

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

RESOLUTION NO. 2015-059A

*A RESOLUTION DENYING A PRELIMINARY AND FINAL PLAT FOR THE HALCYON
CEMETERY*

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

WHEREAS, Mr. Lee Rossow, 11050 50th Street North, Lake Elmo MN 55042 has submitted an application to the City of Lake Elmo (“City”) for a Preliminary and Final Plat for a cemetery to be called Halcyon, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the proposed Final Plat includes a cemetery on one parcel of land (PID: 01.029.21.33.0003) in the Rural Planning Area; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on July 13, 2015 to consider the Preliminary and Final Plat application; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Final Plat subject to 14 conditions of approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary and Final Plat as part of a memorandum to the City Council for the July 21, 2015 Council Meeting; and

WHEREAS, the City Council reviewed the Halcyon Cemetery Preliminary and Final Plat at its meeting held on July 21, 2015 and tabled taking action at that time; and

WHEREAS, the City Council further reviewed the Halcyon Cemetery Preliminary and Final Plat at its meeting held on October 6, 2015 and made the following findings of fact:

- 1) That the Halcyon Cemetery Final Plat is not consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area. The site under consideration is located within the City’s Rural Development Area land use classification, which allows for: *large areas of rural residential development within the City. Common uses found in these areas include working farms, alternative agricultural uses as defined by City Code, and rural single family detached residences. Development in these areas requires 10+ acres, or a conditional use permit to authorize a cluster development meeting the City’s Open Space Preservation regulations.* The establishment of a private cemetery and related gathering space, administrative activities, funeral

services, and large parking area is not consistent with the City's land use plan for this area.

- 2) That the Halcyon Cemetery does not comply with the City's RR – Rural Residential zoning district because it includes uses and activities that are not allowed under the definition of a "Cemetery" in Section 154.102 of the Zoning Ordinance. Specifically, the proposed site plan includes an administration building, a proposed expansion of this structure to add room for public gathering space, and parking lot that will accommodate 59 parking stalls. The definition of "Cemetery" offers no provisions for the conduct of services on the premises. The proposed buildings and parking areas exceed the activities allowed for "land used or intended to be used for the burial of the dead and dedicated for cemetery purposes".
- 3) That the combined size of over 6,000 square feet for the proposed administration building, expansion area, and maintenance garage is not proportional to the size of the proposed cemetery. The re-use and expansion of the existing single family structure far exceeds what would otherwise be required to provide for the car and maintenance of the cemetery.
- 4) The Zoning Ordinance does not allow for two principle uses to exist on property that is zoned Rural Residential. Specifically, the continued occupation of a single-family residence on the property is in conflict with the proposed platting of a cemetery on the same property. Because the site is 10 acres in size and is at the minimum requirement of the Zoning Ordinance for lot size in a RR zoning district, the applicant would not be able to separate the home from the cemetery use.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby deny the Halcyon Cemetery Preliminary and Final Plat.

Passed and duly adopted this 6th day of October, 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk