



PLANNING COMMISSION
DATE: 11/24/2014
AGENDA ITEM: 5A – BUSINESS ITEM
CASE # 2014-50

ITEM: Halcyon Cemetery - Sketch Plan Review
SUBMITTED BY: Nick Johnson, City Planner
REVIEWED BY: Kyle Klatt, Community Development Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to review a Sketch Plan for a proposed cemetery within the Rural Planning Area submitted by Mr. Lee Rossow. The proposed cemetery would be located at 11050 50th Street North, on the northeast corner of 50th Street and Lake Elmo Avenue (CSAH 17). The Sketch Plan includes three main areas for in-ground burials, space for columbarium, and a parking area. The existing home and accessory building would be repurposed to serve as administration and maintenance of the cemetery. Because this is a Sketch Plan review, there is no formal action required by the Planning Commission.

GENERAL INFORMATION

Applicant: Lee Rossow, 11050 50th Street North, Lake Elmo, MN 55042
Property Owners: Lee Rossow, 11050 50th Street North, Lake Elmo, MN 55042
Location: Part of Section 01, Township 29 North, Range 21 West in Lake Elmo, immediately north of 50th Street and immediately east of Lake Elmo Avenue (CSAH 17). PID Number: 01.029.21.33.0003
Request: Sketch Plan Review
Existing Land Use: Single Family Detached
Existing Zoning: RR – Rural Residential
Surrounding Land Use: North – single family home (RR); west – single family home (RR); south – Agricultural (RR); east – single family residential (RR) and Municipal Well Site #4.
Surrounding Zoning: RR – Rural Residential; PF – Public Facilities
Comprehensive Plan: Rural Area Development
Proposed Zoning: RR – Rural Residential
History: The 10-acre site has historically been used for a single family home. According to County records, the existing home was built in 1984.
Deadline for Action: N/A – No action required by City

Applicable Regulations: Article IX – Rural Districts

REQUEST DETAILS

The City of Lake Elmo is in receipt of a Sketch Plan from Mr. Lee Rossow for a proposed cemetery that would be located within the Rural Planning Area as defined in the Comprehensive Plan. The proposed cemetery would be located at the northeast corner of the intersection of 50th Street North and Lake Elmo Avenue North. Under the City’s Zoning Code, cemeteries are a permitted use in the Rural Residential (RR) and Agricultural (A) zoning districts. The subject property is zoned Rural Residential. However, in order to sell burial plots, the property must go through a formal platting process.

Per State Statutes, cemeteries must be formally platted under the appropriate regulation of the State and local jurisdiction. The Lake Elmo Subdivision Ordinance specifies that as part of the pre-application process for a subdivision of land, the applicant must first submit a Sketch Plan for review by the Planning Commission. The Ordinance notes that the purpose of the Sketch Plan review is as follows:

Sketch plan. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, the subdivider shall meet with the Planning Commission and prepare a sketch plan which explains or illustrates the proposed subdivision and its purpose. The Planning Commission shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.

Based on this wording, the Planning Commission is not being asked to take any formal action as part of its review other than to accept the information received. Staff has completed an internal review of the Sketch Plan, and general comments from Staff are included in this memorandum and applicable attachment.

BACKGROUND

The proposed Sketch Plan is located in the north-central portion of the Rural Planning Area at the intersection of 50th Street North and Lake Elmo Avenue North (CSAH 17).

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

- *Application Forms*
- *Existing Conditions.* The applicants have submitted an existing conditions plan, showing an aerial image of the property and the existing single family detached residential use. As shown in the existing conditions plan, the house and accessory building are currently existing on the property. These structure would be repurposed as part of the proposed cemetery as an administration/caretaker building and maintenance garage.
- *Sketch Plan.* The Sketch Plan for the proposed cemetery shows three larger in-ground burial areas, several sites for columbaria, a gathering space, a parking lot, a network of private drive lanes or driveways to access the various sites, and the existing buildings and drainfield.

