4) A grading, erosion control, and storm water management plan shall be submitted in conjunction with a building permit for the property. This plan shall not exacerbate any existing drainage issues and must be designed to mitigate any additional runoff from any future construction on the site.
- 5) The applicant shall secure any required permits from the Valley Branch Watershed District prior to commencing any grading or construction activity on the site.
- 6) The applicant shall submit a letter from Washington County that an approved septic system can be located on the site prior to the issuance of a building permit for the site.
- 7) The owner shall pay a fee comparable to the assessments levied against other homes in the neighborhood for the 2012 Jane Road North road project that shall be collected at the time a building permit is issued for the site.

Passed and duly adopted this 1<sup>st</sup> day of April 2014 by the City Council of the City of Lake Elmo, Minnesota.

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Michael Pearson, Mayor

ATTEST:

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Adam Bell, City Clerk



PLANNING COMMISSION  
DATE: 3/24/14  
AGENDA ITEM: 4B – PUBLIC HEARING  
CASE # 2014-08

ITEM: Horning Lot Size Variance – Krause’s Addition, Lot 9  
SUBMITTED BY: Kyle Klatt, Community Development Director  
REVIEWED BY: Nick Johnson, City Planner

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider a request from Suzanne Horning (as Trustee of the Suzanne R.W. Horning Trust) for a variance that would classify Lot 9 of Krause’s Addition to Lake Elmo as a buildable lot. The lot currently does not meet the City’s minimum lot size for a lot of record in a RS – Rural Single Family Residential Zoning District. The applicant has also requested a variance from Section 154.017 of the Zoning Ordinance, which states that any variance granted by the City “shall expire if work does not commence within 12 months of the date of the granting of the variance. The applicant has asked that the 12-month time limit be waived for this request.

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### **GENERAL INFORMATION**

*Applicant:* Briggs and Morgan (Christine Cirilli), 2200 IDS Center, 80 South 8<sup>th</sup> Street, Minneapolis, MN acting on behalf of:  
Suzanne Horning (Trustee), 8991 Jane Road North  
*Property Owners:* Suzanne and Robert Horning Trust, 8991 Jane Road North  
*Location:* Lot 9 of Krause’s Addition to Lake Elmo. PID Number 09.029.21.11.0015  
*Request:* Variance – Lot Size and Time Limit for Completion  
*Existing Land Use:* Vacant parcel, prior recreation use (tennis courts) accessory to 8991 Jane Road North  
*Existing Zoning:* RS – Rural Single Family  
*Surrounding Land Use:* Single family residential  
*Surrounding Zoning:* RS – Rural Single Family  
*Comprehensive Plan:* Rural Single Family  
*Proposed Zoning:* No Change  
*History:* Krause’s Addition was platted in 1963. The home at 8991 Jane Road North (across the street and also owned by the applicant) was constructed in 1979. The City granted a lot size variance for the subject property in 1985, but no home was ever

built on the site. A permit to install a tennis court on the subject property was approved later in 1985.

*Deadline for Action:*       Application Complete – 2/3/14  
                                       60 Day Deadline – 4/3/14  
                                       Extension Letter Mailed – No  
                                       120 Day Deadline – 6/3/14

*Applicable Regulations:*   154.450 – RS – Rural Single Family Residential Zoning District  
                                       154.109 – Variances (Administration and Enforcement)  
                                       150.250 – Shoreland Overlay District

## **REQUEST DETAILS**

The City of Lake Elmo has received a request from Briggs and Morgan, PA acting on behalf of Suzanne Horning, for a variance from the minimum lot size requirements in the RS – Rural Single Family Residential zoning district. The application also includes a request for the City to waive the one-year deadline for completion of the work proposed under the variance. In this case, the applicant has requested that the variance be granted without a deadline so that a home could be built on the lot at an unspecified time in the future. The applicant is therefore not proposing to construct any buildings on the property, and is instead seeking a variance to classify the lot as a buildable parcel in advance of any specific building plans for the property.

The lot under consideration is 0.785 acres (34,195 square feet) in size and the minimum lot size within the RS – Rural Single Family Residential zoning district is 1.5 acres. As an existing lot of record, otherwise known as a lot that was platted prior to the City's zoning regulations becoming effective, this property would be considered buildable if it met 60% of the district's minimum lot size. The applicant would therefore need at least 0.9 acres (39,204 square feet) for this lot to be considered buildable under the current zoning regulations.

The site is currently occupied by a tennis court that was built in the mid-1980's, and has served as an accessory use to the home located at 8991 Jane Road North. Should the variance be approved, the applicant intends to convey the lot to her children as a buildable lot, although she has not provided any specific time frame for a home to be constructed. The application materials include a septic system analysis documenting that a system compliant with Washington County septic regulations may be constructed on the property. For the purposes of this report, the septic designer assumed that a new home would be built on the same area presently occupied by the tennis court.

In addition to the above-referenced septic report, the applicant has provided a detailed project narrative with an analysis of the required variance findings. The applicant has also provided a detailed survey of the lot showing the existing topography, drainage patterns, tree cover, and improvements that are currently situated on the property. There are no specific site development plans, and any future construction on this property will need to comply with the City's zoning and subdivision requirements (with the exception of minimum lot size should the variance be granted).

## **BACKGROUND**

The lot that is the subject of the variance request is part of Krause's Addition to the City of Lake Elmo, which was platted in 1963 when this area was still part of East Oakdale Township. The attached copy of the plat shows that the lot is the same size as it was when originally subdivided. It



likely would have been considered buildable up to the incorporation of the area into the City of Lake Elmo and the adoption of City zoning regulations in the late 1970's. The home at 8991 Jane Road North was constructed in 1979, and it appears that this property (Lot 7) and the subject property (Lot 9) have been under common ownership since at least this time. In June of 1985, a previous owner applied for and was granted a variance by the City to grant Lot 9 status as a buildable lot. It appears that this action was taken in response to the City's adoption of the 1.5-acre minimum lot size for single-family residential lots in this neighborhood. No home was ever constructed after the granting of the variance, and a tennis court was installed on the property later in 1985.

As noted in the application materials, the present owner acquired the property sometime in 1985. It appears that the property transfer occurred after the construction of the tennis court. Additionally, the applicant has described that City assessed the subject property as a buildable lot in 1985 for a City project. Based on this information, it does appear that the City would have considered the lot to be a buildable lot at the time the property was purchased by the applicant. The applicant has also pointed out that the property has been assessed as a buildable lot the entire time that they have owned it.

When the City was planning for the reconstruction of Jane Road North in 2012, the Planning Department was asked to review the assessment rolls for the project and to identify vacant, buildable parcels that would need to pay an assessment. Lot 9 of Krause's Addition was not deemed buildable because it does not meet the 60% size requirement referenced above. Because the current Zoning Regulations include a one-year time limitation concerning the time frame for construction of projects subject to a variance, it is Staff's opinion that the 60% requirement does apply in this situation. The applicant has therefore submitted a variance request in order to re-classify this property as a buildable lot.

The applicant's parcel is situated at the intersection of Jamaca Avenue North and Jane Road North, and is approximately 230 feet north of Lake Jane. Other than a tennis court, there have been no other improvements constructed on the site. There is a fairly heavy amount of tree cover surrounding the tennis court around the periphery of the lot. All of the surrounding lots are occupied by single family residential homes. In general, the properties to the north and west are larger lots (1.5 acres), while the properties to the south and east are smaller lots (generally under 1 acre). In particular, there is a cluster of homes along the northern edge of Lake Jane that are very similar in size, and sometimes smaller, than the applicant's parcel.

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## PLANNING AND ZONING ISSUES

In reviewing the applicable codes that apply to the subject property, Staff would like the Planning Commission to consider the following as it reviews this request:

- **RS District Setbacks.** Any new construction on the lot will need to comply with all required setbacks for the RS District. The portion of the lot that abuts Jamaca Avenue North is considered the front property line, and is therefore subject to a slightly larger setback.
- **Driveway Access.** Although the City Code does not include any restrictions on the location of a driveway on the property, Staff is recommending that any future driveway access Jane Road North instead of Jamaca Avenue North, since the latter is the less traveled roadway in adjacent to the lot.

- **Impervious Coverage.** The RS District allows a maximum impervious coverage of 25% while the Shoreland Ordinance limits lot coverage to 15% or 6,000 square feet, whichever is greater. The tennis court currently occupies 7,395 square feet, which is 21.6% of the lot. At the time a new house is constructed on the property, the applicant will need to comply with the maximum impervious coverage allowed under the Shoreland Ordinance.
- **Shoreland Setbacks.** The lot is far enough away from Lake Jane that any new structure will be able to comply with structure and septic system setbacks.
- **Drainage Area.** There is an existing drainage area immediately to the west and to the northwest of the applicant's lot, and it appears that a portion of the drainage area is also located on this lot. While the adjacent Sprinborn's Green Acres plat includes a drainage easement over the adjacent lots, there is currently no such easement in place on the applicant's property. Staff is recommending that the applicant be required to provide a drainage easement over the portion of the lot that collects storm water runoff as a condition of approval and prior to the issuance of any building permits for the property.
- **Septic and Drainfield Areas.** The subject parcel is large enough to meet the City's minimum requirement of 20,000 square feet for a primary and secondary septic system site.
- **Surrounding Lots.** The neighboring lots within the public hearing notification area range in size from 11,424 square feet (0.26 acres) to 83,025 square feet (1.9 acres), and of these 13 lots, the average size is 41,592 square feet (0.95 acres).
- **Variance Expiration.** The City Code specifies that variances are valid one year from the date a variance is issued. If construction has not taken place within one year, the variance becomes void. While the applicant has requested a full waiver of this requirement, Staff is recommending that the City maintain a specific deadline for construction of a home on the parcel. Staff is suggesting five years as a reasonable expectation.

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## REVIEW AND ANALYSIS

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

Under this standard, the City would need to find that the classification of the subject parcel as a buildable lot is a reasonable use of the property not otherwise permitted under the zoning ordinance. In this instance, the property was originally platted as a buildable lot and there is evidence in the

City's records that the current owner purchased the property with the understanding that it was a buildable lot. Additionally, the lot is consistent in size with other parcels platted at the same time and that have subsequently been built upon. The property has direct access to a platted and improved street, and a house can be placed on the property in manner consistent with the surrounding homes. Concerning the time extension associated with the variance request, Staff is recommending that a 5-year deadline is a reasonable expectation for construction of a new home. Proposed findings related to this criterion are as follows:

**FINDINGS:** *That the proposed use is reasonable because the lot was platted as a buildable parcel and all other parcels of similar size have had houses constructed on them since the subdivision was approved. The property is very close to meeting the required 0.9 acre minimum lot size requirement, and construction of a home on this lot will not be any more obstructive than structures built on lots meeting the 0.9 acre requirement. The applicant also purchased the lot at the time it was a buildable parcel, and the continued use of the property for a tennis court is not reasonable given the separation of this parcel by road right-of-way from any others under common ownership. The applicant has demonstrated the ability to install a compliant septic system on the property. A five year deadline for construction of a home on the property is a reasonable period of time for this work to be completed.*

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

In order to demonstrate compliance with this standard, the Planning Commission would need to identify those aspects of the applicant's property that would not pertain to other properties within the same zoning classification. In this case, the lot was platted as a buildable lot within an older subdivision. Other properties in the area were platted at a later date and under a different set of regulations. The property owner also purchased the lot as a buildable lot, and the site has been assessed as such for the past 25 years. Again, Staff is suggesting some findings that could be considered by the Planning Commission as follows:

**FINDINGS:** *That the applicant's property is unique due to former platting of this property as a buildable lot and continued classification of the property as buildable since the lot was subdivided. The applicant purchased the property with the understanding that a house could someday be built on the property, and City records indicate that the lot was indeed buildable at the time of purchase. Other homes on neighboring smaller lots were constructed prior to the adoption of the City's zoning regulations.*

- 3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

A formal set of findings related to this standard is suggested as follows:

**FINDINGS:** *The applicant's lot is larger than many of the lots in the surrounding neighborhood and is close to the minimum size needed to be considered buildable. The lot is of sufficient size to allow the installation of a compliant septic system and to allow the placement of a home on the parcel consistent with neighboring structures.*

- 4) **Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

Propose findings for this criterion are as follows:

***FINDINGS.*** *No impacts above and beyond those considered normal for any other single-family lot in the surrounding neighborhood would be expected should the variance be granted.*

Please note that the applicant has also provided a set of findings as part of the attached narrative and supporting documentation included with the application.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending approval of the variance request based on the findings noted in items 1-4 above and with conditions of approval related to the drainage area on the site, the location of the driveway access, and the time limit for the expiration of the variance.

## **DRAFT FINDINGS**

Please refer to the comments in the previous section. Staff will be reviewing these findings with the Commission at its meeting.

## **RECCOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the request from Briggs and Morgan, PA acting on behalf of Suzanne Horning, for a variance from the minimum lot size requirements in the RS – Rural Single Family Residential zoning district and from the maximum time of one year for which a variance is valid. This recommendation includes the following conditions of approval:

- 1) The driveway for the future home of the lot shall access Jane Road North. Driveway access to Jamaca Avenue North shall be prohibited.
- 2) The applicant shall provide a drainage easement for the portion of the lot that collects storm water runoff from the subject property and adjacent parcels prior to the issuance of a building permit for the site. The specific location of the drainage easement shall be approved by the City Engineer.
- 3) The variance shall be valid for a period of five years, but may be renewed upon review and approval by the Board of Adjustment.
- 4) A grading, erosion control, and storm water management plan shall be submitted in conjunction with a building permit for the property.
- 5) The applicant shall secure any required permits from the Valley Branch Watershed District prior to commencing any grading or construction activity on the site.

The suggestion motion for taking action on the Staff recommendation is as follows:

***“Move to recommend approval of the request for a variance from the minimum lot size requirements in the RS – Rural Single Family Residential zoning district and from the maximum time of one year for which a variance is valid, subject to the conditions of approval as recommended by Staff”***

## **ATTACHMENTS:**

1. Application Form
2. Application and Project Narrative

3. Existing Site Conditions/Survey
4. Location Map
5. Krause's Addition Plat
6. Septic System Report – Tom Trooien

**ORDER OF BUSINESS:**

- Introduction .....Community Development Director
- Report by Staff .....Community Development Director
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Fee \$ \_\_\_\_\_

**City of Lake Elmo  
DEVELOPMENT APPLICATION FORM**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment              | <input checked="" type="checkbox"/> Variance * (See below)           | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat                         |
| <input type="checkbox"/> Zoning District Amendment                 | <input type="checkbox"/> Minor Subdivision                           | <input type="checkbox"/> 01 – 10 Lots   |
| <input type="checkbox"/> Text Amendment                            | <input type="checkbox"/> Lot Line Adjustment                         | <input type="checkbox"/> 11 – 20 Lots   |
|  |  | <input type="checkbox"/> 21 Lots or More  |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="checkbox"/> Excavating & Grading Permit  |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.)           | <input type="checkbox"/> Site & Building Plan Review                 | <input type="checkbox"/> Appeal <span style="float: right;"><input type="checkbox"/> PUD</span> |

**APPLICANT:** Suzanne Horning, as Trustee (see attached) 8991 Jane Road North, Lake Elmo, MN 55042  
(Name) (Mailing Address) (Zip)

**TELEPHONES:** 239-765-8708 (Florida Phone Number)  
(Home) (Work) (Mobile) (Fax)

**FEE OWNER:** Suzanne Horning, as Trustee (see attached) 8991 Jane Road North, Lake Elmo, MN 55042  
(Name) (Mailing Address) (Zip)

**TELEPHONES:** 239-765-8708 (Florida Phone Number)  
(Home) (Work) (Mobile) (Fax)

**PROPERTY LOCATION (Address and Complete (Long) Legal Description):** Krause's Addition Lot 9  
Subdivision Cd 37425

**DETAILED REASON FOR REQUEST:** Please see attached.

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

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Suzanne R. Horning 4/13/14  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Applicant Date



2200 IDS Center  
80 South 8th Street  
Minneapolis MN 55402-2157  
tel 612.977.8400  
fax 612.977.8650

February 3, 2014

Christie J. Cirilli  
(612) 977-8926  
ccirilli@briggs.com

**VIA E-MAIL**

Kyle Klatt  
Planning Director  
Lake Elmo City Hall  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

**Re: Application for Variance - Krause's Addition, Lot 9 Subdivision Cd 37425**

We represent Suzanne Horning, as Trustee of the Suzanne R.W. Horning Qualified Personal Residence Trust (the "Applicant"), in connection with her application for a variance. The Applicant requests that the City grant a variance for the property legally described as Krause's Addition, Lot 9 Subdivision Cd 37425, located in the City of Lake Elmo (the "Property").

Please find attached as exhibits written statements as required by the Variance Procedure for the City of Lake Elmo. Also included with this letter is (1) the Applicant's completed and signed land use application form; (2) verification of the Applicant's ownership of the Property; (3) address labels for the certified list of property owners located within three hundred fifty (350) feet of the subject property obtained from and certified by a licensed abstractor; (4) the proposed septic design plan for the Property; and (5) copies of a certified survey depicting the Property.

We look forward to working with you in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christie J. Cirilli", written in a cursive style.

Christie J. Cirilli

CJC

cc: Sue Horning  
Dan Cole

Kyle Klatt  
February 3, 2014  
Page 2

**EXHIBIT A**

(List of Current Property Owners/Applicant)

Suzanne R.W. Horning, Trustee of the Suzanne R.W. Horning Qualified Personal Residence Trust under Agreement dated December 26, 2008, by Quit Claim Deed dated December 26, 2008, filed December 31, 2008, as Document No. 3720033.



Kyle Klatt  
February 3, 2014  
Page 3

**EXHIBIT B**

(List of Site Data)

1. Legal Description: Krause's Addition, Lot 9 Subdivision Cd 37425
2. Parcel Identification Number: 09.029.21.11.0015
3. Parcel Size (in acres and square feet): 0.785 acres/34,194.6 square feet
4. Existing Use of Land: Vacant parcel
5. Current Zoning: R1 One-Family Residential District

Kyle Klatt  
February 3, 2014  
Page 4

**EXHIBIT C**

(Provision of Zoning Code for which Applicant seeks a variance)

The Applicant is seeking a variance under Sections 154.041 and 154.080 of the Zoning Code. Section 154.041, which applies to R-1 One-Family Residential Districts, requires a minimum buildable lot size of 1-1/2 acre per unit without sanitary sewer or 24,000 square feet per unit with sanitary sewer. Section 154.080 contains an exception to this for any “existing lot.” An “existing lot” is defined as “a lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or Registrar of Titles, on or before the effective date of th[e] chapter.” Section 154.080 states that “[a]ny [existing] lot or parcel of land which is in a residential district may be used for single-family detached dwelling purposes, provided the area and width of the lot are within 60% of the minimum requirements of this chapter; provided, all setback requirements of this chapter must be maintained; and provided, it can be demonstrated safe and adequate sewage treatment systems can be installed to serve the permanent dwelling.”

The Property at issue therefore qualifies as an exception to the general lot requirements of Section 154.041 and must instead comply with the 60% (0.90 acre) lot requirement of Section 154.080. At 0.785 acres, the Property falls just short of the buildable lot requirements for existing lots in R1 One-Family Residential Districts. As a result, the Applicant is seeking a variance to the existing lot requirement contained in Section 154.080.

