



3800 Laverne Avenue North
Lake Elmo, MN 55042

(651) 747-3900
www.lakeelmo.org

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday August 24, 2020
at 7:00 p.m.

AGENDA

Note: Social Distancing protocols will be in place in the City Council Chambers

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. August 13, 2020
4. Public Hearing
 - a. Variance Approval Amendment Request – 8950 Lake Jane Trail North
5. New Business
 - a. None
6. Communications/Updates
 - a. City Council Update:

08-18-20 Meeting	Comprehensive Plan Amendments (Lake Elmo Avenue and 43 rd Street) Code Amendments – PUD, OP-PUD and Subdivision Codes
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 - b. Staff Updates
 - c. Upcoming PC Meetings:
 1. September 14, 2020
 2. September 28, 2020
7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo
Planning Commission Special Meeting
Minutes of Thursday August 13, 2020**

Commissioner Cadenhead called to order the special meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Cadenhead, Weeks, Graen, Holtz, Mueller, Riser and Steil

COMMISSIONERS ABSENT: None

STAFF PRESENT: Planning Director Roberts

Approve Agenda:

M/S/P: Graen/Risner moved to approve the agenda, **Vote: 7-0, motion carried unanimously.**

Approval of Minutes:

M/S/P: Cadenhead/Steil moved to approve the Planning Commission minutes of July 27, 2020. **Vote: 7-0, motion carried unanimously.**

Public Hearings

None

New Business

- a. **Carmelite Hermitage of the Blessed Virgin Mary** – Request to extend the time to start or implement the Conditions of Approval for a Conditional Use Permit (8249 Demontreville Trail)

Director Roberts explained that when the City Council approved the conditional use permit for the chapel on the property located 8249 Demontreville Trail in August 2019 the Resolution of approval included the following conditions of approval:

- 6) The applicant or owner received a building permit from the City for chapel within 12 months of City Council approval of the conditional use permit.
- 7) If the applicant or owner has not taken action toward starting the chapel or if substantial construction of the chapel has not taken place within 12 months of the City's approval of conditional use permit, the CUP approval shall become void. The applicant or owner may request City council approval of a time extension to start or implement the conditional use permit.

He explained that because of pending litigation over this matter, the Carmelites have not yet started construction on the chapel. Roberts noted that by letter dated July 30, 2020, Rev. John M. Burns, on behalf of the Carmelites, and in accordance with Condition 7 of the CUP, wrote the City requesting an extension of time to start or implement the conditional use permit.

Director Roberts noted that the Planning Commission has three options with this request including:

- Denial of the requested extension.
- Approval of a one-year extension as requested by the Carmelites.
- Approval an extension for one year after resolution of both lawsuits.

Roberts concluded his report by explaining that staff was recommending approval of a time extension of the CUP to give the applicant one after the date of the lawsuit to resolve last to start the chapel or, if substantial construction of the chapel has not taken place, the substantially construct the chapel.

The Commission then discussed the time-extension request. Rev. John Burns, representing the Carmelites, was present and provided comments about the status of the pending lawsuits.

M/S/P: Steil/Holtz moved the staff recommendation as written in the staff report:

“Moved to recommend approval of the extension of the CUP, Resolution 2019-059, to provide an extension of Condition No. 7 and allow the Permit Holder to have one year after the date of the lawsuit to resolve last (either Jesuit Retreat House v. City of Lake Elmo, A20-0847 or Jesuit Retreat House v. Discalced Carmelite Nuns of St. Paul and Carmel of the Blessed Virgin Mary, 82-CV-19-4008) to start the chapel or, if substantial construction of the chapel has not taken place, to substantially construct the chapel.”

Vote: 7-0, motion carried unanimously.

Staff and Commission Updates

Roberts reported that at the August 4, 2020 City Council Meeting the Council reviewed and approved the update to the City fence code as recommended by the Planning Commission.

Director Roberts reminded the Commission of the upcoming PC Meetings on August 24, 2020 and on September 14, 2020.

Meeting adjourned at 7:11 pm.