The Staff review comments that follow are all based on conducting a very high level review of the Sketch Plan since there is not a lot of detailed information that is required at this stage in the subdivision process. Staff has focused its review on the elements of the site plan that

STAFF REVIEW COMMENTS:

Staff has reviewed the proposed Sketch Plan and provided comments in the following areas:

- **Land Use:** The proposed Sketch Plan does conform to the City's Land Use Plan in that the site is guided for Rural Area Development. Under this designation, Rural Residential is a typical zoning for sites of this size and character.
- **Zoning.** The current zoning for the parcel is Rural Residential. Under this zoning designation, a cemetery is a permitted use. In the Zoning Code, cemetery is defined as the following:

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Under this definition, it is staff's interpretation that the proposed use would be permitted under the City's ordinance. It should also be noted that the Zoning Code does not include any specific development standards for cemeteries at this time. The only other reference to cemeteries in the Zoning Code is in the PF – Public Facilities zoning district, where cemeteries are identified as a conditional use.

- **Public Utilities.** The site is currently not hooked up to City water, but does have access via a watermain extension from Well #4 and down Lake Elmo Avenue North. Should the proposed use require City water, it does have access to service.
- **Private Utilities.** It should be noted that an existing septic system serves the site. The property is not in the City's Public Sanitary Sewer Service Area. If any expansion of the septic system is required for the cemetery use, the applicant will need to secure the applicable permits from the Washington County Dept. of Health.
- **Access.** The applicants are proposing to reduce the total accesses to the property from 2 to 1, accessing the site off of 50th Street North. The current driveway configuration includes accesses on both Lake Elmo Ave. and 50th Street North. The proposed access on 50th Street would be move to the west, while the access on Lake Elmo Ave. would be eliminated. As proposed, the access on 50th Street would be located approximately 150 feet from Lake Elmo Ave. Staff recommends that the proposed access be reviewed by the City Engineer in consultation with Washington County in order to ensure that the proposed access spacing is appropriate for the conditions on 50th Street and Lake Elmo Avenue.
- **Landscaping and Tree Protection/Preservation.** The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of Preliminary Plat submission. In addition, a tree preservation plan or woodland evaluation report must be submitted with preliminary plat to document any impacts to significant trees on the site. The City's landscaping provisions require 5 trees for every one acre of land that is developed, as

well as 1 tree per 50 feet of street frontage. These requirements should inform the landscape plan for the site.

- **Screening and Fencing.** The Sketch Plan also includes fencing around all four boundaries of the property. The north and east sides of the property include a regular fence, whereas the west and south sides include ornamental fencing. Significant detail of the fencing is not provided with this submittal, but Staff would assume that the northern and eastern fencing is provided for screening purposes for the adjacent residential properties. The ornamental fencing is likely provided for aesthetic purposes along the street frontage sides of the property. In addition to fencing, staff would recommend that some landscaping and trees be utilized to add additional screening along the property boundaries.
- **Park Dedication.** The City’s subdivision ordinance requires parkland dedication for subdivisions. Residential subdivision require a land dedication as a percentage depending on the zoning or land use, whereas commercial projects are required to post a fee in lieu of land dedication. For example, subdivisions on Rural Residential land require a 4% dedication, or equal market value in fees thereof. The current commercial rate for park dedication is \$4,500 per acre. Staff is still conducting some research to determine if and how much parkland dedication would be appropriate for this type of use. Staff will consult with the City Attorney in determining what the appropriate precedents are for a similar case such as the present application. If any dedication were appropriate, staff would recommend a fee in lieu of land dedication.
- **Subdivision Review Process.** In order to proceed with the subdivision of the land included in the Sketch Plan, the applicant will need to next prepare a Preliminary Plat application. At the Preliminary Plat stage, there is more information required as part of the submission process, which also requires a public hearing.