Finally, the Applicant is seeking a variance from Section 154.017 of the Zoning Code, which mandates that any variance granted by the City “shall expire if work does not commence within 12 months of the date of granting such variance or if that use ceases for more than 6 consecutive months.” Because the Applicant desires to convey the Property to her children through her estate for buildable-lot purposes, any such work performed on the Property would not commence until after the twelve (12) month period required under Section 154.017 of the Zoning Code.

Kyle Klatt  
February 3, 2014  
Page 5

**EXHIBIT D**

(Written Description of Proposal)

The Applicant proposes the issuance of a variance to Section 154.080 of the Zoning Code and request that the Property, at 0.785 acres, be characterized as a buildable lot under the Zoning Code.

The Applicant further requests a variance to the requirement under Section 154.017 that work be commenced within twelve (12) months of the variance's issue date. The variance to the buildable lot size will be of no use to the Applicant without a variance to this requirement as well.

Kyle Klatt  
February 3, 2014  
Page 6

**EXHIBIT E**

(Narrative of Pre-Application Discussions)

Christie Cirilli, Attorney with Briggs & Morgan, P.A. (the “Applicant’s Counsel”) spoke with Kyle Klatt, the Planning Director for the City of Lake Elmo (the “Planning Director”), on behalf of the Applicant. Applicant’s Counsel discussed Applicant’s pursuance of a variance under Section 154.017 of the Lake Elmo Zoning Code. Applicant’s Counsel inquired regarding the current standard for variances applied by the City of Lake Elmo. The Planning Director confirmed that the “practical difficulties” standard, as discussed in Minnesota Statutes 462.357, had been adopted by the City and incorporated into Section 154.017 of the Lake Elmo Zoning Code.

The Planning Director stated that the Property had been characterized as a non-buildable lot since 1979, but acknowledged that the Property was improperly assessed and taxed as a buildable lot during the Applicant’s ownership of the Property. Applicant’s Counsel explained to the Planning Director that the Property was being assessed and taxed as a buildable lot when the Applicant purchased the Property, and as a result, the Applicant believed she was buying land with buildable lot value. Applicant’s Counsel explained to the Planning Director that the Property was of little or no value to the Applicant or anyone else without characterization as a buildable lot because the Applicant was interested in transferring the Property via her estate to her children for buildable purposes. The Planning Director acknowledged the erroneous taxation of the Property, despite stating that the zoning classification of the property is separate and distinct from the taxation of the parcel – meaning that the fact that the Property was taxed as a buildable lot does not change the fact that it was characterized as unbuildable under the zoning code. The Planning Director confirmed, however, that the fact that the Applicant purchased the parcel at a buildable lot price and for buildable lot value would be considered by the Planning Commission in its decision of whether or not to grant a variance.

The Planning Director explained that he was not sure how much application of the new “practical difficulties” standard would affect the Planning Commission’s analysis and issuance of variances. The Planning Commission has not had many variance applications come before it since the new standard took effect. The Planning Director informed Applicant’s Counsel that, if the Planning Commission were to grant a variance for the Property, work would have to be commenced on the Property within 12 months of the date the variance was granted – otherwise, the variance would expire. Applicant’s Counsel responded that this may be an issue for Applicant, and an additional variance may be requested to waive this requirement.

The Applicant also separately had conversations with the City regarding her Property. In particular, the Applicant spoke with Dean Zuleger, the City Administrator for the City of Lake

Kyle Klatt  
February 3, 2014  
Page 7

Elmo, who informed the Applicant that he was unaware of any issues with the buildable nature of the Property. Mr. Zuleger acknowledged that other buildable lots in the area were of a similar size to the Property and that he did not see any reason why the Property should not be buildable as well. The discussions with Mr. Zuleger also revealed a prior variance that was issued for the Property in 1985. Upon following up with the Planning Director, there was not much information on file with the City regarding said variance, only that a variance was issued at that time regarding the buildable nature of the Property. This prior variance supports the current application for a variance for the Property.

The Applicant's Counsel further had discussions with Mr. Klatt regarding a variance passed by the Lake Elmo City Council on October 15, 2013, which variance was passed despite a recommendation from the Planning Commission to deny such variance. The property related to the variance request was of a considerably smaller size than the Applicant's property and was located on the shoreline. Mr. Klatt explained that the primary reason for granting the variance was that the property had room for adequate septic systems, and as a result the City Council passed the variance.

Kyle Klatt  
February 3, 2014  
Page 8

**EXHIBIT F**

(Explanation of Applicant's Practical Difficulties)

Section 154.017 of the Zoning Code states that a variance shall be granted "where strict enforcement of the [Zoning Code] would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter." Under this Section, the "practical difficulties" standard means that "the property owner proposes to use the property in a reasonable manner not permitted by an official control."

The Applicant is proposing to use the Property in a reasonable manner not permitted by an official control. At 0.785 acres, the Property has been characterized as a non-buildable lot by the Zoning Code, which has a buildable lot size requirement for existing lots of 0.90 acres. The Applicant is proposing to reclassify the Property as a buildable lot prior to her conveyance of the Property through her estate. Given that the Property's acreage constitutes roughly 87% of the buildable lot size requirement, the Property is very close to meeting the required buildable lot size under the Zoning Code. As a result, it is unlikely that any structure built on the Property (that complied with the Zoning Code's building requirements) would be notably more obstructive than structures built on lots meeting the minimum 0.90 acre requirement.

The Property is zoned for residential use and the Applicant will have no use for the Property if it is not classified as a buildable lot. The other lots surrounding the Property are not much larger than the Property and were grandfathered in under the Zoning Code, as the Property at issue should have been. The Property was a platted lot approved by the City at its current size and was intended to be buildable. Therefore, classifying the Property as a buildable lot will not alter the "spirit and intent of the chapter."

Given that the proposed use of the Property is not unreasonable and that the Property should have been previously grandfathered in under the Zoning Code, the Planning Commission should grant a variance given the particularly unusual circumstances of the Applicant, as described on Exhibit G.



Kyle Klatt  
February 3, 2014  
Page 9

**EXHIBIT G**

(Explanation of Applicant's Unique Circumstances)

Section 154.017 of the Zoning Code further states that a variance shall only be granted where "[t]he plight of the landowner is due to circumstances unique to the property not created by the landowner." The Applicant at issue has particularly unusual circumstances, which are not by fault of her own.

The Applicant was not the subdivider of the surrounding development and therefore did not create the problem. At the time the Applicant purchased the Property in 1985, the Applicant believed the Property was buildable. The Property was platted and approved by the City at its current size. The surrounding lots were of a similar size and were characterized as buildable. The Applicant paid a buildable lot value for the Property and has been paying taxes, assessed by Washington County, Minnesota, on that buildable lot value for the past twenty-seven (27) years. As a result, the Applicant had good reason to believe that she owned buildable land. The Applicant's belief that the land was buildable affected her decision to purchase and retain the Property.

The Property was specifically characterized as an assessable lot on the City's assessment role on September 10, 1985, at which time the City held a meeting for approval of a special assessment by local property owners. By characterizing the Property as an assessable lot, the City was acknowledging the value the Property was receiving from City improvements and assessing a fee on the Property for those improvements. The Property does not, however, receive any value from City improvements if it is not also buildable. As a result, the City's characterization of the Property as an assessable lot suggests that the Property was intended to be buildable as well.

The Applicant had no reason to believe that her land was not buildable. Any plight of the Applicant was due to the error of other parties. As a result, the Applicant has unique circumstances that she has not created and which justify the City's grant of a variance for the Property.

Kyle Klatt  
February 3, 2014  
Page 10

## **EXHIBIT H**

### **(Essential Character of Neighborhood)**

In order to obtain a variance from the City, the Applicant is required to show that the issuance of a variance would not alter the essential character of the neighborhood in which the Property is located. In other words, the Property must be consistent and not interfere with the use of the property surrounding it.

The Property is located in Krause's Addition of the City of Lake Elmo. Other lots within Krause's Addition that have houses built on them are not discernibly different in size than the Property. As previously stated, many of these lots were grandfathered in when the Zoning Code requirements changed, and the Property at issue should have been grandfathered in as well. Furthermore, the City Council recently granted a variance on October 15, 2013 for a lot of a considerably smaller size than the Applicant's property, constituting approximately 0.4 acres of land. The City Council's primary reason for granting the variance was that the property had adequate room for appropriate septic systems on the property. The Applicant's Property also has adequate room for appropriate septic systems on the property, with room for both a primary and backup drainfield location, as demonstrated by the septic design submitted in connection with the application. In addition, unlike the property at issue in the October 15, 2013 variance request, the Applicant's property is not located on the shoreline and therefore any building on the Applicant's Property won't interfere with any of the neighboring property rights associated therewith.

Springborn's Green Acres, which adjoins the Property to the North, contains two lots (Lot 2 and Lot 3) that both have less buildable area than the Property at issue, due to drainage and utility easements that bisect each lot. Lot 2 and Lot 3 are shown to each constitute 1.6 acres, but their buildable lot areas are actually only 150 feet by 170 feet due to the easements burdening each lot. Therefore, if granted a variance, the buildable lot area of the Property at issue would be greater than that of both Lot 2 and Lot 3 in Springborn's Green Acres.

Given the size of lots surrounding the Property and adequate room for appropriate septic systems on the property, the issuance of a variance for the Property would not alter the essential character of the neighborhood.

# THE HORNING PROPERTY LOT 9, KRAUSE'S ADDITION 49XX JAMACA AVENUE NORTH CITY OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA

**KEMPER & ASSOCIATES INC.**  
PROFESSIONAL LAND SURVEYORS

653-423-2288  
15455 Highway 22, NW  
Plymouth, Minnesota 55442  
www.kemperandassociates.com



VICINITY MAP  
(NOT TO SCALE)

## FLOODPLAIN SUMMARY



LOT 9, KRAUSE'S ADDITION  
FLOODPLAIN COVERAGE  
LAKE ELMO, MINNESOTA



LOT 9, KRAUSE'S ADDITION  
FLOODPLAIN COVERAGE  
LAKE ELMO, MINNESOTA

## ZONING REQUIREMENTS

LOT 9, KRAUSE'S ADDITION  
FLOODPLAIN COVERAGE  
LAKE ELMO, MINNESOTA



LOT 9, KRAUSE'S ADDITION  
FLOODPLAIN COVERAGE  
LAKE ELMO, MINNESOTA



LOT 9, KRAUSE'S ADDITION  
FLOODPLAIN COVERAGE  
LAKE ELMO, MINNESOTA



LOT 9, KRAUSE'S ADDITION  
FLOODPLAIN COVERAGE  
LAKE ELMO, MINNESOTA



LOT 9, KRAUSE'S ADDITION  
FLOODPLAIN COVERAGE  
LAKE ELMO, MINNESOTA

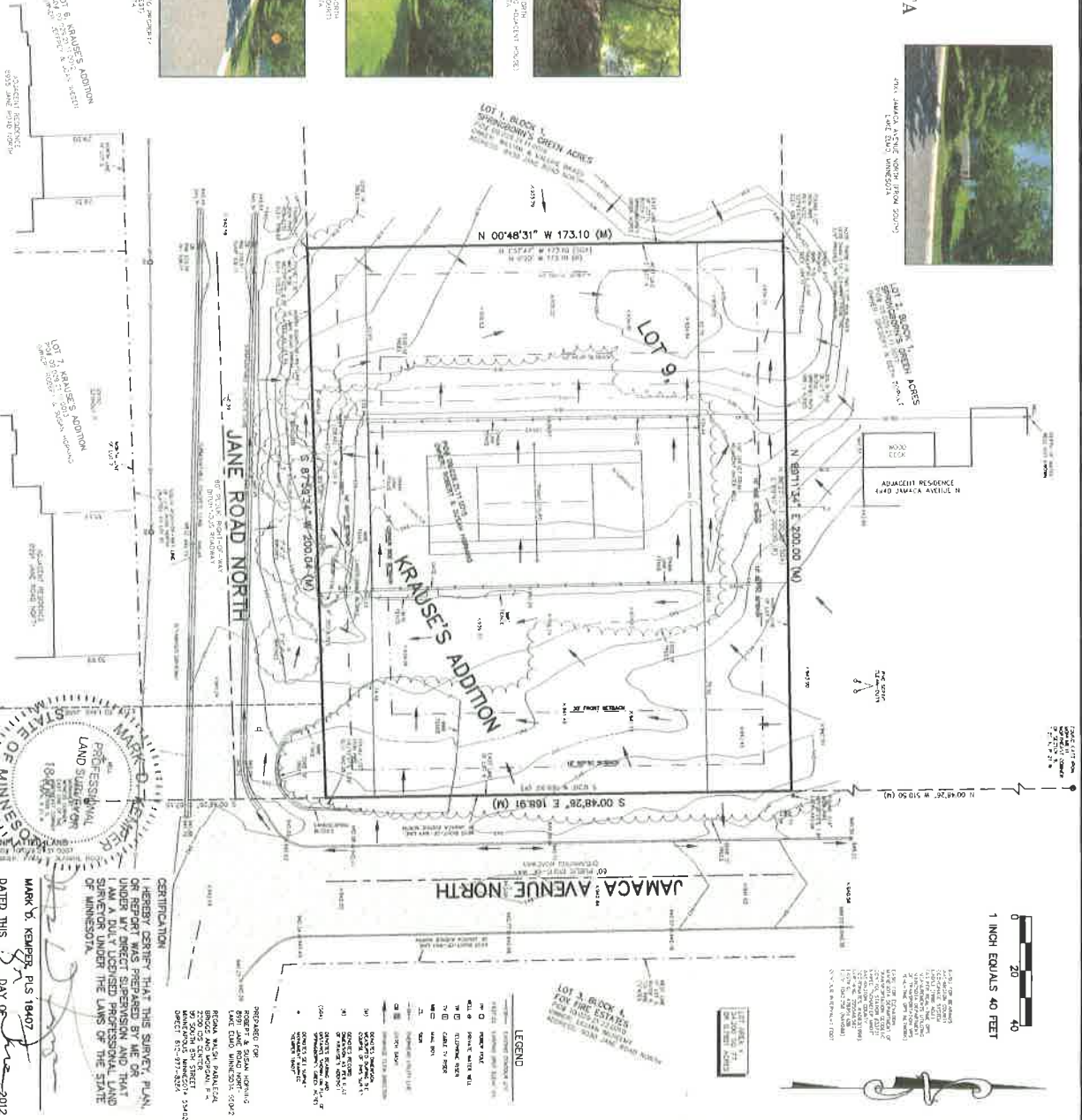
LOT 9, KRAUSE'S ADDITION  
FLOODPLAIN COVERAGE  
LAKE ELMO, MINNESOTA

## EXISTING INTERFERING COVERAGE

LOT 9, KRAUSE'S ADDITION  
FLOODPLAIN COVERAGE  
LAKE ELMO, MINNESOTA

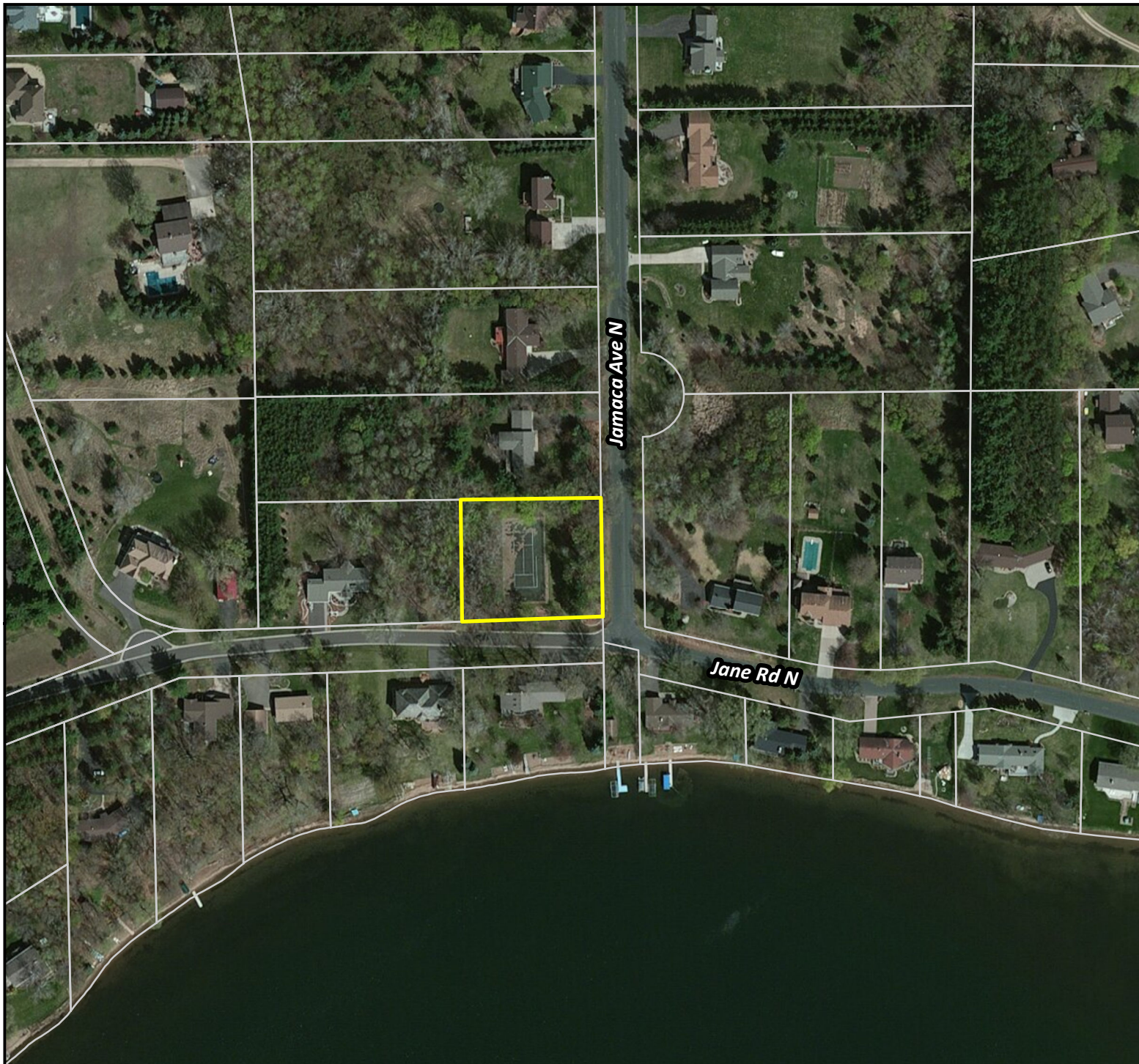
## CERTIFICATE OF SURVEY

120984 (120984.DWG)



**CERTIFICATION**  
I HEREBY CERTIFY THAT THIS SURVEY PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
MARK B. KEMPER, PLS 18407  
DATED THIS 18th DAY OF June 2012





Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

## Location Map: 09.029.21.11.0015



Data Source: Washington County, MN  
2-26-2014



Variance Request  
09.029.21.11.0015

0 100 200 400 Feet  
1"=200'