Respectfully submitted,

Ken Roberts – Lake Elmo Planning Director



STAFF REPORT
DATE: 8/24/2020
REGULAR
ITEM#: PUBLIC HEARING

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Variance Condition Amendment(s) – 8950 Lake Jane Trail
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The City has received a request from Steve and Haley Meisterling, owners of the property located at 8950 Lake Jane Trail to amend the variances that were received by the City for their property by removing certain conditions of approval of those variances and also removal of a restrictive covenant that applies to their property. In 2002, the previous owners of the property received City approval of variances to build a home on the property. This approval consisted of a setback variance from the ordinary high-water level of Lake Jane and from the street right-of way. During the time of review (2002), City staff initially recommend denial of the variance requests. The Planning Commission opted to table the requests so the applicants could re-design/reconfigure their requests. After doing so, the applicants proposed a new site plan as well as a plan to preserve the remainder of the property, which resulted in a recommendation of approval of the variances by City Staff as well as the Planning Commission. The City Council then approved the variances with a condition of approval being the preservation of the remainder of the property that required the recording of a restrictive covenant on the property in order to ensure preservation (*see attached City Council Resolution No. 2002-106 and Restrictive Covenant*). The applicants are now requesting to amend the 2002 variances by removing the conditions of approval pertaining to preservation. This would include the removal of the restrictive covenant that is recorded against the property.

ISSUE BEFORE COMMISSION:

The Commission is being asked to hold a public hearing, review, and make recommendation on the request to amend the 2002 variances by removing certain conditions of approval.

REVIEW/ANALYSIS:

PID 09.029.21.41.0002
Existing Land Use/Zoning: Single-family residential home - Rural Single Family (RS).
Surrounding Land Use/ Zoning: Surrounded by single family homes guided for Rural Single Family / Rural Single Family
History: Variances approved in 2002 to build the house on the property.
Deadline for Action:
Application Complete – 7/17/2020
60 Day Deadline – 9/15/2020
Extension Letter Mailed – N/A
120 Day Deadline – N/A
Applicable Regulations: Article V - Zoning Administration and Enforcement
Article XVIII – Shoreland Management Overlay District
Article XI – Rural Districts

REQUEST AND DETAILS

The applicants were asked to provide justification as to why certain conditions of approval of the 2002 variances should be amended and considered for removal. The following statement was provided by the applicants:

"We are respectfully requesting the removal of the restrictive covenant specific to 8950 Lake Jane Trail North, Lake Elmo, MN 55042. The current covenant requires us to operate outside of every other homeowner residing on Lake Jane. There is nothing inherently unique about our parcel which would justify special covenants specific to this property. We should therefore be allowed to maintain, improve, and beautify our lot restricted only by those rules applicable to all other lake residences. Moreover, there is an urgency in having these covenants removed as we have received documented threats from community members that are aware of said covenants. We understand there are ordinances which apply to all homeowners on Lake Jane and we will continue to abide by these guidelines. We thank you in advance for your time and attention to this matter."

Although the applicants' request states they would like the covenant restrictions removed, after talking with the applicants, City staff believes aspects of the 2002 resolution of approval of the variance would also need to be amended to meet their request because the resolution contains conditions of approval pertaining to the recording of a restrictive covenant against the property and if the restrictive covenant is going to be released, the conditions of the variance need to be changed. The following outlines City staff's analysis of what will either need to be changed or removed from the original 2002 resolution granting the variances and the restrictive covenant document(s).