RECCOMENDATION:

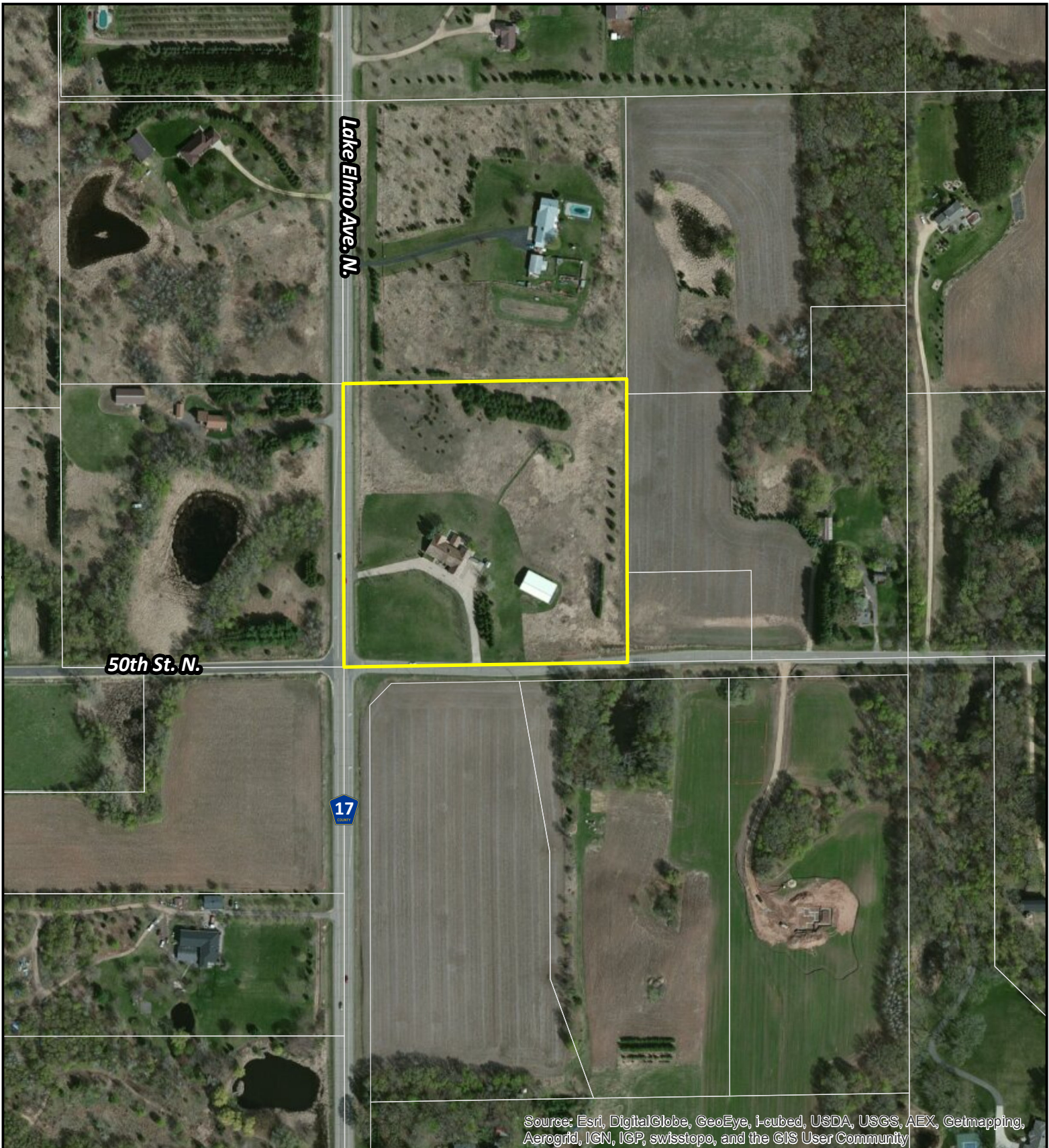
No formal action is required at this time. Staff is recommending that the Planning Commission accept the Sketch Plan provided by Mr. Lee Rossow for a cemetery at 11050 50th Street North and provide feedback.

ATTACHMENTS:

1. Location Map
2. Application Form
3. Existing Conditions Plan
4. Cemetery Sketch Plan

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members



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

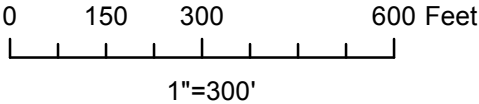
Location Map: Proposed Halcyon Cemetery



Data Source: Washington County, MN
11-17-2014



11050 50th Street N.