# KRAUSE'S ADDITION

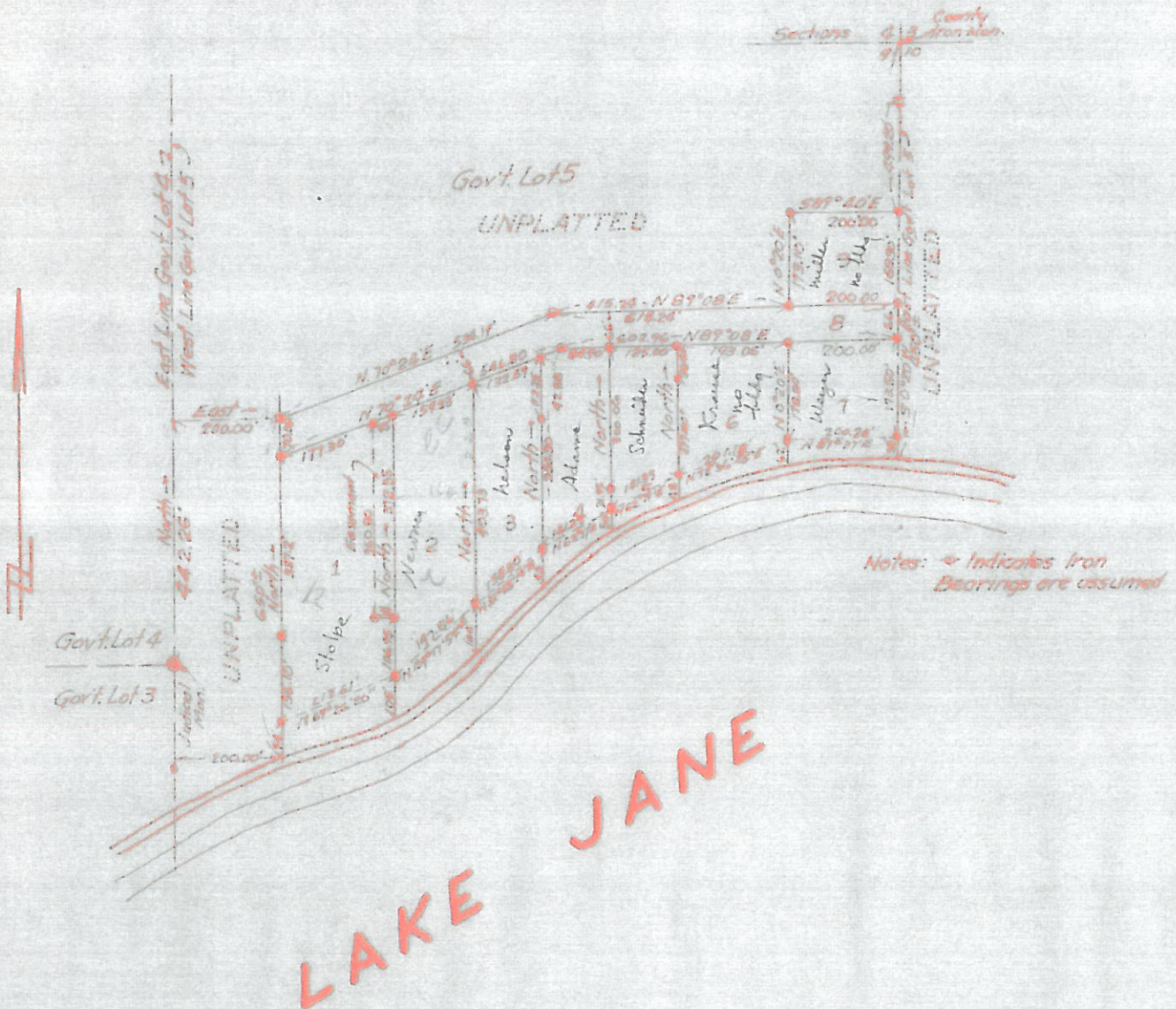
PART OF GOVT. LOT 5 SECTION 9, T 29 N., R 21 W.

EAST OAKDALE TOWNSHIP - WASHINGTON COUNTY

MINNESOTA

SCALE: 1 IN. = 200 FT.

J.R. Hoffman  
Surveyor



surveyed the property described on this  
and to having placed iron monuments at  
same are correct, there is no undrained  
d road nor easement on or across same  
the land conveyed in fee in each recorded  
the same as the land shown on this plat  
preceding each particular recorded

This plat approved and accepted by the Town Board of  
Washington County, Minnesota this 22nd day of 1911

*Maximilian*  
Chairman, Town Board,

# MOUND SYSTEM DESIGN

## INDIVIDUAL SEWAGE TREATMENT SYSTEM

Owner's Name	SUZANNE HORNING
Job Site Address	LOT 9, KRAUSE'S ADDITION 49XX JAMACA AVE.
City or Township	LAKE ELMO
Use of Building	SFD

Design Flow Rate	750	Perc Rate	16-30	Land Slope	1	Percent
Two Required Tank Sizes	1500 Gallons 1000 Gallons	Lift Station Tank Size	1200	Gallons		
Rock Bed Width	10	Rock Bed Length	75			
Required Absorption Width	20	Feet		Depth of Clean Sand Fill at Upslope Edge of Rock Layer		Feet
Minimum Downslope Dike Width After Accounting for the Absorption Area				13	Feet	
Minimum Upslope Dike	10	Feet		Minimum Length of Dike	95	Feet
Any Other Special Conditions THIS DESIGN IS INTENDED TO DEMONSTRATE SUITABILITY OF LOT FOR SEPTIC PURPOSES ONLY IN ORDER TO OBTAIN A ZONING VARIANCE. ANY CHANGES OF FUTURE HOUSE OR SEPTIC LOCATION WILL REQUIRE ADDITIONAL TESTING OR SIZING TO SEPTIC SYSTEM						

COMPLETE THE PRESSURE DISTRIBUTION SYSTEM WORK SHEET ATTACHED.

This design <u>must</u> be accompanied by a site plan that clearly shows the location of the area tested and approved by the following (MOUND SYSTEMS SITE PLANS MUST CLEARLY SHOW THE LOCATION OF THE MOUND):	
1.	Use an appropriate scale and indicate direction by use of a north arrow.
2.	Show ALL property boundaries, rights-of-way, easements, wetlands. If necessary, an enlarged detail of house site may also be required.
3.	Show location of house, garage, driveway and all other improvements existing or proposed.
4.	Show location and layout of sewage treatment mound, and back-up mound.
5.	Show location of water supply (well and/or community supply line).
6.	Dimension all setbacks and separation distances.

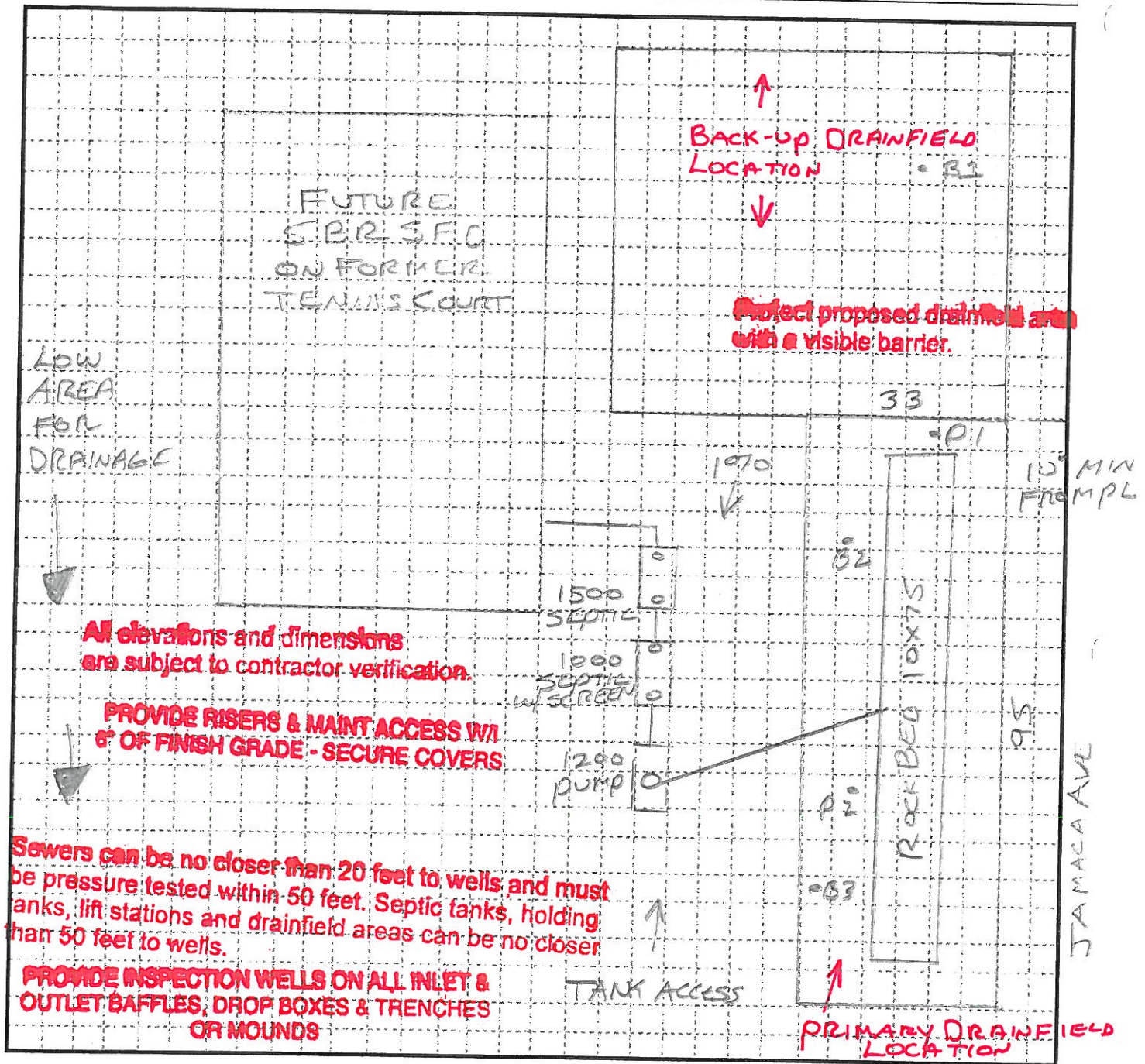
This system has been designed by a Pollution Control Agency (PCA) Certified Professional.	
Designer Name	TOM TROOEN
PCA Certification #	1568
Address	12020 SQUARE LAKE TR. STILLWATER MN 55080
Phone #	612-594-4496
Signature	Tom Trooen
Date	8-11-12



Site Evaluation Map Date 8-11-12 Site Evaluator TOM TROOEN

Legal location and directions to lot \_\_\_\_\_

Any surface signs of compaction? \_\_\_\_\_



### Mapping Checklist

Map scale: 1:25

Lot dimensions: JANE ROAD

Indicate north ↑

Locate dwelling \_\_\_\_\_

and other improvements \_\_\_\_\_

Locate existing and/or proposed system, \_\_\_\_\_ replacement area, \_\_\_\_\_ unsuitable areas \_\_\_\_\_

Indicate easements: phone \_\_\_\_\_ electric \_\_\_\_\_ gas \_\_\_\_\_ Show slope: \_\_\_\_\_% direction \_\_\_\_\_

Indicate setbacks: building 20' \_\_\_\_\_ property lines 10' \_\_\_\_\_ water well 100'/50' \_\_\_\_\_

water suction pipe 50' \_\_\_\_\_ pressure pipe 10' \_\_\_\_\_ streams, lakes, rivers 50'/75'/100' \_\_\_\_\_

Locate borings, perc tests, indicating elevation, \_\_\_\_\_ horizontal and vertical reference points \_\_\_\_\_

Is proposed location staked? \_\_\_\_\_ Accessible for pumping? \_\_\_\_\_



# MOUND DESIGN WORKSHEET

(For Flows up to 1200 gpd)

## A. FLOW

Estimated 750 gpd  
or measured \_\_\_\_\_ x 1.5 = \_\_\_\_\_ gpd.

Estimated Sewage Flows in Gallons per day (gpd)

Number of Bedrooms	Type I	Type II	Type III	Type IV
2	300	225	180	60% of the values in Type I, II or III columns
3	450	300	218	
4	600	375	256	
5	750	450	294	
6	900	525	332	
7	1050	600	370	
8	1200	675	408	

## B. SEPTIC TANK LIQUID VOLUMES

1500 gallons + 1000

## C. SOILS (refer to site evaluation)

- Depth to restricting layer = 29 inches \_\_\_\_\_ feet
- Depth of percolation tests = 12 inches
- Texture SILT LOAM Percolation rate 16-30 mpi
- Land slope 1 %

Septic Tank Capacities (in gallons)

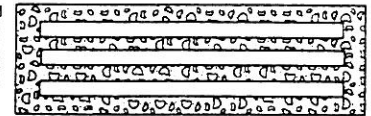
Number of Bedrooms	Minimum Liquid Capacity	Liquid capacity with garbage disposal
2 or less	750	1125
3 or 4	1000	1500
5 or 6	1500	2250
7, 8 or 9	2000	3000

## D. ROCK LAYER DIMENSIONS

- Multiply flow rate by 0.83 to obtain required area of rock layer:  $A \times 0.83 =$   
750 gpd x 0.83 sq. ft./gpd = 750 sq. ft.
- Select width of rock layer (max 10' if <120 mpi max 5') = 10 ft.
- Length of rock layer = area ÷ width =  
750 sq. ft. ÷ 10 ft. = 75 ft.



Width 10 ft  
<120mpi <10'  
>120mpi <5'



Length 75 ft

## E. ROCK VOLUME

- Multiply rock area by rock depth to get cubic feet of rock; 750 sq. ft. x 1 ft. = 750 cu. ft.
- Divide cu. ft. by 27 cu. ft./cu. yd. to get cubic yards;  
750 cu. ft. ÷ 27 = 28 cu. yd.
- Multiply cubic yards by 1.4 to get weight of rock in tons; 28 cu. yd. x 1.4 ton/cu. yd. = 39 tons.

## F. ABSORPTION WIDTH

- Percolation rate in top 12 inches of soil is 16-30 mpi  
Texture SILT LOAM
- Select allowable soil loading rate from table;  
.60 gpd/ft<sup>2</sup>
- Calculate adsorption width ratio by dividing rock layer

Absorption Width Sizing Table

Percolation Rate in Minutes per Inch (MPI)	Soil Texture	Gallons per day per square foot	Ratio of Adsorption width to Rock Layer Width
Faster than 0.1	Coarse Sand	1.20	1.00
0.1 to 0.5	Sand	1.20	1.00
0.1 to 0.5	Fine Sand	0.60	2.00
6 to 15	Sandy Loam	0.79	1.52
16 to 30	Loam	0.60	2.00
31 to 45	Silt Loam	0.50	2.40
46 to 60	Clay Loam	0.45	2.67
60 to 120	Clay	0.24	5.00
Slower than 120	Clay	0.20	6.00

loading rate of 1.20 gpd/ft<sup>2</sup> by allowable soil loading rate;

$$1.20 \text{ gpd/ft}^2 \div \underline{.60} \text{ gpd/ft}^2 = \underline{2.00}$$

- Multiply adsorption width ratio by rock layer width to get required adsorption width;

$$\underline{10} \times \underline{2.00} \text{ ft} = \underline{20} \text{ ft}$$

## G. MOUND SLOPE WIDTH & LENGTH (landslope 1% or more)

1. Subtract rock layer width from absorption width  
to obtain minimum downslope width

$$20 \text{ ft} - 10 \text{ ft} = 10 \text{ feet}$$

2. Calculate minimum mound size

a. Determine depth of clean sand fill at upslope edge of rock layer:

$$\text{Separation } 3' - 2 \text{ ft} = 1 \text{ foot}$$

b. Add depth of clean sand for separation (2a) at upslope edge, depth of rock layer (1 foot) to depth of cover (1 foot) to find the mound height at the upslope edge of rock layer;

$$1 \text{ ft} + 1 \text{ ft} + 1 \text{ ft} = 3 \text{ feet}$$

c. Enter table with landslope and upslope ratio. Select berm multiplier of 3.85

d. Multiply berm multiplier by upslope mound height to find upslope width:

$$3 \times 3.85 = 12 \text{ feet}$$

e. Multiply rock layer width by landslope to determine drop in elevation;

$$10 \times 1\% \div 100 = .1 \text{ feet}$$

f. Add depth of clean sand for slope difference (2e) at downslope rock edge, to the mound height at the upslope edge of rock layer (2b) to find the downslope mound height;

$$3 \text{ ft} + .1 \text{ ft} = 3.1 \text{ feet}$$

g. Enter table with landslope and downslope ratio. Select downslope multiplier of 4.17

h. Multiply downslope multiplier by downslope mound height to get downslope width:

$$3.1 \times 4.17 = 13 \text{ feet}$$

i. Compare the values of step G.1 10 and Step G.2h 13

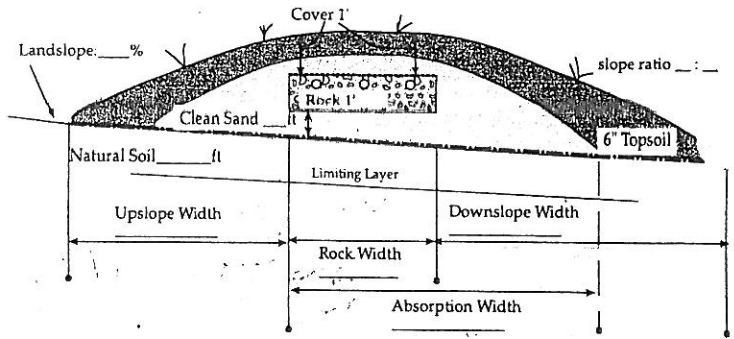
Select the greater of the two values as the downslope width: 13 feet

j. Total mound width is the sum of upslope (G.2d) width plus rock layer width (D.2) plus downslope width (G.2i);

$$10 \text{ ft} + 10 \text{ ft} + 13 \text{ ft} = 33 \text{ feet}$$

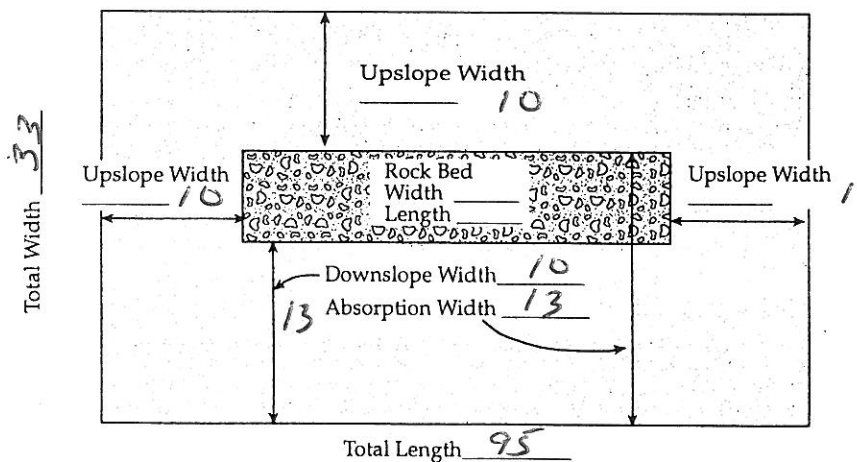
k. Total mound length is the sum of upslope width (G.2d) plus rock layer length (D.3) plus upslope width (G.2d);

$$10 \text{ ft} + 10 \text{ ft} + 75 \text{ ft} = 95 \text{ feet}$$



SLOPE MULTIPLIER TABLE

Land Slope, in %	UPSLOPE multipliers for various slope ratios						DOWNSLOPE multipliers for various slope ratios					
	3:1	4:1	5:1	6:1	7:1	8:1	3:1	4:1	5:1	6:1	7:1	
0	3.0	4.0	5.0	6.0	7.0	8.0	3.0	4.0	5.0	6.0	7.0	
1	2.91	3.85	4.76	5.66	6.54	7.41	3.09	4.17	5.26	6.38	7.53	
2	2.83	3.70	4.54	5.36	6.14	6.90	3.19	4.35	5.56	6.82	8.14	
3	2.75	3.57	4.35	5.08	5.79	6.45	3.30	4.54	5.88	7.32	8.86	
4	2.68	3.45	4.17	4.84	5.46	6.06	3.41	4.76	6.25	7.89	9.72	
5	2.61	3.33	4.00	4.62	5.19	5.71	3.53	5.00	6.67	8.57	10.77	
6	2.54	3.23	3.85	4.41	4.93	5.41	3.66	5.26	7.14	9.38	12.07	
7	2.48	3.12	3.70	4.23	4.70	5.13	3.80	5.56	7.69	10.34	13.73	
8	2.42	3.03	3.57	4.05	4.49	4.88	3.95	5.88	8.33	11.54	15.91	
9	2.36	2.94	3.45	3.90	4.30	4.65	4.11	6.25	9.09	13.04	18.92	
10	2.31	2.86	3.33	3.75	4.12	4.44	4.29	6.67	10.00	15.00	23.37	
11	2.26	2.78	3.23	3.61	3.95	4.26	4.48	7.14	11.11	17.65	30.00	
12	2.21	2.70	3.12	3.49	3.80	4.08	4.69	7.69	12.50	21.43	43.75	