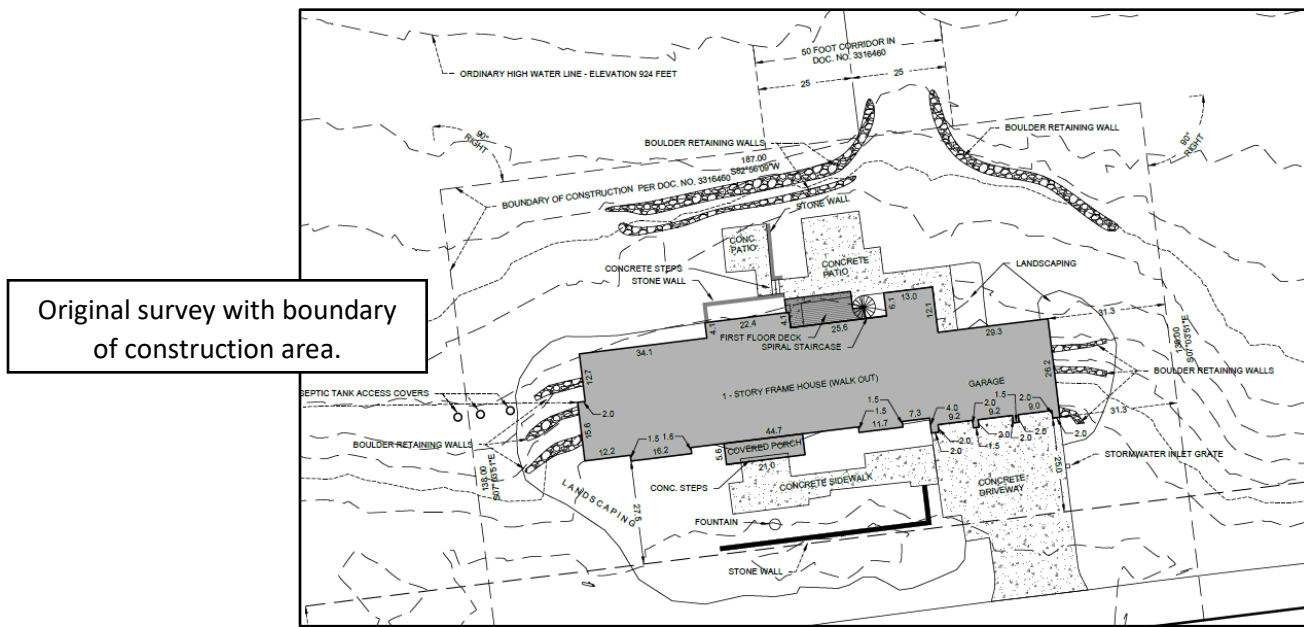
2002 Variance Conditions to be Amended as Follows:

1. Compliance with the tree preservation proposal of the applicant, staff dated September 19, 2002.
2. ~~A covenant shall be recorded on the deed of the site prior to the issuance of the building permit that insures maintenance of the tree preservation plan. The covenant shall be prepared by the applicants' attorney and approved/recorded by the City Attorney.~~
3. ~~The covenant shall also specify that the existing parcel shall not be reduced in size or subdivided in the future.~~
4. ~~The preserved area of the site shall remain undisturbed from its natural state, including ground vegetation and tree cover.~~
5. ~~All lake frontage except the fifty foot wide beach shall remain undisturbed in its natural state.~~
6. ~~Minimized disturbance of any vegetation within the fifty foot wide corridor, including at the shoreline~~
7. ~~All trees of twelve inch diameter and greater at breast height within the fifty foot corridor to the lake shall be retained.~~
8. No grading or filling shall be permitted below the Ordinary High Water level.
9. ~~The covenant must be recorded before issuance of any building or development permit, or sale of the property by Bob Mogren.~~

Restrictive Covenant

The applicants are requesting that the restrictive covenant that was recorded against their property as a condition of the 2002 variance be removed in its entirety. The restrictive covenant has the following restrictions (which would all no longer apply if it is removed):

1. No trees or ground vegetation may be cut outside of the Construction Area [as defined in the restrictive covenant], except for a 50 foot wide corridor, the centerline of which begins at a point on the north line of the Construction Area, 100 feet East of the Northwest corner of thereof; thence extending northerly at a 90 degree angle from said north line to the intersection with the natural high water mark of Lake Jane and there terminating. Inside the 50 foot corridor all trees over 12 inches in diameter at breast height must not be cut.
2. Trees and vegetation may be cut as needed to install and maintain a septic system.
3. No trees may be cut in the road right of way except for a 65 foot driveway opening.
4. The preserved area of the site shall remain undisturbed from the natural state, including ground vegetation and tree cover.
5. No grading or filling shall be permitted North of the ordinary high water level.
6. The existing parcel shall not be reduced in size or subdivided at any time.



Original survey with boundary of construction area.