Date Received: _____
Received By: _____
LU File #: _____



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

PRELIMINARY PLAT APPLICATION

Applicant: LEE ROSSOW
Address: 11050 50TH STREET N
Phone #: 651-308-2999
Email Address: 337 @ LACH.NET

Fee Owner: SAME
Address: OFFICE 1870 RICE ST, ST PAUL, MN
Phone #: 55113
Email Address: _____

Property Location (Address and Complete (long) Legal Description):
11050 50TH STREET N
LAKE ELMO, MN 55042

General information of proposed subdivision:
SEE PLANS

Conducted pre-application meeting with Staff? Yes No

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.

Signature of applicant: Lee Rossow Date: OCTOBER 30, 2014

Signature of Fee Owner: SAME Date: _____



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

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant Lee Rossow Date OCTOBER 30, 2014

Name of applicant LEE ROSSOW Phone 651 308 2999
(Please Print)

Name and address of Contact (if other than applicant) _____
E-MAIL 337 @ LACH. NET



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

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant LEE ROSSOW
(Please Print)

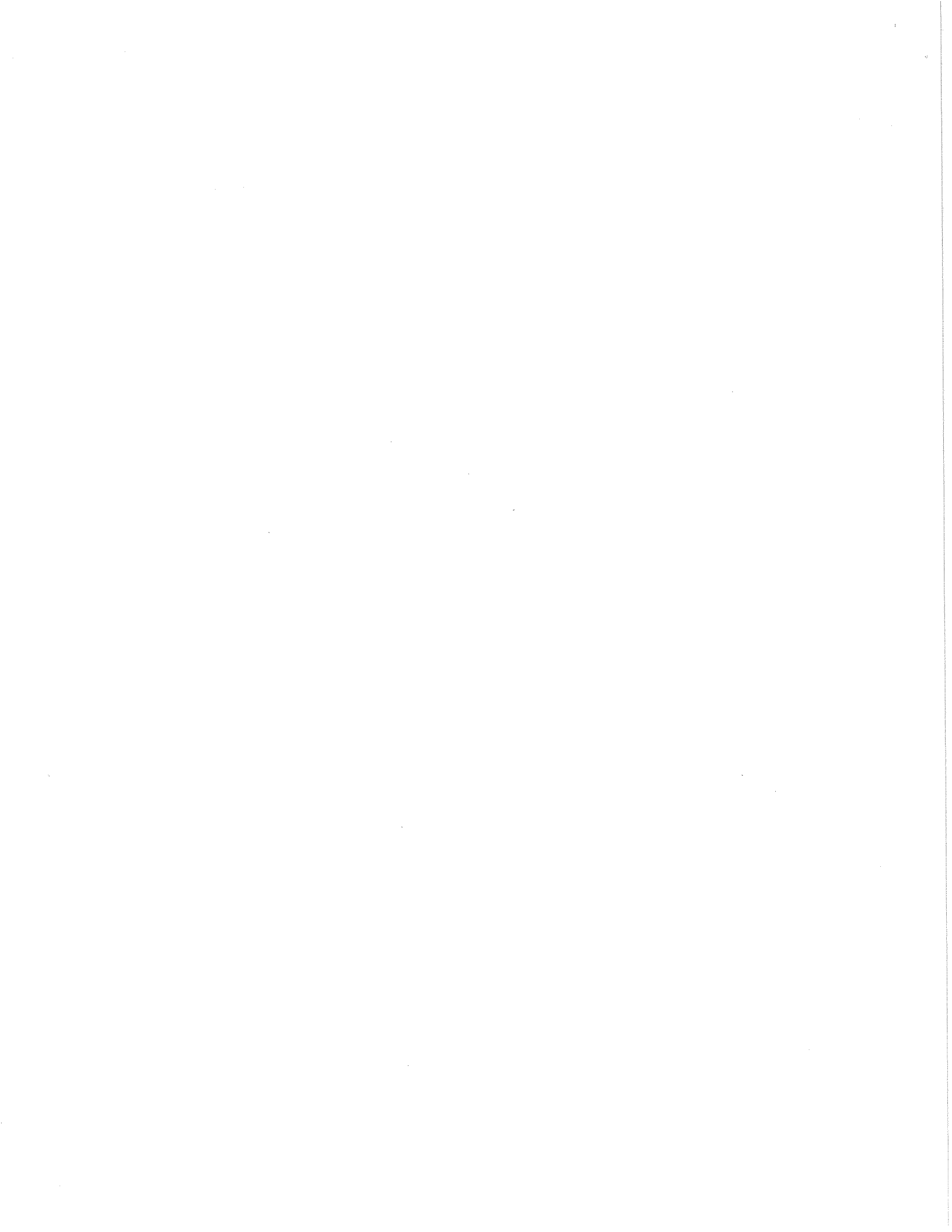
Street address/legal description of subject property
11050 50TH STREET N