**Final Dimensions:**

33 x 95

Diagram illustrating a slope stabilization method. The cross-section shows the following layers from top to bottom:

- LOAMY SAND CAP
- TOPSOIL
- PERMEABLE SYNTHETIC FABRIC
- GRASS COVER
- CLEAN SAND FILL

Labels and dimensions include:

- (INCHES) (multiple locations indicating layer thicknesses)
- 24" (vertical dimension)
- % SLOPE (multiple locations indicating slope percentage)
- METHOD OF SOIL PREPARATION (with a space for a description)
- (DESCRIBE METHOD)

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- (DESCRIBE METHOD)

CROSS SECTION A-A

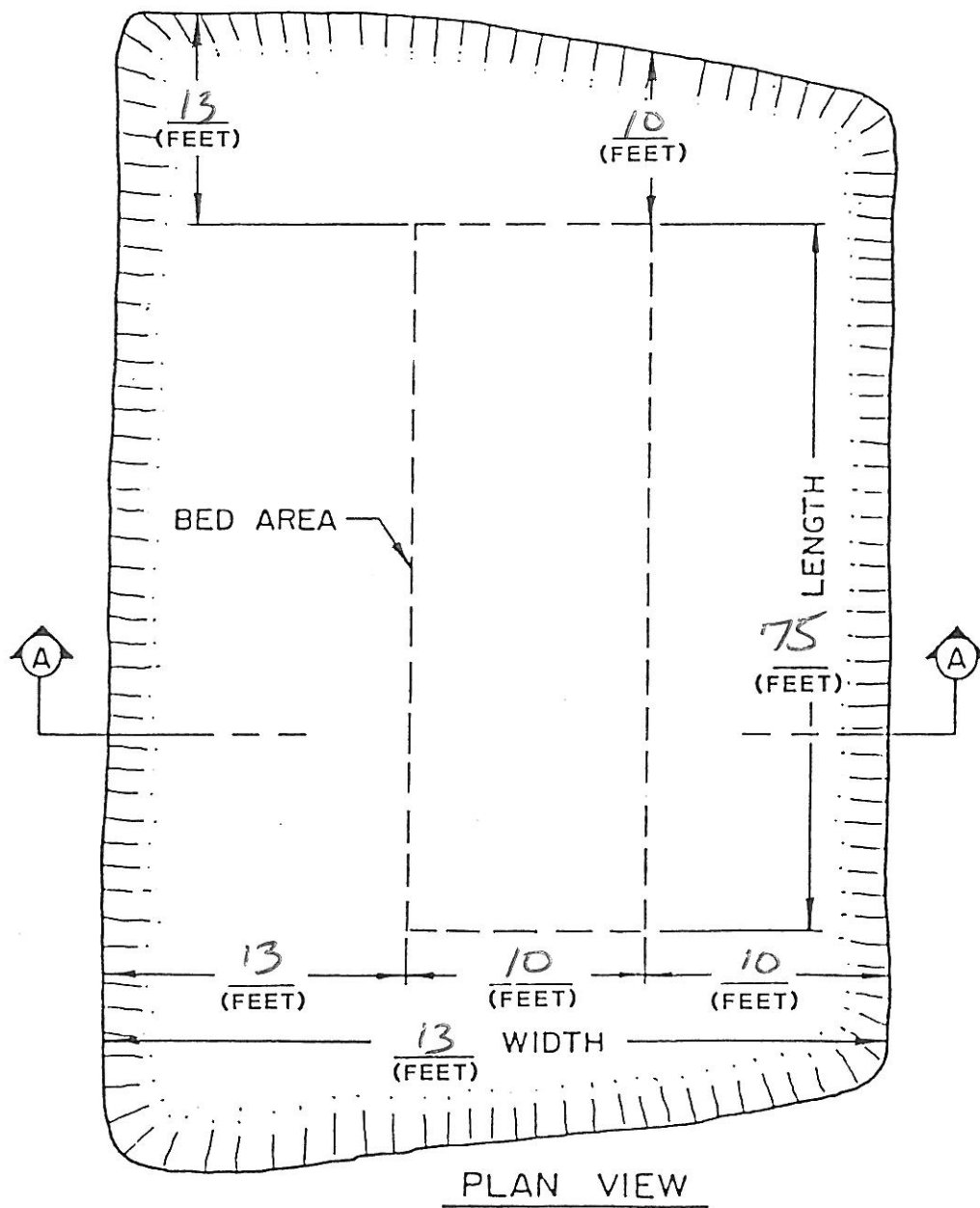


Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions in feet.

The diagram shows a large rectangle with a smaller rectangle inside it. The dimensions are labeled as follows:

- Top Edge:** The total width is 13 (FEET). The distance from the left corner to the start of the inner rectangle is 10 (FEET).
- Right Edge:** The total height is 75 (FEET). The distance from the top corner to the start of the inner rectangle is 10 (FEET).
- Bottom Edge:** The total width is 13 (FEET). The distance from the left corner to the start of the inner rectangle is 10 (FEET). The distance from the end of the inner rectangle to the right corner is 10 (FEET).
- Inner Rectangle:** The width is 13 (FEET) and the height is 75 (FEET).
- Labels:** The text "BED AREA" is written near the inner rectangle. The text "LENGTH" is written vertically along the right edge of the inner rectangle. The text "WIDTH" is written horizontally along the bottom edge of the inner rectangle.
- Section Markers:** Two circular markers labeled "A" are located on the left and right sides of the diagram, indicating a cross-section line.

PLAN VIEW

Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions in feet.

The overall dimensions are:

- Width: 13 (FEET)
- Length: 75 (FEET)

The area is divided into sections by dashed lines. The width is subdivided into three segments: 13 (FEET), 10 (FEET), and 10 (FEET). The length is subdivided into two segments: 13 (FEET) and 10 (FEET).

Labels include:

- BED AREA
- LENGTH
- WIDTH

Section markers 'A' are indicated on the left and right sides.

Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions in feet.

The overall dimensions are:

- Width: 13 (FEET)
- Length: 75 (FEET)

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Labels include:

- BED AREA (pointing to the central rectangular region)
- LENGTH (vertical dimension line)
- WIDTH (horizontal dimension line)
- Section markers A (at the bottom corners)

Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions in feet.

The overall dimensions are:

- Width: 13 (FEET)
- Length: 75 (FEET)

The area is divided into sections by dashed lines. The width is subdivided into three segments: 13 (FEET), 10 (FEET), and 10 (FEET). The length is subdivided into two segments: 13 (FEET) and 10 (FEET).

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The diagram shows a large rectangle with a smaller rectangle inside it. The dimensions are labeled as follows:

- Top Edge:** The total width is 13 (FEET). The distance from the left corner to the start of the inner rectangle is 10 (FEET).
- Right Edge:** The total height is 75 (FEET). The distance from the top corner to the start of the inner rectangle is 10 (FEET).
- Bottom Edge:** The total width is 13 (FEET). The distance from the left corner to the start of the inner rectangle is 10 (FEET). The distance from the end of the inner rectangle to the right corner is 10 (FEET).
- Inner Rectangle:** The width is 13 (FEET) and the height is 75 (FEET).
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- Section Markers:** Two circular markers labeled "A" are positioned on the left and right sides of the diagram, indicating a cross-section line.

PLAN VIEW

Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions and labels.

The diagram shows a rectangular area defined by dashed lines, surrounded by a hatched border. The dimensions are labeled as follows:

- Top Dimensions:**
  - Left side: 13 (FEET)
  - Right side: 10 (FEET)
- Bottom Dimensions:**
  - Left side: 13 (FEET)
  - Middle section: 10 (FEET)
  - Right side: 10 (FEET)
  - Total Width: 13 (FEET)
- Right Side Dimension:** 75 (FEET) (LENGTH)
- Labels:**
  - BED AREA (pointing to the dashed rectangle)
  - LENGTH (vertical dimension on the right)
  - WIDTH (horizontal dimension at the bottom)
- Section Markers:** Two circular markers labeled 'A' are positioned on the left and right sides, indicating a cross-section line.

PLAN VIEW

Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions in feet.

The overall dimensions are:

- Width: 13 (FEET)
- Length: 75 (FEET)

The area is divided into sections by dashed lines. The width is subdivided into three segments: 13 (FEET), 10 (FEET), and 10 (FEET). The length is subdivided into three segments: 13 (FEET), 10 (FEET), and 10 (FEET).

Labels include:

- BED AREA (pointing to the central rectangular region)
- LENGTH (vertical dimension line)
- WIDTH (horizontal dimension line)
- Section markers A (at the bottom corners)

Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions in feet.

The overall dimensions are:

- Width: 13 (FEET)
- Length: 75 (FEET)

The area is divided into sections by dashed lines. The width is subdivided into three segments: 13 (FEET), 10 (FEET), and 10 (FEET). The length is subdivided into three segments: 13 (FEET), 10 (FEET), and 10 (FEET).

Labels include:

- BED AREA (pointing to the central rectangular region)
- LENGTH (vertical dimension line)
- WIDTH (horizontal dimension line)
- Section markers A (at the bottom corners)

Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions in feet.

The overall dimensions are:

- Width: 13 (FEET)
- Length: 75 (FEET)

The area is divided into sections by dashed lines. The width is subdivided into three segments: 13 (FEET), 10 (FEET), and 10 (FEET). The length is subdivided into three segments: 13 (FEET), 10 (FEET), and 10 (FEET).

Labels include:

- BED AREA (pointing to the central rectangular region)
- LENGTH (vertical dimension line)
- WIDTH (horizontal dimension line)
- Section markers A (at the bottom corners)

Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions and labels:

- Top Dimensions:**
  - Left side:  $\frac{13}{\text{(FEET)}}$
  - Right side:  $\frac{10}{\text{(FEET)}}$
- Bottom Dimensions:**
  - Left side:  $\frac{13}{\text{(FEET)}}$
  - Middle section:  $\frac{10}{\text{(FEET)}}$
  - Right side:  $\frac{10}{\text{(FEET)}}$
  - Total width:  $\frac{13}{\text{(FEET)}}$  (labeled **WIDTH**)
- Right Side Dimension:**
  - Length:  $\frac{75}{\text{(FEET)}}$  (labeled **LENGTH**)
- Labels:**
  - BED AREA** (pointing to the central rectangular region)
  - WIDTH** (labeled below the bottom dimension line)
  - LENGTH** (labeled vertically along the right side)
- Section Markers:**
  - A** (circled, located at the bottom left and bottom right corners)

Diagram illustrating the Plan View of a rectangular area, likely a bed area, with dimensions in feet.

The overall dimensions are:

- Width: 13 (FEET)
- Length: 75 (FEET)

The area is divided into sections by dashed lines. The width is subdivided into three segments: 13 (FEET), 10 (FEET), and 10 (FEET). The length is subdivided into two segments: 13 (FEET) and 10 (FEET).

Labels include:

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The overall dimensions are:

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- LENGTH (vertical dimension line)
- WIDTH (horizontal dimension line)
- Section markers A (at the bottom corners)

Test hole location P1 Hole # \_\_\_\_\_

TIME	INTERVAL (MINUTES)	WATER DEPTH	WATER DROP (fraction)	WATER DROP (decimal)	PERC RATE CALCULATION
<u>12:45</u> <u>1:15</u>	START <u>30</u>	<u>8</u> <u>6 1/4</u>	<u>1 3/4</u>	<u>1.75</u>	$\frac{30}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{17}{\text{PERC}}$ A
<u>1:15</u> <u>1:45</u>	REFILL <u>30</u>	<u>8</u> <u>6 3/4</u>	<u>1 13/16</u>	<u>1.81</u>	$\frac{30}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{17}{\text{PERC}}$ B
<u>1:45</u> <u>2:15</u>	REFILL <u>30</u>	<u>8</u> <u>6 3/8</u>	<u>1 5/8</u>	<u>1.63</u>	$\frac{30}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{18}{\text{PERC}}$ C
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ D
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ E
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ F
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ G
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ H

conversion:

1/16 = .06

1/8 = .13

3/16 = .19

1/4 = .25

5/16 = .31

3/8 = .38

7/16 = .44

1/2 = .5

9/16 = .56

5/8 = .63

11/16 = .69

3/4 = .75

13/16 = .81

7/8 = .88

15/16 = .94

P2

TIME	INTERVAL (MINUTES)	WATER DEPTH	WATER DROP (fraction)	WATER DROP (decimal)	PERC RATE CALCULATION
<u>12:50</u> <u>1:10</u>	START <u>30</u>	<u>8</u> <u>6 1/8</u>	<u>1 7/8</u>	<u>1.88</u>	$\frac{30}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{16}{\text{PERC}}$ A
<u>1:10</u> <u>1:40</u>	REFILL <u>30</u>	<u>8</u> <u>6 1/4</u>	<u>1 3/4</u>	<u>1.75</u>	$\frac{30}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{17}{\text{PERC}}$ B
<u>1:40</u> <u>2:10</u>	REFILL <u>30</u>	<u>8</u> <u>6 1/2</u>	<u>1 1/2</u>	<u>1.5</u>	$\frac{30}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{20}{\text{PERC}}$ C
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ D
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ E
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ F
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ G
_____ _____	REFILL _____	_____ _____	_____ _____	_____ _____	$\frac{\text{TIME}}{\text{TIME}} \div \frac{\text{DROP}}{\text{(Decimal)}} = \frac{\text{PERC}}{\text{PERC}}$ H

conversion:

1/16 = .06

1/8 = .13

3/16 = .19

1/4 = .25

5/16 = .31

3/8 = .38

7/16 = .44

1/2 = .5

9/16 = .56

5/8 = .63

11/16 = .69

3/4 = .75

13/16 = .81

7/8 = .88

15/16 = .94



# Soil Boring Log

Date: 8-11-12

Project Location: 49XX JANAC AVE LAKE ELMO, MN 55042

Client: \_\_\_\_\_ Borings made by: \_\_\_\_\_

Address: \_\_\_\_\_ TOM TROOEN

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Lic. # 1568

Boring method: Auger ☒ Pit ☐ Probe ☐ Other \_\_\_\_\_ Color classification system: ☒ Munsell ☐ Other \_\_\_\_\_

Boring Number B1  
Surface Elevation \_\_\_\_\_  
Soil type at system depth: \_\_\_\_\_

Boring Number B2  
Surface Elevation \_\_\_\_\_  
Soil type at system depth: \_\_\_\_\_

Depth (Feet)	Texture	Color
7"	LOAMY TOPSOIL	10YR 3/2
1	FINE SILT LOAM	10YR 4/6
2		
3		
43"		
4	SANDY SILT LOAM	7.5YR 5/6
5		
6		
60"		
7		

Depth (Feet)	Texture	Color
6"	LOAMY TOPSOIL	10YR 3/2
1	FINE SILT LOAM	10YR 4/6
2		
3		
38"		
46"	SANDY SILT LOAM	7.5YR 5/6
4		
5		
6		
7		

Slope: 1 %  
End of boring at 6 feet.  
Standing water table: yes ☐ no ☒  
Present at \_\_\_\_\_ feet of depth,  
\_\_\_\_\_ hours after boring.  
Mottled soil: MOTTLES @ 52"  
Observed at \_\_\_\_\_ feet of depth.  
Not present in boring hole \_\_\_\_\_  
Observations and comments:

Slope: 1 %  
End of boring at 46" feet.  
Standing water table: yes ☐ no ☒  
Present at \_\_\_\_\_ feet of depth,  
\_\_\_\_\_ hours after boring.  
Mottled soil: MOTTLES @ 40"  
Observed at \_\_\_\_\_ feet of depth.  
Not present in boring hole \_\_\_\_\_  
Observations and comments:



# Soil Boring Log

Date: \_\_\_\_\_

## Project Location:

Client: \_\_\_\_\_ Borings made by: \_\_\_\_\_  
 Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Lic. # \_\_\_\_\_

Boring method: Auger \_\_\_\_\_ Pit \_\_\_\_\_ Probe \_\_\_\_\_ Other \_\_\_\_\_ Color classification system: Munsell \_\_\_\_\_ Other \_\_\_\_\_

Boring Number B3  
 Surface Elevation \_\_\_\_\_  
 Soil type at system depth: \_\_\_\_\_

Boring Number \_\_\_\_\_  
 Surface Elevation \_\_\_\_\_  
 Soil type at system depth: \_\_\_\_\_

Depth (Feet)	Texture	Color	Depth (Feet)	Texture	Color
-	LOAM/TOPSOIL	10YR 3/2	-		
1 -	FINE SILT LOAM	10YR 5/6	1 -		
-			-		
2 -			2 -		
-			-		
3 -	SAND/SILT LOAM	7.5YR 4/6	3 -		
-			-		
4 -			4 -		
-			-		
5 -			5 -		
-			-		
6 -			6 -		
-			-		
7 -			7 -		

Slope: 1 %  
 End of boring at 38" feet.

Standing water table: yes ☒ no ☐  
 Present at \_\_\_\_\_ feet of depth,  
 \_\_\_\_\_ hours after boring.

Mottled soil: MOTTLES @ 29"  
 Observed at \_\_\_\_\_ feet of depth.  
 Not present in boring hole \_\_\_\_\_  
 Observations and comments:

Slope: \_\_\_\_\_ %  
 End of boring at \_\_\_\_\_ feet.

Standing water table: yes ☐ no ☒  
 Present at \_\_\_\_\_ feet of depth,  
 \_\_\_\_\_ hours after boring.