Applicable City Code:

There are some sections of the current City Code that do attempt to preserve wooded properties, specifically for properties considered to be within the Shoreland District (which includes the applicants' property). Section 154.800 7. c. and d.) are the primary regulating language that address tree removal and vegetative protection on the applicants' property. They state as follows:

- c) *Intensive Vegetative Clearing.* Intensive vegetation clearing within shore and bluff impact zones and/or steep slopes is not permitted. Intensive clearing within shoreland areas outside of bluff or shore impact zones and steep slope areas is subject to standards set forth in Subp. (C) (8) of this Section.

The City defines intensive vegetative clearing as the following:

Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

- d) *Limited Tree Clearing.* Limited clearing of trees and shrubs and the cutting, pruning and trimming of trees within bluff and shore impact zones or steep slopes to accommodate picnic areas, trails and water access and to provide a view to the water from a principal dwelling site shall be permitted provided the screening of structures, as viewed from the water, is not substantially reduced and that the shading of water surface is long rivers is preserved. These provisions do not apply to the removal of tree limbs or branches that are dead or pose a safety hazard.

AGENCY REVIEW

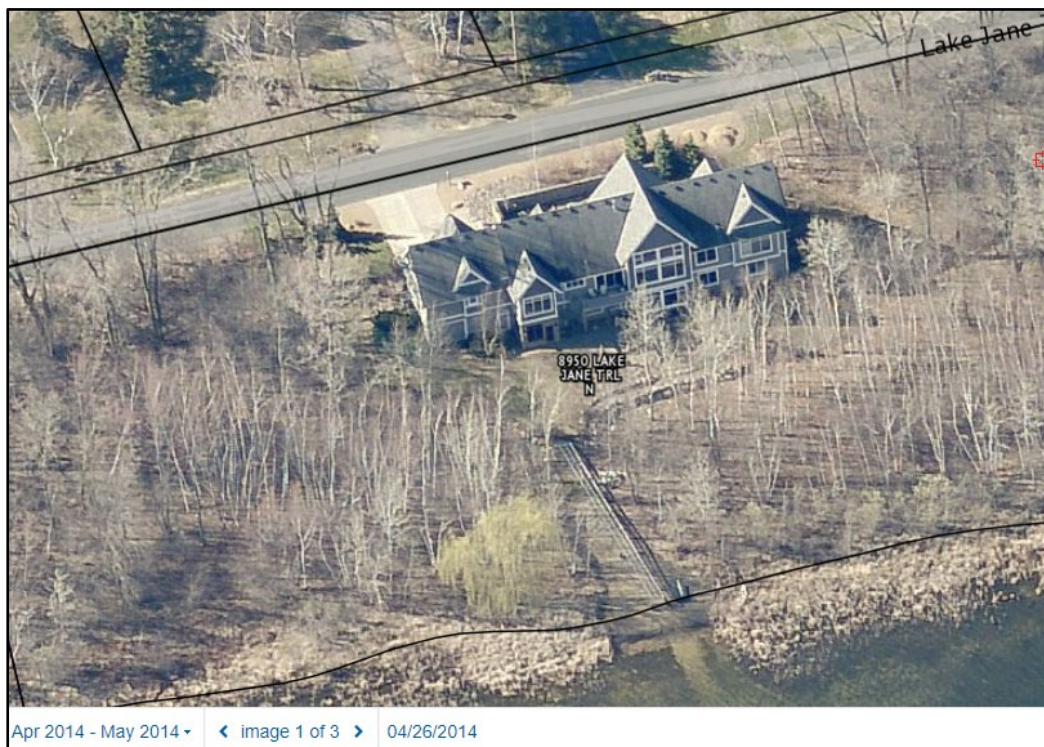
All entities and departments who were provided information about the request either had no comment or have not provided a response.