Lee Rossow OCTOBER 30, 2014
Signature Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

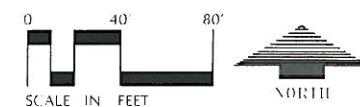
If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.





Plotted 11/04/2014 1:57 PM W 2014/14530-CADD DATA\CIVIL



Project Name:

HALCYON

Lake Elmo, Minnesota

Owner/Developer:

**GLCJ Properties, Inc.
Lee Rossow**

1870 Rice St.
Roseville, MN 55113
651-308-2999
337@lach.net

Professional Services:

**LOUCKS
ASSOCIATES**

Planning • Civil Engineering • Land Surveying
Landscape Architecture • Environmental

7003 Kenick Lane Suite 300
Maple Grove, MN 55126
Telephone: 763-424-1401
www.loucksassociates.com

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CADD Qualification

CADD has prepared the instruments, maps, plans, and reports for this project. These CADD files shall not be used on other projects or applications in the project or for preparation of maps, plans, or reports without the approval of the Consultant. All the Consultant's approvals shall be obtained in writing before the CADD files are used for any other purpose. All errors and omissions are the responsibility of the Consultant and the party shall hold harmless and indemnify the Consultant from all such claims and damages.

14530 SANHER DRIVE, Elyria, OH

Submittal

DATE	REVISION

Professional Signature:

Having verified 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.

License No: _____ Date: _____

Quality Control

Checked by: _____ Date: _____
 Drawn by: WS Date: 11/06/14

Sheet Index:

Sheet No.	Sheet Title

Sheet Title:

EXISTING CONDITIONS

Project No: _____

Sheet No: _____

EC1.0

Nick Johnson

From: Deb <deb4135@aol.com>
Sent: Friday, November 21, 2014 1:11 PM
To: Nick Johnson
Subject: Questions for Planning Commission
Attachments: Planning_Commission_questions.docx

Nick,

It's been a crazy week but I've gotten the questions done and have attached them to this e-mail. Thanks for taking the time to talk to me about this proposed project in our neighborhood.

I've also put the questions below in case the attachment doesn't work.

1.
 1. When will the property be open and will it be locked after hours? Will there be on site staff and if so what will the hours of that staff be?
 2. What will the lighting be and will there be lighting all night? If so, will it be localized and facing downward or will it be illuminating into adjacent properties?
 3. What will the security be to help keep vandals and unauthorized persons from gaining entry or going into adjacent properties?
 4. What is the height and type of the fencing that is not street side, i.e. chain link, solid wood?
 5. The property is zoned residential. Since this appears to be a for profit business venture, if it fails who will be responsible for the property or removing the bodies? Also, since it will have been used for a business purpose, will it then be eligible to continue as a commercial property vs. a residential property?
 6. Is there a potential impact to the ground water due to the in ground burial feature of the plan? There is a new city well that has just been placed to the east of the property. In addition, most homes in the area have private wells. There have been studies done that the decaying bodies of the dead can impact water quality.

These questions are being submitted by adjacent property owner, Debra Downing, 5135 Lake Elmo Av.

Deb Downing
5135 Lake Elmo Av N
Lake Elmo, MN 55042
612-867-7014
deb4135@aol.com