Mottled soil:  
 Observed at \_\_\_\_\_ feet of depth.  
 Not present in boring hole \_\_\_\_\_  
 Observations and comments:

## Sizing of Pump Station

## 1. Determine Surface Area

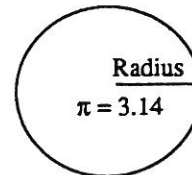
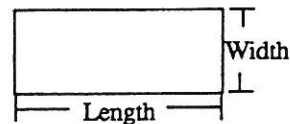
Rectangle = Area = L x W

$$\underline{5} \times \underline{10} = \underline{50} \text{ square feet}$$

Circle = Area =  $\pi \times (\text{Radius})^2$ 

$$3.14 \times \underline{\quad} \times \underline{\quad} = \underline{\quad} \text{ square feet}$$

Other = Get Surface Area from Manufacturer

         square feet

## 2. Calculate Gallons Per Inch

There are 7.5 gallons per cubic foot of volume, therefore you must multiply the area times the conversion factor and divide by 12 inches per foot to calculate gallons per inch

Area x 7.5 + 12

$$\underline{50} \times 7.5 + 12 = \underline{31} \text{ gallons/inch}$$

## 3. Calculate Gallons to Cover Pump (with 2 inches of water covering pump)

(Height (in) + 2 inches) x gallons/inch

$$(\underline{10} + \underline{2}) \times \underline{31} = \underline{370} \text{ gallons}$$

## 4. Calculate Total Pumpout Volume

A. To maximize pump life select sump size for 4 to 5 pump operations per day.

$$\underline{750} \text{ gpd} \div \underline{5} = \underline{150} \text{ gallons per dose}$$

B. Calculate drainback

a. Determine total pipe length, 50 feet.b. Determine liquid volume of pipe, 10 gallons per 100 feet. (see page F-13)

c. Multiply length by volume: Drainback quantity =

$$\underline{50} \text{ feet} \times \underline{10} \text{ gallons} + 100 \text{ ft.} = \underline{5} \text{ gallons.}$$

C. Total pump out volume equals dose volume + drainback

$$\underline{150} \text{ gallons per dose} + \underline{5} \text{ gallons} = \underline{155} \text{ Total gallons}$$

## 5. Calculate Volume for Alarm (typically 2 to 3 inches)

Depth (in) x gallons/inch =

$$\underline{31} \times \underline{2} = \underline{62} \text{ gallons}$$

## 6. Calculate Reserve Capacity (75% the daily flow)

Daily flow (see page D-7) x .75 =

$$\underline{750} \times .75 = \underline{560} \text{ gallons}$$

## 7. Calculate total gallons

gallons over pump + gallons pumpout + gallons alarm + gallons reserve

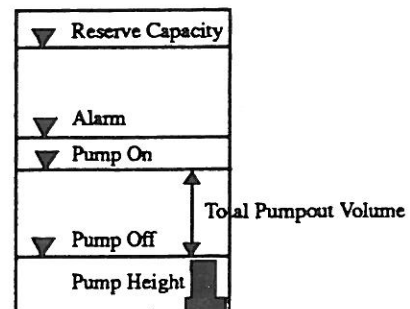
$$3 + 4 + 5 + 6$$

$$\underline{370} + \underline{155} + \underline{62} + \underline{560} = \underline{1147} \text{ gallons}$$

USE AT  
1200 GALLON PUMPTANK

Estimated Sewage Flow in Gallons per Day (gpd)				
Number of Bedrooms	Type I	Type II	Type III	Type IV
2	300	225	180	60% of the volume in the other columns
3	450	300	218	
4	600	375	256	
5	750	450	294	
6	900	525	332	
7	1050	600	370	
8	1200	675	408	

Pipe diameter (inches)	Gallons per 100 feet
1	4.49
1.25	7.77
1.5	10.58
2	17.43
2.5	24.87
3	38.4
4	66.1



## 8. Total Depth (Total gallon divided by gallon per inch)

Total Gallon ÷ gallon/inch

$$\underline{\quad} \div \underline{\quad} = \underline{\quad} \text{ inches}$$

## 9. Float Separation Distance (equal total pumpout volume)

Total pumpout volume ÷ gallons/inch

$$\underline{155} \div \underline{31} = \underline{5} \text{ inches}$$

# PUMP SELECTION PROCEDURE

## A. Determine pump capacity: gravity distribution

- Minimum required discharge is 10 gpm
- Maximum suggested discharge is 45 gpm

## pressure distribution

see pressure design worksheet

Selected pump capacity: 30 gpm

Perforation Discharges in gpm				
head (feet)	perforation diameter (inches)			
	1/8*	3/16	7/32	1/4
1.0 <sup>a</sup>	0.18	0.42	0.56	0.74
2.0 <sup>b</sup>	0.26	0.59	0.80	1.04
5.0	0.41	0.94	1.26	1.65

<sup>a</sup> Use 1.0 foot for single-family homes.  
<sup>b</sup> Use 2.0 feet for anything else.  
 \* Potential for plugging

## B. Determine head requirements:

- Elevation difference between pump and point of discharge.

8 ± feet

- Special head requirement:

If pumping to a pressure distribution system, five feet for pressure required at manifold. If gravity system, zero. 5 feet

- Friction loss

- Enter friction loss table with gpm and pipe diameter. Read friction loss in feet per 100 feet from table.

F.L. = 1.55 ft./100 ft of pipe

- Determine total pipe length from pump to discharge point. Estimate by adding 25 percent to pipe length for fitting loss. Equivalent pipe length times 1.25 = total pipe length

50 x 1.25 = 62.5 feet

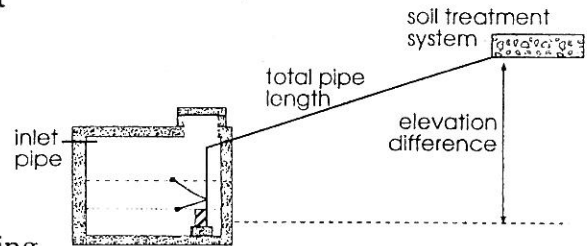
- Calculate total friction loss by multiplying friction loss in ft/100 ft by equivalent pipe length.

Total friction loss = 62.5 x 1.55 ÷ 100 = 1 feet

- Total head required is the sum of elevation difference, special head requirements, and total friction loss.

8 + 5 + 1 (1) (2) (3c)

Total head: 14 feet



Friction Loss in Plastic Pipe Per 100 feet			
flow rate gpm	nominal pipe diameter		
	1.5"	2"	3"
20	2.47	0.73	0.11
25	3.73	1.11	0.16
30	5.23	1.55	0.23
35	6.96	2.06	0.30
40	8.91	2.64	0.39
45	11.07	3.28	0.48
50	13.46	3.99	0.58
55		4.76	0.70
60		5.60	0.82
65		6.48	0.95
70		7.44	1.09

## C. Pump selection

- A pump must be selected to deliver at least 30 gpm (Step A) with at least 14 feet of total head (Step B).

**Table III Minimum Setback Distances (Feet)**

<b>Feature</b>	<b>Sewage Tank</b>	<b>Soil Treatment Area</b>
Water Supply Well less than 50 feet deep and not encountering at least ten feet of impervious material.	50	100
Any other water supply well or buried water suction pipe	50	50
Buried pipe distributing water under pressure	10	10
Occupied buildings and buildings with basements or crawl spaces	10	20
Non-occupied structures	5	10
Property lines	10*	10*
Above ground swimming pools	10	10
In ground swimming pools	10	10
<b>The Ordinary High Water Mark of:</b>		
Natural Environment Lakes and Streams	150*	150*
Recreation Development Lakes and Streams	75*	75*
General Development Lakes and Streams	75*	75*
All unclassified waters	75*	75*
St. Croix River Rural Districts	150*	150*
St. Croix River Urban Districts	100*	100*
<b>Blufflines:</b>		
St. Croix River Blufflines	40*	40*
Shoreland Blufflines	20*	20*



## **MAYOR & COUNCIL COMMUNICATION**

**DATE: April 1, 2014**  
**REGULAR**  
**ITEM # 7**  
**RES. 2014-22/ORD 08-106**

**AGENDA ITEM:** Launch Properties Zoning Map Amendment and PUD Concept Plan for a Light Industrial Business Park

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick Johnson, City Planner  
Jack Griffin, City Engineer  
Greg Malmquist, Fire Chief  
Mike Bouthilet, Public Works Director  
Jim Sachs, Public Works/Water

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### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECCOMENDER:** The Planning Commission reviewed the PUD Concept Plan and Zoning Map Amendment at its March 24, 2014 meeting and recommended approval with conditions. The City has previously adopted a future land use map amendment that supports the rezoning of the subject parcel to BP – Business Park.

**FISCAL IMPACT:** TBD – the applicant has stated that they will be seeking some form of financial assistance from the City for the project. The City Council has previously approved a plan to extend public water service south of 10<sup>th</sup> Street. The applicant will be responsible for extending water to the proposed development, and will be paying both SAC and WAC charges with the new development (estimated to be 90 REC's total for the two buildings).



**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. The initial phase will include the construction of a 125,000 square foot building on the western portion of the site, which will be occupied by a tire distribution business. The proposed zoning of BP – Business Park/Light Industrial allows for a range of office, light industrial, and non-production industrial uses on the site.

A detail description of the request along with the original Staff recommendation to the Planning Commission is attached to this report. The specific action that has been requested includes the following components:

- A zoning map amendment to change the zoning designation of the parcel from RT – Rural Transitional to BP – Business Park/Light Industrial. This zoning is consistent with the City’s land use plan for the I-94 Corridor.
- A request for a PUD Concept Plan to allow the construction of two light industrial buildings with a net area of 385,000 square feet. A PUD has been requested in order to allow for a zero lot line build out of what will eventually be two separate parcels and to allow for a waiver of the City’s current setback requirements for certain portions of the property.

*The suggested motions to adopt the Planning Commission recommendation is as follows:*

***“Move to adopt Ordinance 08-106 approving a Zoning Map Amendment to change the zoning of the Launch Properties parcel from RT to BP” and***

***“Move to adopt Resolution No. 2014-22 approving a PUD Concept Plan for a two-phase, 385,000 square foot light industrial development with conditions.”***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** The attached staff report to the Planning Commission provides an overview of the request and a list of comments from Staff. The Planning Commission considered the application for a Zoning Map amendment and PUD Concept Plan at its March 24, 2014 meeting and conducted a public hearing on the request at this time. Representatives from Launch Properties addressed the Commission to further explain the project and to answer questions.

The property owner of a the parcel immediately north of the subject property along Lake Elmo Avenue spoke at the public hearing and expressed concern about noise from trucks entering and exiting the site, noise from trucks maneuvering and idling on the site, traffic speeds along Lake Elmo Avenue, and potential drainage problems associated with the construction of a berm along her southern property line.

The Planning Commission discussed the request, and unanimously recommended approval of the zoning map amendment as presented. The Commission did offer additional conditions or modifications to the ones drafted by Staff in order to address their concerns over the following aspects of the site plan:

- That the proposed setbacks from the northern property line were too close to the future residential area.
- That the proposed berm between the site and the future residential neighborhood to the north was not high enough to provide an adequate buffer.
- That certain aspects associated with the architectural design of the proposed building were not consistent with the City's design guidelines. In particular, the Commission wanted to see additional protrusions and recessions along the street-facing facades.

The Commission also noted that the preliminary and final development plans should address drainage issues in the northwest portion of the site and should include additional landscaping within the central parking area. The conditions of approval as amended by the Planning Commission are incorporated into the draft resolution.

Please note that the Valley Branch Watershed District has submitted a brief comment since the Planning Commission meeting, which is attached as part of this report.

The Planning Commission adopted a motion to recommend approval of the PUD Concept Plan with the findings and conditions as noted in the attached Resolution 2014-022. The motion passed unanimously.

#### **BACKGROUND INFORMATION (SWOT):**

- |                      |   |
|----------------------|---|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• The proposed rezoning and PUD Concept Plan is consistent with the City's Comprehensive Plan for the I-94 Corridor.</li><li>• The project has been designed to comply with the City's zoning regulations and design standards for a BP – Business Park development.</li></ul>            |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• The proposed buildings and parking areas are very large and will generate a significant amount of storm water runoff (which will need to be managed on site).</li></ul>   |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• The development will add up to 90 REC units and will pay connection fees for sewer and water service.</li><li>• The applicant plans to incorporate elements from the City's theming study into the project, which will be located at a key entrance point into the community.</li></ul> |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• The proposes use will general truck traffic that will be limited to</li></ul>   |

Hudson Boulevard North

- The site is located immediately south of a future single-family residential area.

**RECOMMENDATION:** The Planning Commission is recommending that the City Council approve the request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. The suggested motion to adopt the Planning Commission recommendation is as follows:

***“Move to adopt Ordinance 08-106 approving a Zoning Map Amendment to change the zoning of the Launch Properties parcel from RT to BP” and***

***“Move to adopt Resolution No. 2014-22 approving a PUD Concept Plan for a two-phase, 385,000 square foot light industrial development with conditions.”***

**ATTACHMENTS:**

1. Ordinance 08-106
2. Resolution No. 2014-22
3. Planning Commission Staff Report – 3/24/14
4. Application Form
5. Legal Description
6. Application Description and Project Narrative
7. Existing Conditions Map
8. Concept Layout
9. Building Renderings
10. City Engineer Review Comments
11. Washington County Review Comments
12. Comments from Valley Branch Watershed District

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 08-106**

**AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE  
BY AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF LAKE ELMO**

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 154.032 Zoning District Map, of the Municipal Code, shall be amended by adding Ordinance No. 08-106, as follows:

**Section 1: Zoning Map Amendment.** The following property is hereby rezoned from RT – Rural Development Transitional to BP – Business Park/Light Manufacturing:

That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying northerly and easterly of Minnesota Department of Transportation Right-of-Way Plat 82-52, on file and of record in the office of the County Recorder, Washington County, Minnesota. Except small parcels of record. PID No. 36.029.21.33.0001.

**Section 2:** The City Council of the City of Lake Elmo also hereby ordains that the Community Development Director shall make the applicable changes to the official zoning map of the City of Lake Elmo.

**Section 3: Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-106 was adopted on this 1<sup>st</sup> day of April 2014, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Adam Bell, City Clerk

## **CITY OF LAKE ELMO**

### **RESOLUTION NO. 2014-022**

#### *A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT CONCEPT PLAN RELATED TO A BUSINESS PARK DEVELOPMENT*

**WHEREAS**, Launch Properties (c/o Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) for a Planned Unit Development (PUD) Concept Plan, a copy of which is on file in the Lake Elmo Planning Department; and

**WHEREAS**, the proposed PUD Concept Plan is to allow the construction of two light industrial buildings with a combined net area of 385,000 square feet that will be constructed in two phases and that will be located at the intersection of Lake Elmo Avenue North and Hudson Boulevard North. The PUD will incorporate exceptions from the City’s Zoning Regulations as noted below; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on March 24, 2014 to consider the PUD Concept Plan; and

**WHEREAS**, on March 24, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the PUD Concept Plan with conditions; and

**WHEREAS**, the Lake Elmo Planning Commission submitted its report and recommendation to the City Council as part of a memorandum from the Planning Department dated April 1, 2014; and

**WHEREAS**, the City Council reviewed the recommendation of the Planning Commission PUD Concept Plan at its regular meeting on April 1, 2014.

**NOW, THEREFORE**, based upon the testimony elicited and information received, the City Council makes the following:

#### **FINDINGS**

- 1) That the procedure for obtaining approval of said PUD Concept Plan is found in the Lake Elmo City Code, Section 154.800.
- 2) That all the requirements of said City Code Section 154.800 related to the PUD Concept Plan have been met by the Applicant.
- 3) That the proposed PUD Concept Plan would allow the construction of two light industrial buildings with a combined net area of 385,000 square feet that will be constructed in two



phases and that will be located at the intersection of Lake Elmo Avenue North and Hudson Boulevard North on property legally described as follows:

That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying northerly and easterly of Minnesota Department of Transportation Right-of-Way Plat 82-52, on file and of record in the office of the County Recorder, Washington County, Minnesota. Except small parcels of record. PID No. 36.029.21.33.0001.

- 4) That the proposed PUD Concept Plan includes the following exceptions from the underlying BP – Business Park Zoning District requirements:
  - a) A reduction in the required setbacks between buildings and parking areas within a BP district and adjacent residential districts. The site plan identifies a building setback of 96 feet and parking area setback of 56 feet.
  - b) The establishment of a zero lot line setback between the two proposed buildings and lots. The PUD will allow the creation of a common parking and truck loading area, all of which will be internal to the development.
- 5) That the proposed General Concept Plan for a PUD:
  - a) Is consistent with the goals, objectives, and policies of the Comprehensive Plan and that the uses proposed are consistent with the BP – Business Park land use designation shown for the area on the official Comprehensive Land Use Plan.
  - b) Is consistent with the purpose of Section 150.800 et seq. of the City Code.
  - c) Complies with the development standards of Section 150.800 et seq. of the City Code.
- 6) That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land than if the applicant was required to conform to the standards of the existing zoning districts on this property.
- 7) That the uses proposed in the PUD will not have an adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
- 8) That the PUD is of sufficient size, composition, and arrangement that construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and open space are balanced and coordinated.
- 9) That the PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities, which serve or are proposed to serve the development.

- 10) That the PUD is designed in such a manner as to form a desirable and unified environment within its own boundaries.

### **CONCLUSIONS AND DECISION**

1. Based on the foregoing, the Applicant's PUD Concept Plan for the construction of two light industrial buildings with a combined net area of 385,000 square feet is hereby approved, subject to the following:
  - a. The preliminary and final development plans shall address all comments from the City Engineer in his review letter dated March 18, 2014.
  - b. The applicant shall prepare a traffic impact study prior to the submission of preliminary and final plans that addresses the concerns and comments included as part of the review letter from Washington County dated March 19, 2014. This study shall clarify the intended use of the secondary access driveways providing access to the automobile parking areas.
  - c. The applicant shall secure any required permits from the Valley Branch Watershed District prior to commencing any grading or construction activity on the site.
  - d. The final development plans shall include detailed landscape plans that conform to the Lake Elmo Zoning Ordinance and that conforms to the City's Tree Protection and Replacement Ordinance. The applicant shall provide a cross section view of the proposed berm and landscaping along the northern property line as part of these plans.
  - e. The applicant shall submit detailed architectural plans at the time of the preliminary and final development plan review by the City. These plans shall conform to the City's Design Guidelines and Standards Manual and must include elements to break up the continuous flat roof line.
  - f. The final preliminary and final development plans shall include a signage plan.
  - g. The applicant shall pay a fee in lieu of park land dedication as determined by the City prior to the final plat being released for recording.
  - h. The final plat shall include all easements for drainage and utility and other purposes as required by the City Engineer.
  - i. The storm water plans shall differentiate between storm water retention and storm water infiltration areas.
  - j. The preliminary and final development plans shall include a specific land use plan for the property clarifying the uses allowed under the PUD, the dimensional requirements for the

site, including any deviations from the underlying zoning, and other information deemed appropriate by the City.

- k. The exception as requested from the required setbacks from the northern (residential) property line will not be permitted unless a letter of support is provided from the affected property owners or an augmented landscape plan as deemed appropriate by the City, including an increased berm, is provided to off-set the reduced setback.