RECOMMENDED FINDINGS AND DISCUSSION

It seems that the applicants' request may be also motivated to have the 2002 variance conditions amended because by amending them, this would potentially eliminate some of the violations of the variance conditions and restrictive covenant provisions that have occurred on the property. As you can see on the survey included with this report, there is a defined area on the property where clearing may occur. City staff has been made aware of violations occurring on the property from a complaint that was received by the City. After reviewing the property file and looking at aerial photos, it became evident that there are violations occurring on the property. City staff prepared a violation letter which was sent to the applicants in June of 2020. The focus of the letter was centered around the cottonwood trees that

were removed on the street side of the property. City staff did not form the opinion that the removal of the trees was a violation that could not be corrected considering the removal was based on a safety concern. City staff was then informed that trees were going to be replanted. What City staff did not know was that the locations of the new trees were going to be within the ROW and that they were intended for landscaping and not to transition the property back into a “natural” state. The violation letter was issued to the applicants before the variance amendment request was submitted by the applicants to the City.

The image dated from 2006 is the image closest to 2002 that Staff could find and is confident that it represents the state that the conditions were intended to create. The following images show a progression over time with the May 2020 image being the most recent.





7 - May 2017 < image 5 of 5 > 04/06/2017



< image 1 of 3 > 05/30/2020

City staff believes the applicants' is a unique request because the City is being asked to remove conditions that were applied to further protect the aesthetics of the shoreland/neighboring properties. At this point, City staff are not convinced that the conditions from the 2002 variance and the restrictive covenant are burdensome to the point where the property is restricted from reasonable use. Furthermore, the circumstances with respect to the property do not appear to have changed to the point where removal of conditions of the variances and the restrictive covenant are warranted. Furthermore, it could be argued that without the approval of the variances with the existing conditions, the house would not be in existence, because the City would have denied the variances. If enforced and monitored, the variance conditions and the restrictive covenant do protect the property and require the native vegetation to remain as opposed to there being manicured lawn or other landscaping. Therefore, City staff is not recommending approval of the request to amend the 2002 variances or the removal of the restrictive covenant from the property.

FINDINGS:

1. *With respect to the amendment of the variances and removal of condition numbers two (2) and four (4) of City Council Resolution No. 2002-106, removing these conditions would not be appropriate due to the intent of the conditions to protect the natural aesthetics of the property. Furthermore, circumstances and conditions have not changed on the property to the extent that warrants removal of these conditions.*
2. *With respect to removing condition number five (5), This condition outlines the allowance of clearing a strip of land 50 ft. wide towards the lake, which is already more than what the code would currently allow considering*

vegetative clearing is supposed to be limited or nonexistent. Amending or adjusting the condition would not be appropriate for this reason.

3. *The variances that were requested in 2002 were not going to be approved by the City unless the applicant agreed to preserve the remainder of the property. By removing them now, this would invalidate the basis for the City granting the variances in 2002 (i.e. to allow certain construction on the property in exchange for preservation of the remainder of the property).*
4. *Considering all factors that are in place, the conditions of the 2002 variance and the restrictive covenant do not further burden the property more than others along the lake as the property exists now. The burden would only arise if the applicants were to attempt to obtain approval of additional improvements on the property (accessory buildings, pool, sport court, etc.).*
5. *With the existing conditions of approval in Resolution 2002-106 that allowed the home to be built, the City does not believe the conditions of the variances burden the property from reasonable use to an extent that is different than other lake properties in the City.*

FURTHER ACTION:

It should be known that if the amendments to the variances are not approved, City staff is unable to ignore the violations that are on the property, which are outlined below and will need to be corrected by the applicants:

1. The beach area on the property is substantially larger than what is allowed by the variance and the restrictive covenant and will need to be reduced in size to a width of 50 feet and all vegetation that has been removed must be replanted.
2. The recently installed landscaping along the road right-of-way (ROW) is not identified as an issue at this time but will over time become an issue as the trees and vegetation grow. With the plantings being located within the ROW, the applicants are hereby put on notice that the City reserves the right to remove any of the vegetation that is within the ROW at any time that any of it is identified in the sole discretion of the City as being a public safety hazard.
3. Trees must be replanted (at least 4-5 trees) in the general location on the property where the cottonwood trees were removed. The species and location of the trees will be determined by the City Landscape Architect.
4. The temporary driveway must be removed and remediated.

FISCAL IMPACT:

None

OPTIONS:

- Recommend denial of variance amendment request.
- Recommend denial of variance amendment request with amended findings of denial.
- Recommend approval of the variance amendment request, citing findings for approval.

RECOMMENDATION:

“Move to recommend denial of the variance amendment request for the property located at 8950 Lake Jane Trail with recommended findings of denial”

ATTACHMENTS:

- Resolution 2002-106
- Declaration of Covenants
- Property Survey
- Narrative
- Code Enforcement Letter
- Arial Images

**City of Lake Elmo
Washington County, Minnesota**

Resolution No. 2002-106

**A RESOLUTION REGARDING TWO VARIANCES
TO THE SHORELAND STANDARDS**

In R-1 Zoning District

To

Bob and Dianne McAdam and Bob Mogren

WHEREAS, at its September 9 and September 23, 2002 meetings, the Lake Elmo Planning Commission reviewed and heard testimony regarding the application of and Bob and Dianne McAdam and Bob Mogren, to vary from the standards of Section 325.06 – Shoreland Standards Subd. 4.A Placement, Design, and Height of Structures; Setback from the Ordinary High Water (table), and Setback from the Right-of-way Line (table), of the Lake Elmo City Code with respect to the property generally described as follows:

Part of Government Lot 7, Section 9, Township 29 North, Range 21 West, Washington County, Minnesota, lying easterly of Lake Jane Manor No. 1, and northerly of the centerline of Lake Jane Trail North.

WHEREAS, said variances are to construct a Principal Structure 56 feet from the Ordinary High Water level of Lake Jane where 100 feet are required, and 25 feet from the right-of-way line of Lake Jane Trail North where 30 feet are required.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo Planning Commission does hereby make the following findings concerning said variance:

1. It is questionable whether this site can be put to reasonable use without some degree of variance. The applicant has agreed to measures regarding preservation of natural site features to preserve the purpose and intent of the Ordinary High Water setback standard of the Zoning Ordinance.
2. The physical circumstances of the site are somewhat unique. Very few, if any, parcels exist in the City of two acres that are as constrained by setbacks as this site. The physical circumstances of the site pre-date the Ordinary High Water setback requirements, and therefore, they were not created by the present landowner.
3. Construction of a house on the site will not change the essential character of the neighborhood.
4. Economic considerations are not the only basis for the variance request.


BE IT FURTHER RESOLVED, that the Lake Elmo Planning commission does hereby recommend the City Council grant this variance. Subject to the following conditions:

1. Compliance with the tree preservation proposal of the applicant, staff dated September 19, 2002.
2. A covenant shall be recorded on the deed of the site prior to issuance of a building permit that insures maintenance of the tree preservation plan. The covenant shall be prepared by the applicants' attorney and approved/recorded by the City Attorney.
3. The covenant shall also specify that the existing parcel shall not be reduced in size or subdivided in the future.
4. The preserved area of the site shall remain undisturbed from its natural state, including ground vegetation and tree cover.
5. All lake frontage except the fifty foot wide beach shall remain undisturbed in its natural state.
6. Minimize disturbance of any vegetation within the fifty foot wide corridor, including at the shoreline.

7. All trees of twelve-inch diameter and greater at breast height within the fifty foot corridor to the lake shall be retained.
8. No grading or filling shall be permitted below the Ordinary High Water level.
9. The covenant must be recorded before issuance of any building or development permit, or sale of property by Bob Mogren.

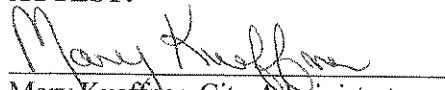
BE IT FURTHER RESOLVED, that this variance is granted.

ADOPTED, by the Lake Elmo City Council this 1st day of October, 2002.



Lee Hunt, Mayor Hunt

ATTEST:



Mary Kueffner, City Administrator

DECLARATION OF COVENANTS

3316460



THIS DECLARATION (the "Declaration") is made on this 19 day of February, 2003, by Landmark, Inc., a Minnesota corporation (hereinafter referred to as the "Declarant").