Passed and duly adopted this 1<sup>st</sup> day of April 2014 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Dean A. Zuleger, City Administrator



PLANNING COMMISSION  
DATE: 3/24/14  
AGENDA ITEM: 4C – PUBLIC HEARING  
CASE # 2014-17

ITEM: Launch Properties Zoning Map Amendment and PUD Concept Plan for a Light Industrial Business Park

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner  
Jack Griffin, City Engineer  
Mike Bouthilet, Public Works Director  
Jim Sachs, Public Works/Water  
Greg Malmquist, Fire Chief

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#### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider a request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. The initial phase will include the construction of a 125,000 square foot building on the western portion of the site, which will be occupied by a tire distribution business. The proposed zoning of BP – Business Park/Light Industrial allows for a range of office, light industrial, and non-production industrial uses on the site.

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#### **GENERAL INFORMATION**

*Applicant:* Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN

*Property Owners:* Reco Real Estate, LLC, 1875 Highway 36 West, Suite 200, Roseville, MN

*Location:* Southwest Quarter of the Southwest Quarter of Section 36. Northeast quadrant of the intersection of Lake Elmo Ave. N. and Hudson Blvd. N. PID Number 36.029.21.33.0001

*Request:* Zoning Map Amendment and Planned Unit Development Concept Plan

*Existing Land Use:* Vacant/agricultural fields

*Existing Zoning:* RT – Rural Transitional

*Surrounding Land Use:* Agricultural fields, single family residential, golf driving range, drive-in theater

*Surrounding Zoning:* RT – Rural Transitional, RS – Rural Single Family Residential

*Comprehensive Plan:* Business Park

<i>Proposed Zoning:</i>	BP – Business Park/Light Industrial
<i>History:</i>	The site has been used for agricultural fields for a long time. The property has been placed on a holding zone since the adoption of the 2005 Comprehensive Plan.
<i>Deadline for Action:</i>	Application Complete – 3/6/14 60 Day Deadline – 5/6/14 Extension Letter Mailed – No 120 Day Deadline – 7/6/14
<i>Applicable Regulations:</i>	154.051 – BP Business Park Zoning District 154.800 – Planned Unit Development (PUD) Regulations 154.105 – Zoning Amendments

## REQUEST DETAILS

The City of Lake Elmo has received a request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan for property located northeast of the intersection of Lake Elmo Avenue North and Hudson Boulevard North. The details concerning the two different aspects of the request are as follows:

- The zoning map amendment would change the zoning designation of the parcel from RT – Rural Transitional to BP – Business Park/Light Industrial. This zoning is consistent with the City’s land use plan for the I-94 Corridor.
- A request for a PUD Concept Plan to allow the construction of two light industrial buildings with a net area of 385,000 square feet. A PUD has been requested in order to allow for a zero lot line build out of what will eventually be two separate parcels and to allow for a waiver of the City’s current setback requirements for certain portions of the property.

If the City decides to approve the request, the applicant may then proceed with the preparation of preliminary development plans and preliminary plat for the site. Under the City’s PUD Ordinance, the applicant must also submit final development plans as part of the review process. The applicant has requested to submit the preliminary and final development plans at the same time, which may be allowed by the City for smaller development projects. Because the proposed development is confined to one existing parcel and will not require the construction of any public roads through the project area, Staff is supportive of a combined preliminary and final plan submission should the concept plan be approved.

The attached application narrative and site plans provide an overview of the applicant’s request, which will be built out in two phases. The first phase will include the construction of a 125,000 square foot building for a perspective tenant that intends to use the space for a tire distribution center. The bulk of the building will be used as a warehouse/distribution area, with a smaller office area located at the front of the building facing Hudson Boulevard North. The plan includes the reservation of space on the site for a future 25,000 square foot expansion of this building, along with an automobile parking area for employees near the front entrance and a truck loading area along the western portion of the building. Because the proposed tenant is expected to need a relatively small amount of customer/employee parking, the applicant is proposing to depict a portion of the parking area as “proof of parking” that could be constructed at a later date when needed.



The second phase of the project includes a much larger building of 235,000 square feet that would be located in the western portion of the lot. There is no specific use identified for the building, but it is being planned to handle businesses looking for “flexible, functional space in an accessible location along the I-94 corridor” in accordance with the applicant’s project narrative. Both buildings would be accessed via a shared driveway entrance off of Hudson Boulevard North, with ancillary access provided through driveway in the extreme western and northern portions of the site. The site plan includes shared storm water facilities that will be located along Hudson Boulevard North and along the western boundary of the property.

As part of the application for a PUD, the applicant has requested flexibility from some of the current BP zoning district requirements as follows:

- The establishment of a zero lot line configuration for the parking lot between the two proposed buildings and lots. If the zero lot line configuration was not approved as part of the project, the applicant would need to set the parking areas back 15 feet from the adjoining lot line (which would leave 30 feet of space between the two parking areas). The PUD will allow the creation of a common parking and truck loading area, all of which will be internal to the proposed development.
- A reduction from the required setbacks along the northern property boundary and the area guided for urban low density residential development. The applicant is proposing a building setback of 96 feet from this property line, with a drive aisle (fire lane) located 56 feet from this line. The Zoning Ordinance requires a minimum building setback of 150 feet from residential zones for buildings and 100 feet for parking areas (which would include maneuvering lanes and driveways). The applicant is proposing a berm and landscaping along this line to help compensate for the reduced setbacks.

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## BACKGROUND

The proposed development site is 29 acres in size and located within the City’s I-94 corridor planning area. This property, as well as the property to the north, west, and east is included in the City’s future sewer service area, with these parcels being guided for urban low density residential, commercial, and business park respectfully. The site has historically been used for agricultural fields except for the southern portion, which is lower in elevation and covered with vegetation. The surrounding existing uses include the Vali-Hi drive in theater, the Country Air golf practice facility, and the Forest residential subdivision. All but the Forest subdivision are guided for future public sewer service and are expected to be redeveloped at some point in the future. The City has recently reviewed a sketch plan for the property immediately north of the applicant’s site (the golf practice facility) for a 50-unit residential subdivision.

A portion of the City’s trunk sewer line extension project that will provide sanitary sewer service to the Village Area crosses the western portion of the applicant’s property. This portion of the sewer is a gravity line that will allow the applicant to immediately connect to service the proposed buildings. The City Engineer has noted that this service line will need to be extended to Lake Elmo Avenue in order to provide service to other properties in the area. Any properties that use the sewer connection will need to plan for the future extension of service through their properties as a requirement for being allowed access to the service. Water service is not to the site, but will be extended to the eventual location of 5<sup>th</sup> Street as part of a planned City project later this year. The applicant will be responsible for providing a plan for the connection to public water service as part of the preliminary plan submissions.

The City's future land use plan guides the subject parcel for Business Park, and this land use classification extends for the entire length of Hudson Boulevard North between Lake Elmo Avenue and Manning Avenue. The specific description for the land use category from the Comprehensive Plan reads as follows:

**BUSINESS PARK** – The Business Park land use category is intended to encourage the creation of significant employment centers that accommodate a diverse mix of office and light industrial uses and jobs. Specific desired attributes of this land use include a diversity of jobs, high development densities and jobs per acre, high quality site and building architectural design, and increased tax revenues for the community. Office, office showroom/warehousing, research and development services, light and high-tech electronic manufacturing and assembly, and medical laboratories are typical uses appropriate for this land use category. Some retail and service uses may be allowed as supporting uses for the primary office and light industrial uses of the employment center. In addition to the Eagle Point Business Park, much of the land between Manning Ave and Keats Ave adjacent to I-94 is guided for this land use classification. [Corresponding Zoning District(s): BP]

As part of the request, the applicant is asking that the City rezone the parcel to the BP – Business Park/Light Manufacturing District consistent with the Comprehensive Plan. The proposed activities are either permitted or conditional uses within this district. As part of the request for a planned development, Staff is recommending that the City structure the PUD so that the allowed uses within the development are consistent with the permitted and conditional uses within the BP zoning district. The final PUD should also specify any of the zoning exceptions being sought by the applicant as described in the preceding section.

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## PLANNING AND ZONING ISSUES/STAFF COMMENTS

Members of the Community Development, Public Works, Engineering, and Fire Departments have reviewed the proposed PUD Concept plan and provided comments in the following areas:

- **Land Use.** The proposed Concept Plan and the buildings/uses proposed are consistent with the Comprehensive Plan and Zoning Ordinance concerning the Business Park land use category. The PUD Ordinance does provide for flexibility from the underlying zoning standards with the understanding that this flexibility will help a developer better utilize site features and obtain a higher quality development. The objectives related to a PUD are noted in the findings section below.
- **Zoning.** With the extension of sewer and water service to the site, the City is able to take action rezone this parcel in a manner consistent with the future land use designation of Business Park.
- **Lake Elmo Theming Study.** The applicant is proposing to incorporate design elements from the City's Theming Study, including an enhanced corner treatment (signage and landscaping) at the intersection of Lake Elmo Avenue and Hudson Boulevard North and the installation of white horse fencing extending out from this corner area.
- **Impervious Coverage:** The proposed coverage of the parcel falls well within the allowable amount of impervious coverage (75%) for a BP zoning district. The site plan preserves 39%

of the site as open space, including storm water ponds, screening buffer areas, and general landscaping.

- **Access/Driveways.** The City Engineer has noted that the driveways will need to comply with the City's access spacing requirements and that the entrances along Hudson Boulevard North will likely need to be modified to meet these requirements. The County has questioned the future usage of the Lake Elmo Avenue access point, and has requested that a traffic study be conducted to more fully understand the expected traffic impacts from the development. Staff is recommending that access to the Lake Elmo Avenue driveway be limited to automobiles, and that all truck traffic be required to use the Hudson Boulevard entrance.
- **Setbacks.** The proposed buildings and driveway areas will comply with the setback requirements of the BP zoning district with the exception of the internal side yard parking setback and the building and parking area setbacks from the northern property line. The applicant is proposing to mitigate the northern property line setback by constructing a berm and additional landscaping in this area.
- **Screening and Buffering.** Because the northern property line represents the boundary between a light industrial and residential development, Staff is recommending that the proposed berm and landscaping as proposed be incorporated as a requirement of the PUD. The applicant should submit additional details, including a proposed cross section view of the berm, as part of the preliminary and final plan submittal.
- **Design Standards.** The proposed buildings will be subject to the City's Architectural and Design Standards and Guidelines Manual. The Planning Commission will be the reviewing body for the design review associated with these buildings, which will be incorporated as part of the preliminary and final plan review for the site. The applicant will need to provide the required information to complete this review with as part of any future plan submissions to the City.
- **Water and Sewer Services.** The applicant will need to submit a plan for the extension of water services to the site as part of the preliminary and final plan submission. The Engineer has noted that the applicant will be responsible for extending these service across the site as part of these plans.
- **Storm Water and Erosion Control.** The applicant will need to submit detailed storm water and erosion control plans with the preliminary and final development plans. These plans will need to conform to City of Lake Elmo and Valley Branch Watershed District (VBWD) requirements. The applicant is strongly encouraged to meet with VBWD to review the district requirements prior to preparing this plan. The applicant and City will also need to determine whether or not the proposed ponds will be deeded to the City or left under private control.
- **Parking.** The City's Parking Ordinance would require 60 parking stalls for the proposed use, including 18 associated with the office area and 42 for the warehouse portion of the building. The applicant has depicted 47 stalls adjacent to the first phase building, with another 85 stalls shown as "proof of parking". The parking ordinance does state that the Planning Commission may allow parking requirements for a particular use to be relaxed or lessened in response to an expected demand that is lower than the required standard in this section,

provided that sufficient open area is set aside on the parcel to meet the required standard, if determined to be necessary at a later date. With the expected demand for parking to be low for the proposed use, Staff is recommending that the site plan be approved as presented with the proof of parking concept.

- **County Review.** Washington County has submitted its review comments, which are attached for consideration by the Planning Commission. The most significant of the County's comments is the request for a traffic study, which Staff is recommending be included as part of a preliminary and final plan submission.
- **City Engineer Review.** The City Engineer has reviewed the concept plan and provided comments in a review letter to the City dated March 18, 2014. The applicant will need to address the Engineer's comments as part of the preliminary and final plan submission for the site.
- **Sidewalks and Trails.** The concept plan does not include any trails or sidewalks within or adjacent to the development area. Although this is a commercial development, Staff is recommending that the plans be amended to include a trail along Lake Elmo Avenue within the County right-of-way. This trail will provide a connection to the planned multi-purpose trail along 5<sup>th</sup> Street immediately to the north of the subject property. At this time, the City's plans do not include any trails or trail corridors along Hudson Boulevard North.
- **Landscaping.** The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of preliminary and final plan submission. The applicant will also need to submit a tree preservation and protection plan as part of this application.
- **Environmental Review.** The proposed project does not meet any threshold for a mandatory Environmental Assessment Worksheet.
- **Fire Chief Review.** The Fire Chief has asked that the fire lanes within the development be designed in accordance with Minnesota Fire Code standards. The fire chief will need to review the placement of fire hydrants within the project site.
- **Park Land Dedication.** The City has established a fee in lieu of land dedication for commercial land development. This fee will need to be paid at the time a final plat is approved by the City.
- **Lighting.** A specific lighting plan has been not been submitted and should be included with the preliminary and final development plans.
- **Signs.** The applicant has not provided a signage plan, which will be needed as part of future submissions to conform to the City's Sign Ordinance.

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## REVIEW AND ANALYSIS

Staff is recommending that the Planning Commission recommend approval of the request for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. The proposed use of the site is consistent with the

City's Comprehensive Plan, and the applicant's use of a PUD will provide the applicant with flexibility to design a more unified and cohesive development than could be accomplished with the underlying zoning district. In particular, the proposed setback waivers will allow the loading areas to be configured to the center portion of the site and internally screened from adjacent properties. The proposed location of the buildings will also provide for a shared main access point to Hudson Boulevard, while eliminating truck traffic at the peripheral access driveways. The project includes a substantial buffer from the residential property north of the site, which in conjunction with the expected landscaping within the proposed residential subdivision will provide for an effective transition between these uses.

The proposed use will be subject to the recently revised required findings for Planned Developments. When reviewing requests for approval of a planned unit development, the PUD Ordinance notes that the City should consider whether one or more of the objectives listed below will be served or achieved:

- 1) Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches;
- 2) Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities;
- 3) Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques;
- 4) Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing;
- 5) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities;
- 6) Preservation of historic buildings, structures or landscape features;
- 7) Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses;
- 8) Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation;
- 9) Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved; and
- 10) Higher standards of site and building design than would otherwise be provided under conventional land development technique.

Please note that the Staff recommendation includes the following conditions of approval:

- 1) The preliminary and final development plans shall address all comments from the City Engineer in his review letter dated March 18, 2014.



- 2) The applicant shall prepare a traffic impact study prior to the submission of preliminary and final plans that addresses the concerns and comments included as part of the review letter from Washington County dated March 19, 2014. This study shall clarify the intended use of the secondary access driveways providing access to the automobile parking areas.
- 3) The applicant shall secure any required permits from the Valley Branch Watershed District prior to commencing any grading or construction activity on the site.
- 4) The final development plans shall include detailed landscape plans that conform to the Lake Elmo Zoning Ordinance and that conforms to the City's Tree Protection and Replacement Ordinance. The applicant shall provide a cross section view of the proposed berm and landscaping along the northern property line as part of these plans.
- 5) The applicant shall submit detailed architectural plans at the time of the preliminary and final development plan review by the City. These plans shall conform to the City's Design Guidelines and Standards Manual.
- 6) The final preliminary and final development plans shall include a signage plan.
- 7) The applicant shall pay a fee in lieu of park land dedication as determined by the City prior to the final plat being released for recording.
- 8) The final plat shall include all easements for drainage and utility and other purposes as required by the City Engineer.
- 9) The storm water plans shall differentiate between storm water retention and storm water infiltration areas.
- 10) The preliminary and final development plans shall include a specific land use plan for the property clarifying the uses allowed under the PUD, the dimensional requirements for the site, including any deviations from the underlying zoning, and other information deemed appropriate by the City.

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## **DRAFT FINDINGS**

Please refer to the comments in the previous section. Staff will review the recommended conditions of approval with the Commission at the meeting.

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## **RECCOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the request from Launch Properties (Dan Regan), 1875 Highway 36 West, Suite 200, Roseville, MN for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North. This recommendation includes the following conditions of approval:

- 1) The preliminary and final development plans shall address all comments from the City Engineer in his review letter dated March 18, 2014.
- 2) The applicant shall prepare a traffic impact study prior to the submission of preliminary and final plans that addresses the concerns and comments included as part of the review letter from Washington County dated March 19, 2014. This study shall clarify the intended use of the secondary access driveways providing access to the automobile parking areas.

- 3) The applicant shall secure any required permits from the Valley Branch Watershed District prior to commencing any grading or construction activity on the site.
- 4) The final development plans shall include detailed landscape plans that conform to the Lake Elmo Zoning Ordinance and that conforms to the City's Tree Protection and Replacement Ordinance. The applicant shall provide a cross section view of the proposed berm and landscaping along the northern property line as part of these plans.
- 5) The applicant shall submit detailed architectural plans at the time of the preliminary and final development plan review by the City. These plans shall conform to the City's Design Guidelines and Standards Manual.
- 6) The final preliminary and final development plans shall include a signage plan.
- 7) The applicant shall pay a fee in lieu of park land dedication as determined by the City prior to the final plat being released for recording.
- 8) The final plat shall include all easements for drainage and utility and other purposes as required by the City Engineer.
- 9) The storm water plans shall differentiate between storm water retention and storm water infiltration areas.
- 10) The preliminary and final development plans shall include a specific land use plan for the property clarifying the uses allowed under the PUD, the dimensional requirements for the site, including any deviations from the underlying zoning, and other information deemed appropriate by the City.

The suggested motion for taking action on the Staff recommendation is as follows:

***“Move to recommend approval of the request for a Zoning Map Amendment and Planned Unit Development (PUD) Concept Plan related to a two-phase, 385,000 square foot light industrial development that will be located at the intersection of Lake Elmo Avenue and Hudson Boulevard North subject to the conditions of approval as recommended by Staff”***

#### **ATTACHMENTS:**

1. Application Form
2. Legal Description
3. Application Description and Project Narrative
4. Existing Conditions Map
5. Concept Layout
6. Building Renderings
7. City Engineer Review Comments
8. Washington County Review Comments

#### **ORDER OF BUSINESS:**

- Introduction .....Community Development Director
- Report by Staff .....Community Development Director
- Questions from the Commission ..... Chair & Commission Members

- Open the Public Hearing .....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Fee \$ \_\_\_\_\_

**City of Lake Elmo  
DEVELOPMENT APPLICATION FORM**

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

APPLICANT: Launch Properties (Dan Regan) 1875 Hwy 36 W, Ste 200, Roseville, MN  
(Name) (Mailing Address) (Zip) 55113

TELEPHONES: 612-564-4070 (work) 612-987-9966 (mobile) 612-234-4325  
(Home) (Work) (Mobile) (Fax) (Fax)

FEE OWNER: Reco Real Estate, LLC - same address as above.  
(Name) (Mailing Address) (Zip)

TELEPHONES: Same phones as above.  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): Northeast quadrant of Lake Elmo Ave N and Hudson Blvd N.

DETAILED REASON FOR REQUEST: Application for PUD concept plan approval.

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

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

[Signature] 3-6-14  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Applicant Date

That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota lying northerly and easterly of Minnesota Department of Transportation Right-of-Way Plat 82-52, on file and of record in the office of the County Recorder, Washington County, Minnesota. Except small parcels of record. PID No. 36.029.21.33.0001.