11928584 11
T-16584

Recording Requested by &
When Recorded Return To:

WITNESSETH:

US Recordings, Inc.
2925 Country Drive Ste 201
St. Paul, MN 55117

30 00

WHEREAS, the Declarant is the owner of that certain real property located in the City of Lake Elmo, County of Washington, State of Minnesota, legally described as:

All that part of the East 541.03 feet of said Government Lot 7, measured at right angles to the East Line of said Government Lot 7, which lies Northerly of the center line of Lake Jane Road; except the East 125 feet thereof, in Section 9, Township 29, Range 21, Washington County, Minnesota.

(the "Real Property")

NOW THEREFORE, in consideration of the premises, the Declarant, hereby declares that the construction and clearing of the Real Property shall be subject to the covenants hereinafter set forth which covenants shall run with the land and be binding on the Declarant, its successors and assigns.

The legal description within the above Real Property for the Declarant's allowable construction and clearing area is as follows:

Commencing at the intersection of said center line of Lake Jane Road and the west line of the East 541.03 feet of said Government Lot 7; thence easterly along said center line of Lake Jane Road a distance of 112 feet to the point of beginning; thence northerly deflecting 90 degrees 00 minutes 00 seconds to the left a distance of 138 feet; thence easterly deflecting 90 degrees 00 minutes 00 seconds to the right a distance of 187.00 feet; thence southerly deflecting 90 degrees 00 minutes 00 seconds a distance of 138 feet to the center line of Lake Jane Road; thence westerly along said center line 187.00 feet to the point of beginning.

(the "Construction Area")

The Declarant is subject to the following covenants within the Construction Area:

- 1) No trees or ground vegetation may be cut outside of the above described Construction Area, except for a 50 foot wide corridor, the centerline of which begins at a point on the north line of the Construction Area, 100 feet East of the Northwest corner of thereof; thence extending northerly at a 90 degree angle from said north line to the intersection with the natural high water mark

- 2) Trees and vegetation may be cut as needed to install and maintain a septic system.
- 3) No trees may be cut in the road right of way except for a 65 foot driveway opening.
- 4) The preserved area of the site shall remain undisturbed from the natural state, including ground vegetation and tree cover.
- 5) No grading or filling shall be permitted North of the ordinary high water level.
- 6) The existing parcel shall not be reduced in size or subdivided at any time.


By:

Robert McAdam

Robert McAdam
Its: President

On the 19 day of February, 2003, personally appeared Robert McAdam the President of Landmark, Inc., a Minnesota Corporation and executed this document as the free act and deed of this company.

notary

 DENNIS J. UNGER
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31-2005

3-10.03

MOLLY F. O'ROURKE, AUDITOR-TREASURER

BY

DEPUTY



U11928584-39C I02

DECLARATION
REF# T-01B034
US Recordings



8950 LAKE
JANE TRL
N





To: Steven and Haileen Meisterling
8950 Lake Jane Trl.
Lake Elmo, MN 55402

Date: June 29, 2020

Subject: Tree Removal and Driveway Installation

This letter is to inform you that a complaint was received regarding the removal of trees and installation of a driveway at the property addressed as 8950 Lake Jane Trl. City Staff conducted a site inspection on June 25, 2020 and determined that the property had visible signs of removed trees and the development of a driveway along Lake Jane Trl. There are aspects of what was observed that may violate the City Code, which will be discussed below.

With the property being located within the shoreland district it has additional regulations that need to be adhered to which is intended to protect the lake shore. Properties along the lakes are only allowed to clear limited amounts of vegetation within the designated impact zone. The applicable sections of code are copied below (*Full shore land code is attached*). In the code you will see a reference of "shoreland impact zone." The impact zone is defined as "Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback." With that said, the limitations to your property will apply 50 ft. from the ordinary high water level into the lot.

Section 154.800

c. Intensive Vegetative Clearing. Intensive vegetation clearing within shore and bluff impact zones and/or steep slopes is not permitted. Intensive clearing within shoreland areas outside of bluff or shore impact zones and steep slope areas is subject to standards set forth in Subp. (C) (8) of this Section.

d. Limited Tree Clearing. Limited clearing of trees and shrubs and the cutting, pruning and trimming of trees within bluff and shore impact zones or steep slopes to accommodate picnic areas, trails and water access and to provide a view to the water from a principal dwelling site shall be permitted provided the screening of structures, as viewed from the water, is not substantially reduced and that the shading of water surface is along rivers is preserved. These provisions do not apply to the removal of tree limbs or branches that are dead or pose a safety hazard.