1875 Highway 36 W, Suite 200 | Roseville, MN 55113  
launchproperties.com

Mr. Nick Johnson  
City of Lake Elmo  
City Planner  
3800 Laverne Ave N  
Lake Elmo, MN 55042

**Re: Lake Elmo I-94 Business Park PUD**

Mr. Johnson:

On behalf of Launch Properties, I want to thank you for the opportunity to submit our PUD Concept Plan of Park 94 Business Park.

**THE APPLICANT**

The Applicant is Launch Properties, a leading developer of industrial, office, healthcare, and retail real estate in St. Paul – Minneapolis. Launch Properties' Principals, Dan Regan and Mark Nordland, have developed numerous light industrial business parks in the Twin Cities, including Airlake Industrial Park in Lakeville, Lexington Preserve in Blaine, Dean Lakes in Shakopee, and 610 Business Center in Brooklyn Park, resulting in over \$750 million worth of high quality, Class A employment hubs. The Applicant's affiliate, Reco Real Estate, LLC owns all of the property described in the Application, which includes approximately 30 acres of land.

The Applicant has: 1) been a member of the south of 10<sup>th</sup> land use work group, 2) held several meetings with City staff in regards to the proposed development, 3) submitted a build-to-suit proposal to a tenant seeking space in the Oakdale/Woodbury/Hudson/Lake Elmo areas for a 125,000 square foot light industrial building.

**THE APPLICATION**

The exhibits that accompany the Application illustrate several aspects of the Applicant's proposal. Specifically the Applicant requests:

1. Zoning ordinance amendment rezoning to PUD, Planned Unit Development; and
2. Concept Plan approval

This is the first step of a multi-step process of City review. If these requests are approved, the next steps would be Preliminary and Final Plat approval of the phase I project.

**THE VISION**

Consistent with the Comprehensive Land Use Plan, Launch Properties' concept plan is to develop a two-phase, light-industrial business park that will be designed and constructed to accommodate businesses looking for flexible, functional space in an accessible and visible location along the I-94 corridor. The proposed project responds to the needs of the local trade area and takes advantage of prominent views to I-94. The Applicant is pledging high quality architecture and landscape design for both buildings, including the implementation of Gateway Corridor streetscape components on the southwest corner of the site. Total square footage of the project is estimated to be 385,000 square feet with estimated market value of over \$20 million dollars.

**SITE PLAN**

The 30 acre site is located at the northeast corner of Lake Elmo Ave N and Hudson Blvd N and is anticipated to be fully developed within 3 years. The approximately 125,000 square foot phase I building is being proposed to a tenant and would break ground in early summer



2014 for occupancy in 4<sup>th</sup> quarter 2014. Subsequently, the approximately 235,000 square foot phase II building would be constructed when feasible.

#### **PONDING & STORMWATER**

The site has been analyzed for the proposed improvements and the proposed pond location is adequate in size to reduce runoff to that of existing conditions. The proposed design of the ponds will include a two cell system to clean and infiltrate the storm runoff. Storm sewer structures and piping will be utilized to deliver the storm water to the proposed ponding areas. Discharge for the site will be to existing outlet structures currently in place.

#### **EXISTING WETLANDS**

This site will require an updated wetland review. In a previous preliminary plat submittal to the City in 2002, the low area on the site was determined to have been constructed for a different purpose and did not require any mitigation because it was man made. The updated wetland review and approval of the Watershed will need to be a condition of approval until weather allows for a new report and site review to be completed.

#### **WATER MAIN & SANITARY SEWER**

The Applicant proposes that the site be serviced by City water main through an extension to the northwest corner of the site. Based on conversations with City staff, the Applicant's understanding is that water main is scheduled to be in place by the fall of 2014, towards the end of our proposed site improvements for the first phase of this project. The City will need to provide some direction if they intend on extending the water main through the site to connect to the existing parcel to the east.

#### **BUILDING PLACEMENT**

Buildings are oriented perpendicular to I-94 which provides the following benefits 1) access will primarily happen off of Hudson Blvd N, 2) building entries will be on the west, south, and east sides for easier wayfinding, and 3) loading docks and truck courts are interior, or facing one another, which minimizes their visibility from public right of way and is most compatible with adjacent land uses.

The two-building plan allows a shared access point off of Hudson Blvd N for employee vehicles and truck court access for phase I and truck court access for phase II. A second access is near the southeast corner for employee vehicles for phase II. The third access point is on the northwest corner of the site, primarily to provide circulation for safety as required by code. Trucks are restricted from the northwest and southeast access points as illustrated in the Applicant's plans.

#### **STREETSCAPE & LANDSCAPING**

Site amenities such as the Gateway Corridor components, as encouraged in the Lake Elmo Theming Study, are provided as illustrated in the plans. Components include a landscaped white picket fence wrapping around the corner of Lake Elmo Ave N and Hudson Blvd N. Street trees will be installed at regular intervals. High quality landscaping elements are expected surrounding the buildings where appropriate.

#### **PARKING AND DELIVERY/STORAGE AREAS**

Vehicle parking is planned on the south side of phase I building, with proof of parking shown on the west side of the phase I. Vehicle parking for the phase II building will be in front of the building on the east side, providing convenient access to the building entryways.

As mentioned above, truck court access off of Hudson Blvd N is shared between both phases. Along the north property boundary, as illustrated in the plans, a landscaped berm will be constructed to screen the parking and truck court areas of the project from the residential subdivision to the north.

**FORM & FACADE**

Consistent with prevailing building designs in other Class A business parks, a high level of architectural quality is planned. As per the plans, all sides of the buildings have architectural treatments. The creative use of color schemes breaks up long, continuous wall expanses and adds attractive visual interest. For the phase I building, the initial primary building entrance will be at the southeast corner. The west building elevation is designed to be upgraded with 3 entryways with architectural features for multiple tenants.

**BUILDING MATERIALS**

Exterior building panels will be 12" precast concrete VersaCore + Green insulated sandwich panels. Decorative staining, in an earth-tone color scheme per the plans, with multiple scoring lines are the panel finishes that pave the way for a signature business park design. Additional design features incorporated are prominent windows, architectural metals, and canopy around the building corners and main entryway.

**LIGHTING**

Lighting is provided in the entryways, parking areas, pedestrian ways to ensure safety and provided aesthetic value. However, all lighting is proposed to be down cast so as to minimize light pollution to neighboring properties. There will be no exposed or bare bulb lighting in the business park.

**SIGNAGE**

All signage will be constructed with high quality and durable materials. Consistent design will be carried through the project through the use of sign regulations inserted into lease documents with the building tenants. Signage is proposed on only two frontages per building as illustrated in the plans. A monument sign will be constructed at the Hudson Blvd N access point providing signage for multiple tenants. Lastly, as encouraged in the Lake Elmo Theming Study, the Gateway Corridor treatment is proposed for the southwest corner, including a City of Lake Elmo monument sign and peripheral fencing and landscaping.

We are excited about this opportunity and will bring a high level of product expertise and attention to detail, resulting in a development that exceeds expectations. We look forward to working with you and we hope that by breathing life into the south of 10<sup>th</sup> business district, our project can become a catalyst for more tax base and employment generating projects.

Sincerely,

**For and on behalf of Launch Properties**



Dan Regan



Mark Nordland

# OUR TEAM



WE KNOW INDUSTRIAL REAL ESTATE. WE'VE BUILT THEM, BOUGHT THEM, OPERATED THEM, AND SOLD THEM. So we understand the difficulty of both delivering within a tight budget and schedule while maintaining work quality.



## DAN REGAN

*Principal and Founder  
Launch Properties*

In addition to founding Launch Properties, Dan is Managing Partner of Airlake Development, Inc., a family development business with a long track record of success in the Twin Cities. He has played a key role in growing the Airlake Industrial Park in Lakeville, MN, into the second-largest industrial park in the Twin Cities. Activities include the City of North St. Paul Economic Development Authority Committee, multiple NAIOP committees, and St. John's Hospital Community Advisory Committee. Dan is an active shareholder of Premier Banks, a family-owned, MN based, 20 branch community bank with \$800 million in assets. Lastly, Dan is a managing partner in The Wilds Golf Club, an upscale daily fee golf course in Prior Lake, MN.

## MARK NORDLAND

*Principal and Founder  
Launch Properties*

Over the past 18 years, Mark has established himself as a top investor and developer in Minnesota. He has led the acquisition and development of more than \$750 million of award winning projects throughout the US while at Launch Properties, Ryan Companies and CSM Corporation. Immediately prior to founding Launch Properties, Mark was in charge of Ryan Companies' Office and Industrial development team. Mark is the 2014 NAIOP MN Chapter President, a MSP Business Journal 40 Under Forty recipient and a Best in Real Estate award winner. Since forming Launch Properties in 2011, Mark and Dan have developed and invested in numerous projects in the industrial, healthcare, and retail sectors.

## 3RD PARTY TEAM MEMBERS

→ In the real estate business we rely on others to assist in transacting and keeping our buildings performing at a high level. We have a successful track record with the following people and each will play an important role:

### 1 BROKERS/ DEAL FLOW

*Listing Brokers:*  
Bill Ritter, Ryan Krzmarzick, & Eric Rossbach  
Colliers Int'l Mpls-St. Paul

### 2 DESIGN

*Architectural:*  
Todd Mohagen, Mohagen Hansen

*Civil Engineering:*  
Todd Erickson, Erickson Civil | Site

*Transaction Attorney:*  
David Yung, Barnes & Thornburg

*Entitlements Attorney:*  
Brian McCool, Fredrikson & Byron

### 4 CONSTRUCT

*Construction Project Management:*  
Maverick PM, Ed Ulbricht

*General Contractor:*  
Jack Grotkin, RJ Ryan Construction, Inc.

### 5 OPERATE

*Property Management:*  
Internal Staff, Launch Properties

*Preventative Maintenance:*  
Paul Dally, United Operations

# MEMORANDUM

## FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4285

Date: March 18, 2014

To: Kyle Klatt, Planning Director  
Cc: Nick Johnson, City Planner

Re: Launch Properties 194 Business Park PUD  
Sketch Plan Review

From: Jack Griffin, P.E., City Engineer

We have received a Sketch Plan for the above referenced development proposal consisting of the following exhibits/documentation prepared by Erickson Civil. All materials were received on March 10, 2014:

- Application – Lake Elmo I-94 Business Park PUD Narrative
- Proposed Business Park – Existing Conditions, dated 03.07.2014.
- Proposed Business Park – Concept Layout, dated 03.07.2014.
- Proposed Business Park – Building Renderings, dated 03.07.2014.

We have the following review comments:

### MUNICIPAL WATER SUPPLY

- Municipal water supply is not currently available to this property. The applicant has submitted a request to the City to extend municipal water to the northwest corner of the property as part of the Lake Elmo Avenue Trunk Watermain Improvements. As part of this City project, the connection point for the applicant, and applicants cost participation, will need to be determined.
- The applicant will be responsible to connect to City water and extend water across the applicant's property at applicant's cost to provide watermain stubs to adjacent properties.
- The applicant must install a looped watermain network to avoid dead end runs greater than 600 feet.
- The City may require pipe sizes in excess of 8-inch diameter pipe. When requested, the City will pay oversize costs for pipe sizes in excess of 8-inch diameter.
- The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department.
- The applicant should be informed that the City water supply capacity (pressures, fire suppression, use) may be limited until a new water tower is constructed to serve the City's low pressure zone.

### MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer is available along the southeast corner and along the entire eastern property line. The City retains a 40 foot sanitary sewer easement along the eastern property line and along the southeast corner to the MCES meter station to accommodate this trunk sewer line. This easement should be shown on the plans.
- The applicant will need to connect to the City sanitary sewer line and extend service to the proposed buildings.
- The applicant will be responsible to extend an 8-inch diameter sanitary sewer main to the corner of Lake Elmo Avenue and Hudson Boulevard.

## STORMWATER MANAGEMENT

- Stormwater facilities shall be in accordance with the requirements listed in the City of Lake Elmo Engineering Design Standards, in addition to the requirements of the Valley Branch Watershed District.
- Stormwater facilities will include both storm water ponds and infiltration basins. Infiltration basins should be shown as grass/vegetated areas (not shown as wet ponds) on the sketch plan to more accurately communicate the site plan to the public and review commissions.
- The proposed stormwater facilities must remain outside of the 40-foot sanitary sewer easement and must allow for sewer maintenance activities without disturbing the stormwater pond operations.
- The City will need to review the intended ownership, operation and ongoing maintenance responsibilities of the proposed stormwater facilities. If City owned, the facilities should be placed within Outlots dedicated to the City for maintenance purposes. The Outlots must fully incorporate the 100-year HWL.
- Maintenance access roads meeting the engineering design standards must be provided for all storm water facilities.

## STREETS AND TRANSPORTATION

- The development access location to CSAH 17 (Lake Elmo Avenue) must be reviewed jointly with the City and County to ensure that appropriate access spacing guidelines are met for this development, as well as allowing for proper access management opportunities for surrounding properties.
- Adequate R/W must be reserved along CSAH 17 per County requirements.
- The development will be required to provide any improvements along CSAH 17 as required by the County, including turn lanes and or by-pass lane improvements.
- Hudson Boulevard is a City owned street, classified as a Major Collector. The projected 2030 average day traffic volume is 6,000 trips. The access spacing guideline for streets and commercial driveways along Hudson Boulevard is 660 feet.
- The proposed site plan shows an access driveway at 490 feet from Lake Elmo Avenue. The access point should be moved further to the east. Further evaluation should also be completed to review sight lines and grades at the proposed access point.
- A second access point is also proposed along Hudson Boulevard. Spacing guidelines will also need to be met in relation to the adjacent Drive-in property.
- The City should review the site plan to determine trail connection requirements along Lake Elmo Avenue or Hudson Boulevard.



## Kyle Klatt

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**From:** Ann Pung-Terwedo <Ann.Pung-Terwedo@co.washington.mn.us>  
**Sent:** Wednesday, March 19, 2014 10:17 AM  
**To:** Kyle Klatt  
**Subject:** RE: Launch Properties PUD Concept Plan

Kyle,  
Washington County Transportation staff reviewed the PUD Concept Plan for the Launch Properties Business Park. The following are comments on the narrative and site plan:

1. The Washington County Right-of-Way requirements along this section of CR 17B is 184 feet (92 feet from the center line of the road). Future trails along 17B would be included in the right-of-way.
2. Is the Fire Lane along the north property line with access to CR 17B necessary? If so, will there be plans to restrict trucks and employees access to CR 17B at this location?
3. Has the developer considered internal traffic and pedestrian circulation throughout the site with connections to adjacent properties?
4. Based on the type and intensity of the uses at the site, a Traffic Impact Study (TIS) should be prepared that includes
  - i. Any traffic Impacts and future volumes on the Hudson Road/17B, Hudson Road/Manning Avenue and Hudson Road/CSAH 19.
  - li Based on the project, recommendations for improvements to the intersection of Hudson Boulevard/17B.

Thanks for sending the us the plans for comment.

Regards,



Ann Pung-Terwedo  
Senior Planner  
Washington County Public Works  
11660 Myeron Road North  
Stillwater, MN 55082  
Phone: 651-430-4362  
FAX: 651-430-4350  
E-Mail: Ann. [Pung-terwedo@co.washington.mn.us](mailto:Pung-terwedo@co.washington.mn.us)

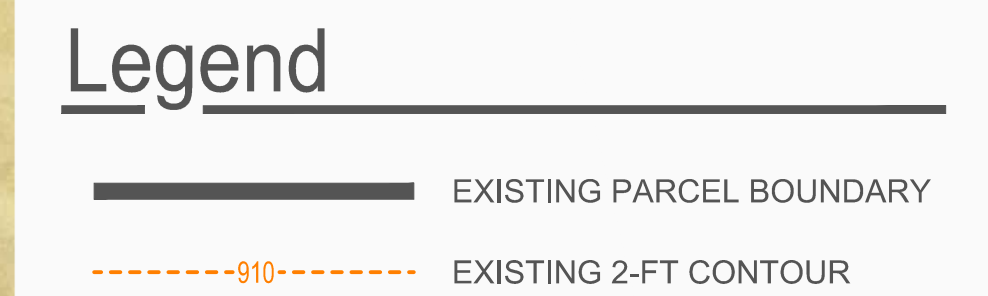
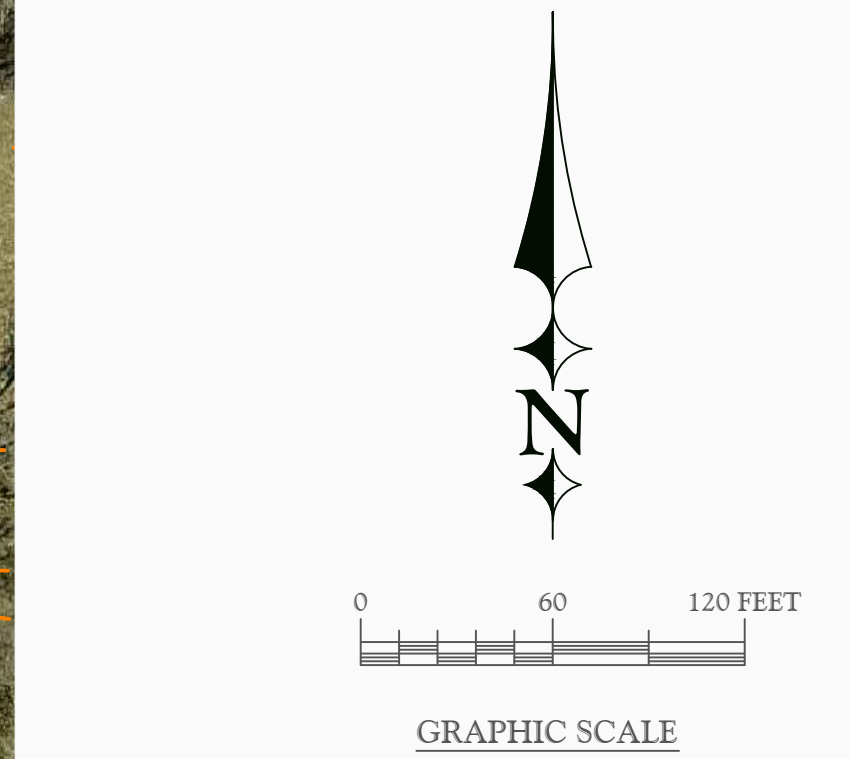
**Washington County Public Works Department**

Stewards of the county's investment in parks, buildings, transportation, land survey, and land use planning.  
[www.co.washington.mn.us](http://www.co.washington.mn.us)



Lake Elmo, Minnesota Existing Conditions 03-07-2014

## Existing Conditions



**ERICKSON CIVIL**  
333 North Main Street, Suite 201, Stillwater, MN 55082  
Phone 612.309.3804 [www.ericksoncivilsite.com](http://www.ericksoncivilsite.com)





# Proposed Business Park

Lake Elmo, Minnesota

03-07-2014

Concept Layout



Total Parcel Area	1,263,650
Pavement	362,120
Sidewalks	8,510
Proof of Parking	16,380
Building	385,150
Total Imperviousness	772,160 61%
Total Open Area	491,490 39%

**Mohagen  
Hansen**  
Architectural  
Group

[www.mohagenhansen.com](http://www.mohagenhansen.com)



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333 North Main Street, Suite 201, Stillwater, MN 55082  
Phone 612.309.3804 [www.ericksoncivilsite.com](http://www.ericksoncivilsite.com)



# Proposed Business Park

Lake Elmo, Minnesota

Building Renderings

03-07-2014



View from Southeast - Phase I Building



View from Southwest - Phase I Building



View from West - Phase I Building

**Mohagen  
Hansen**  
*Architectural  
Group*

[www.mohagenhansen.com](http://www.mohagenhansen.com)



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333 North Main Street, Suite 201, Stillwater, MN 55082  
Phone 612.309.3804 [www.ericksoncivilsite.com](http://www.ericksoncivilsite.com)





## MAYOR & COUNCIL COMMUNICATION

**DATE:** April 1, 2014

**REGULAR** \$\$

**ITEM #: 8**

**AGENDA ITEM:** Approve the Services Agreement with ISD 916

**SUBMITTED BY:** Dean Zuleger, City Administrator

**THROUGH:** Mayor Mike Pearson

**REVIEWED BY:** Adam Bell, Asst. Administrator / HR, Cathy Bendel, Finance Director,

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### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** City Administrator

**FISCAL IMPACT:** \$31,500 of non-tax revenue per year with an annual escalator clause

**SUMMARY AND ACTION REQUESTED:** Per Council request, the City Administrator has negotiated a non-tax services agreement with Independent School District 916 for the provision of municipal services for a new \$13 million campus to be located in the Eagle Point Business Park. The agreement is for \$31,500 for the first year with annual escalator clause. The recommended motion for this action is as follows:

*“Move to approve a Services Agreement with ISD 916 for \$31,500 with a 1.02% escalator clause per year to run through calendar year 2014.”*

**LEGISLATIVE HISTORY:** ISD 916 has a similar agreement with the City of Blaine, MN and the construct of this agreement is based on this document as precedent. The agreement has been reviewed by both Lake Elmo and ISD 916 legal counsel.