Notes under table 17-2) b. Vegetative clearing within shore and bluff impact zones and on steep slopes is not permitted.

As you may notice, section d. referenced above allows some vegetative clearing to occur. At this point I am not convinced that the removal of 3 to 4 trees constitutes corrections from the City Code but the approving resolution requires more stringent vegetative compliance (*Discussed below*). However, I do think this is a good opportunity to provide insight to the City Code and how it applies to your property. Using the surveys (*Attached*) of the property, removal of vegetation starting from the back of your home to the lake (rear yard) would begin to violate the shoreland sections of the code. Now that there is current documentation of the property if it is not required, I would be cautious when making additional alterations on the lot. Furthermore, grading within the shoreland area is also closely regulated.

Regarding the driveway, I speculate that one of two things have happened. Either the driveway was installed to assist with the removal of the trees and it is a temporary installation or it is intended to be permanent. If it is a temporary installation it becomes a non-issue, assuming the area next to the roadway is remediated. Otherwise, Driveways do require a permit and review by City Staff to ensure they will abide by all applicable driveway standards. If it is permanent, please fill out and submit a driveway permit.

Furthermore, there were special approvals applied to the property when the home was approved for construction. I have attached the approving resolution and the covenants that are applicable to the property. You will notice that both the resolution and covenants address vegetative covering. Regardless of what the City Code says, the conditions outlined in the resolution and covenants do need to be adhered to. The attached survey shows where the water level starts and where the Ordinary High Water level is located on the parcel, which is helpful when reading the resolution.

If additional improvements are intended to be constructed on the property a permit will be required. Please follow up with City Staff to discuss the applicable City Code and applicable permits.

Staff understands that there are times when Residents may not be aware of the requirements within the City Code and is under the impression that this may be one of those times. However, correction will still need to take place. Staff is asking the property to follow the applicable shoreland code and restrictions through the resolution and applicable covenants. If the driveway is intended to be permanent please reach out to City Staff to discuss permitting by July 6nd, 2020 and if it is not permanent remediation to occur by July 10th, 2020. Staff will conduct a follow up inspection of the property after July 9th to check on the status of the driveway.

If you have any further questions or concerns, please do not hesitate to contact me at the information below. Thank you in advance for your cooperation in complying with City Code and helping to maintain the quality of Life in Lake Elmo.

Sincerely,

Ben Prchal, City Planner

651-747-3911 - bprchal@lakeelmo.org

Enclosure: Photos of the site, Applicable Code, and Covenants.

Ben Prchal

From: Hailee Meisterling <haileemeisterling@yahoo.com>
Sent: Friday, July 17, 2020 11:55 AM
To: Ben Prchal; Ken Roberts; Steve Meisterling
Subject: MeisterlingCertificate_Rev-WithCovenan.pdf
Attachments: MeisterlingCertificate_Rev-WithCovenan.pdf; ATT00001.htm

Caution: This email originated outside our organization; please use caution.

Dear Ben,

Per your request, I have attached a copy of our survey outlining the area noted within the covenants. Additionally, please consider the paragraph below our “narrative” for removing the covenants. Please let us know if you need any more information.

We are respectfully requesting the removal of the restrictive covenant specific to [8950 Lake Jane Trail North, Lake Elmo, MN 55042](#). The current covenant requires us to operate outside of every other homeowner residing on Lake Jane. There is nothing inherently unique about our parcel which would justify special covenants specific to this property. We should therefore be allowed to maintain, improve, and beautify our lot restricted only by those rules applicable to all other lake residences. Moreover, there is an urgency in having these covenants removed as we have received documented threats from community members that are aware of said covenants. We understand there are ordinances which apply to all homeowners on Lake Jane and we will continue to abide by these guidelines. We thank you in advance for your time and attention to this matter.

Steve & Hailee Meisterling Homeowners of [8950 Lake Jane Trail North, Lake Elmo, MN 55042](#)