**BACKGROUND INFORMATION:** ISD 916 is a specialty school district that provides services to both students and area school districts that provide educational services for student with exceptionalities ranging from cognitively disabled to gifted and talented. The District has purchased land in the Eagle Point Business Park for the purpose of building a specialized school to serve these students. In accordance with MN State Statutes, the property is tax exempt but the City can charge the District for municipal services rendered to the site. After careful analysis of the street, public safety and utility services costs to the City, an annual service fee of \$31,500 was arrived between the parties. An escalator clause of 1.02% a year has been added for the life of the contract (10 years). The contract also contains a clause that allows for the renegotiation of the terms before the end of the 10 year period. In addition to the Services Agreement, ISD 916 has agreed in principle to be responsible for \$33,000 in WAC and SAC charges, \$61,000 in parkland dedication fees, and \$25,000 in associated planning costs.

**BACKGROUND INFORMATION (SWOT):**

**Strengths:** The Agreement allows the City to recover actual costs for the provision of services in the area of police, fire, utilities, and streets per MN State Statutes.

**Weakness:** The potential for the Agreement not be renewed after the 10 years exists and the City would not be able to collect taxes on a commercial piece of property.

**Opportunities:** The inclusion of a ISD 916 school in Lake Elmo greatly enhances our surrounding school districts, reduced overhead costs for specialty staffing and puts a school within reasonable driving proximity of Lake Elmo parents with children who have exceptionalities.

**Threats:** Not signing this agreement would place a burden on the City to provide services with no cost recovery

**RECOMMENDATION:** Staff recommends the following motion:

***“Move to approve a Services Agreement with ISD 916 for \$31,500 with a 1.02% escalator clause per year to run through calendar year 2014.”***

## SERVICES AGREEMENT

Services Agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Lake Elmo, a municipal corporation of the State of Minnesota (“City”) and Northeast Metro 916 Intermediate School District (“School”).

WHEREAS, School is the fee owner of a parcel legally described as Outlot A Eagle Point Business Park 7th Addition, Lake Elmo, Minnesota, (the “Property”), and intends to construct and operate a public school on the Property serving special needs students pursuant to its organizational charter (the “Activity”);

WHEREAS, School anticipates, based on its operation of similar schools, that the Activity will require public safety services provided by City (“Services”) at a level which exceeds those generally provided to other businesses or institutions in the City;

WHEREAS, City and School have agreed on a fixed rate of reimbursement to be paid to City by School for Services rendered to the Property, and such agreement is evidenced by this Services Agreement;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, School and City hereby agree as follows:

1. **Services.** City agrees to provide the Services to the Property during the time that the Activity is conducted on the Property, without any charge, assessment or fee charged to School or assessment against the Property, other than the Payment described in Paragraph 2 below.



2. **Payment.** School agrees to make an annual payment (“Payment”) to City in consideration of City providing the Services. Each payment shall be payable on December 31, commencing December 31, 2017, and shall be attributable to Services rendered during the school year commencing September 1<sup>st</sup> (prior to the Payment date) and concluding August 31<sup>st</sup> (subsequent to the Payment date). The amount of the Payment due December 31, 2017 shall be \$31,500.00; the Payment amount in each subsequent year shall equal 1.02% of the previous year’s payment (a two percent annual increase).

3. **Term.** The term of this Agreement (“Term”) shall commence as of the date hereof, and shall terminate ten (10) years later; provided; however, that School’s obligation to make the Payments shall cease at such time prior to the end of the Term if it ceases to conduct the Activity on the Property. Six months prior to the end of the Term, City and School shall meet to consider a possible extension of the Term and any appropriate modifications to the Payment amount or other terms of this Agreement.

4. **Miscellaneous.** Any modifications to this Agreement must be in writing and signed by City and School. Both parties acknowledge that the extension and performance of this Agreement have been fully authorized and approved by their respective institutions. Any notices hereunder shall be sent in writing, by certified or registered U.S. Mail, return receipt requested, or by a national overnight mail service, to addresses listed below:

Ms. Kristine Carr  
Director of Administrative Services  
Northeast Metro 916  
2540 County Road F East  
White Bear Lake, MN 55110

Director of Finance  
City of Lake Elmo  
3800 Laverne Ave. N. Lake Elmo, MN 55449

IN WITNESS WHEREOF, the parties hereto have executed this Services Agreement as of the date first above written.

CITY OF LAKE ELMO:

NORTHEAST METRO 916  
INTERMEDIATE SCHOOL DISTRICT

By: \_\_\_\_\_  
Mike Pearson, Mayor

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Dean Zuleger, City Manager

By: \_\_\_\_\_  
Its: \_\_\_\_\_

020588/312001/1585010\_1



## MAYOR & COUNCIL COMMUNICATION

**DATE:** April 1, 2014

**REGULAR** \$\$

**ITEM #:** 9

**AGENDA ITEM:** Approve the Joint Powers Agreement with the Great Stillwater School District for the establishment of a multi-use park at Oakland Junior High School

**SUBMITTED BY:** Dean Zuleger, City Administrator

**THROUGH:** City of Lake Elmo Park Commission

**REVIEWED BY:** Shane Weis, Chair, Park Commission  
Stillwater School District Board of Education

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### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Parks Commission, City Council

**FISCAL IMPACT:** \$80,000 from the Parkland Dedication Fund for the construction of three new tennis courts at Oakland Junior High. Annual maintenance of \$2,500-\$5,000 for park upkeep and equipment repair.

**SUMMARY AND ACTION REQUESTED:** The City of Lake Elmo and the Stillwater School District are partnering together and sharing resources to establish a 3.7 acre park located on the northwest corner of the Oakland Junior High Campus to serve future development, the Cimarron community, and families in the adjacent areas. The park will be jointly maintained by both parties and public use will extend to two areas of the Oakland Junior High athletic campus during non-school hours. The City of Lake Elmo and the Stillwater School District request the approval of this Joint Power Agreement to be able to work together under the authority of the MN State Statutes. The recommended motion for this action is as follows:

***“Move to approve the Joint Powers Agreement with the Stillwater School District for the creation of a multi-use park at Oakland Junior High School and the disbursement when invoiced of \$80,000 of parkland dedication funds for the construction of three new tennis courts.”***

**LEGISLATIVE HISTORY:** The City of Lake Elmo Park Plan and the Comprehensive Plan suggest a neighborhood park be located in this region of the City and this partnership allows for a park to be strategically located near a school, on a bike trail and near an affordable housing neighborhood.

**BACKGROUND INFORMATION (SWOT):**

**Strengths:** Partnership with the school district and a strategic location of a park

**Weakness:** Minimal use of Area A & B during school hours

**Opportunities:** Installation of 3 new tennis courts at an economy of scale rate and shared maintenance of the park

**Threats:** No suitable location for a park beside this site in the SE quadrant due to traffic, commercial use and lack of forested areas.

**RECOMMENDATION:** Staff recommends approval of the following:

***“Move to approve the Joint Powers Agreement with the Stillwater School District for the creation of a multi-use park at Oakland Junior High School and the disbursement when invoiced of \$80,000 of parkland dedication funds for the construction of three new tennis courts.”***

**March 2014**

**JOINT POWERS AGREEMENT FOR DEVELOPMENT OF A MULTI-USE PARK**

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and among the City of Lake Elmo,, Washington County, Minnesota ("Lake Elmo") and Stillwater Area Public Schools, ISD 834 ("District") (collectively the "Parties").

**WITNESSETH:**

**WHEREAS**, the District and Lake Elmo have identified the mutual benefits of developing a multi-use public park located on approximately 3.7 acres in the northeast corner of the Oak-Land Junior High School campus wholly owned by the District noted on Exhibit A ("the Property"), the entire Property to be designated by and through this joint powers agreement as "Oak-Land Neighborhood Park;

**WHEREAS**, the Parties seek to develop the Property as a multi-use park consisting of playground structures, picnic areas (including tables), walking paths connecting to regional trails, conservation areas, bathrooms, and other park amenities meant to complement the recreational facilities found on the Oak-Land Junior High School campus;

**WHEREAS**, the location of this multi-use public park further affords a recreational benefit and increased quality of life for taxpayers of both Lake Elmo and the District in a quadrant of the community, which includes a large affordable housing complex currently not served by a park;

**WHEREAS**, in exchange for its the quiet enjoyment and use of the Property, Lake Elmo agrees to make available necessary parkland dedication funds to help in the purchase and development of infrastructure, athletic fields, sport courts and other equipment needed to support the multi-use park and publically-accessible recreational portions of Area A and Area B as depicted on Exhibit A.

**WHEREAS**, the Parties believe that co-development a multi-use park is a prudent use tax dollars for benefit of the public;

**WHEREAS**, Minnesota Statutes, Section 471.59 authorizes two or more governmental units by agreement of their governing bodies jointly and cooperatively to exercise any power common to the contracting parties or similar powers, including those which are the same except for the territorial limits within which they are exercised;

**WHEREAS**, cities are authorized to enter into development contracts under Minnesota Statutes, Section 462.358, Subd. 2(a); and,

**WHEREAS**, the parties hereto desire to set forth the respective rights and obligations of the parties to this joint powers agreement ("JPA").

**NOW THEREFORE, IT IS HEREBY AGREED** by the Parties as follows:

## **ARTICLE I**

### **Purpose and Term**

**1.1** The Parties agree to mutually carry out the actions necessary to fulfill the terms of this JPA to establish the Property as a multi-use park, known as Oak-Land Neighborhood Park and jointly used by Lake Elmo and the District as provided herein.

**1.2** This JPA shall remain in place until terminated in accordance with the terms herein or as mutually agreed upon in writing by the Parties.

**1.3** To the fullest extent permitted by law, the Parties intend to enter into this Agreement and operate under Minnesota Statutes, Section 471.59, authorizing the combination of powers of two or more governmental units. Unless amended in writing by the Parties, this JPA does not form a board within the meaning of Section 471.59 subd. 2.

## **Article II**

### **Responsibilities of Lake Elmo**

**2.1.** The Lake Elmo Planning Staff will work with the District to determine a legal description ("metes and bounds") for the 3.7 acres that comprise the Property known as Oak-Land Neighborhood Park, located in the northeast quadrant of the Oak-Land Junior High campus and to be used for the purpose of a multi-use park. The legal description of the Property shall substantially conform to Exhibit A.

**2.2.** Lake Elmo shall promptly designate the Property and the recreational portions of Area A and Area B of the Oak-Land Junior High campus as "official City parkland" to allow the District to take full advantage of Minnesota Statutes Sections 466.03 Subd. 6(e) and 466.03 Subd. 23.

**2.3.** Lake Elmo shall appropriate parkland dedication funds for the purpose of purchasing infrastructure, playground equipment, athletic field equipment, sport courts, or other hard assets allowed by Minnesota Statutes 462.358 Subd. 2 (b) for use by the general public in the designated recreational areas of the Oak-Land Junior High Campus. Lake Elmo shall authorize an \$80,000.00 parkland dedication fund allocation for the cost of installing three (3) new publicly-accessible tennis courts in Area A of the Property. Said funds shall be disbursed upon execution of this Agreement.

**2.4.** Lake Elmo shall provide appropriate signage for the Property, designating the area as a joint development of Lake Elmo and the District, identified as a public park named "Oak-Land Neighborhood Park." Lake Elmo agrees to be responsible for maintaining all park and picnic equipment, including structures, placed on the Property. Lake Elmo shall be responsible for providing all necessary safety and security measures for the Oak-Land Neighborhood Park



through its contract with Washington County Sheriff's Department or other equivalent law enforcement agreements Lake Elmo may enter into from time to time.

**2.5.** By September 1, 2014, Lake Elmo shall provide a park master plan that, subject to the District's approval, will provide for the installation of infrastructure, appropriate land use and utilization of the Oak-Land Neighborhood Park.

**2.6.** Notwithstanding anything to apparent the contrary herein, Lake Elmo agrees that Area A and Area B of the Property will not function as a public park or be available for public use during regular school hours, as such school hours are published by the District to Lake Elmo and may be adjusted from time to time. Lake Elmo agrees that the District shall have priority use for all areas described in this JPA and Lake Elmo will not schedule any activities that may conflict with the District's priority use.

### **ARTICLE III**

#### **Responsibilities of the District**

**3.1.** The District shall, at its expense, survey the Property and provide Lake Elmo with a property description ("metes and bounds") for the Oak-Land Neighborhood Park. The entire Park area shall be designated as a multi-use park.

**3.2.** The District shall grant Lake Elmo access to the Property for the purpose of preparing the site for the multi-use park. The District shall, in turn, grant Lake Elmo the right to clear the site of dead wood, brush, and debris; perform forestry duties to preserve trees and clear portions of the site for the development of the Oak Land Neighborhood Park.

**3.3.** By October 31, 2014, the District shall review and render its approval, qualified approval or rejection of Lake Elmo-proposed master plan for the installation of infrastructure, land use and utilization of Oak-Land Neighborhood Park

**3.4.** The District shall submit an invoice for the expansion of the current three (3) tennis courts on the Property, to be completed by the District in 2014 and not to exceed \$80,000.00. Lake Elmo agrees to pay the \$80,000.00 from parkland dedication funds within fifteen (15) days of Lake Elmo's receipt of the invoice.

**3.5.** The District agrees to provide general landscape maintenance of the Oak-Land Neighborhood Park and of the publically-accessible recreational portions of Area A and Area B. For purposes of this JPA, "general maintenance" shall be mowing, trimming of vegetation, and related grounds keeping of Areas A and B, but shall not include snowplowing or other snow removal. The District shall maintain all recreational equipment and fields in Area A and Area B.

## **ARTICLE IV**

### **Default**

- 4.1** In the event of any material breach of this Agreement that is not cured within (30) days of written notice of the breach describing the nature of the default and what action is necessary to cure the default, the non-defaulting Party may declare the other Party to be in default of this JPA.
- 4.2** The non-defaulting Party shall have all rights and remedies available under to it under law or in equity.
- 4.3** The failure of the non-defaulting Party to declare default or otherwise exercise its rights under this JPA shall not constitute a waiver of its rights to later declare default and exercise all rights and remedies available under section 3.2 above. .

## **ARTICLE V**

### **Liabilities**

- 5.1** Each Party retains the financial responsibility for damage to or loss of its own equipment that may occur in performing its duties under this JPA.
- 5.2** Each Party retains the financial responsibility for workers' compensation benefits for its own employees and for any injuries that occur to its employees in performing its duties under this JPA.
- 5.3** Each Party shall be liable for its own acts and omissions, including the acts and omissions of its officers, employees or agents and the results thereof to the extent authorized by law and shall not be responsible for the acts and omissions of the other Party, its officers, employees or agents. Each Party agrees to indemnify, defend and hold harmless the other Party, its officers, employees or agents, against any and all liability, loss, costs, damages, expenses, claims or actions, including attorneys' fees that the other Party may hereafter sustain, incur or be required to pay, arising out of any act or omission of the indemnifying Party, its officers, agents or employees, in the execution, performance, or failure to perform its obligations of this JPA. Nothing herein, however, shall be deemed a waiver by either Party of the limitations on liability set forth in Minnesota Statutes, chapter 466.

## **Article VI**

### **Miscellaneous Provisions**

- 6.1.1** This JPA shall be binding upon Lake Elmo and District and their respective successors. Neither Party shall be allowed to assigns this JPA without the express written consent of the other Party.
- 6.2** This JPA represents the entire agreement between Lake Elmo and District.
- 6.3** This JPA may be amended only by a written document duly authorized, executed and delivered by Lake Elmo and District.

**6.4** Lake Elmo and the District each agree, upon written request of the other, to execute and deliver instruments and documents of further assurance as may be reasonably required to carry out the intention of this JPA.

**6.5** This JPA may be executed in counterpart, each of which shall constitute one and the same instrument.

**6.6** All notices, demands or other communication under this JPA shall be in writing and shall be deemed to have been duly served when delivered to the person for whom it was intended, or when mailed, first-class mail, postage prepaid, as indicated below:

If to Lake Elmo:                      City of Lake Elmo  
   City Administrator  
   3800 Laverne Avenue North  
   Lake Elmo, MN 55042

If to District:                         Stillwater Area Public Schools, ISD 834  
   Superintendent  
   1875 Greely Street S.  
   Stillwater, MN 44082

**6.7** The invalidity or unenforceability of any provision of this JPA, in no way, affect the validity or enforceability of any other provision of this JPA, all of which shall remain in full force and effect.

**6.8** Upon dissolution of this JPA, the Parties shall equitably divide the real and personal property forming the Oak-Land Neighborhood Park, in accordance with their respective contributions, taking into consideration maintenance of such property.

[Remainder of page left blank intentionally]

**IN WITNESS WHEREOF**, the City of Lake Elmo and the Stillwater Area Public Schools ISD 834 have caused this joint powers agreement to be duly executed on the day and the year first above written.

**CITY OF LAKE ELMO**

By \_\_\_\_\_  
Mike Pearson, Mayor

By \_\_\_\_\_  
Adam Bell, City Clerk

Attest \_\_\_\_\_  
Dean Zuleger, City Administrator

**ISD 834 – STILLWATER AREA PUBLIC SCHOOLS**

By \_\_\_\_\_  
Its School Board Chair

By \_\_\_\_\_  
Its School Board Clerk

Attest \_\_\_\_\_  
Corey Lunn, Superintendent



## City of Lake Elmo - ISD 834 JPA Proposal



Data Source: Washington County, MN  
3-5-2014



ISD 834 Property



Proposed Joint Park

