



## STAFF REPORT

DATE: October 1<sup>st</sup>, 2019

### **CONSENT**

**AGENDA ITEM:** Private Development Projects – Approve Security Reduction for Boulder Ponds 2<sup>nd</sup> Addition Landscaping Improvements and redact previous approval.  
**SUBMITTED BY:** Ben Prchal, City Planner  
**REVIEWED BY:** Ken Roberts, Planning Director

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**ISSUE BEFORE COUNCIL:** Should the City Council approve a revision to its previous approval of the Security Reduction and made at the September 17<sup>th</sup> meeting and authorize a corrected amount for release?

### **PROPOSAL DETAILS/ANALYSIS:**

At the September 17<sup>th</sup>, 2019 meeting Staff had recommended that the City Council approve a substantial release of the security for Phase 2 of the Boulder Ponds development. At that time Staff had a misunderstanding of where Phase 2 in the Development was regarding its two year warranty period. Generally speaking reductions are allowed in increments. The developer would be eligible for a decrease in security after the 1<sup>st</sup> year of the warranty period has been accepted and then again at final acceptance. The DA states that at least 25% of the security shall be retained until the City has issued final acceptance of the improvements.

After the City Council meeting Staff followed up on the project and came to the conclusion that too much money was released too early. The amount that can be released is 28% of the \$93,750 being held for Phase 2 landscaping. This percentage fiscally represents the amount that was final accepted by the City but it is strictly tied to the 5<sup>th</sup> St. improvements. Fortunately Staff caught the mistake and stopped the authorization of the reduction to the bank.

As stated above Staff believes the City Council should revise the previous approval and instead approve a 28% reduction to match what has been accepted:

	<u>Current Security Amount</u>	<u>Proposed Security Reduction Amount</u>
1. Boulder Ponds 1st Addition:	\$3,125	\$0
2. Boulder Ponds 2 <sup>nd</sup> Addition:	\$93,750	\$26,250
3. Boulder Ponds 5th Street:	\$1,000	\$0

Phase 2 has not had its first inspection to start the two year warranty clock. The developer is hoping to have all of the necessary plantings in place before October 10<sup>th</sup> for our Landscape architect to inspect the site. During the previous landscaping reduction for the 1<sup>st</sup> and 2<sup>nd</sup> phases and 5<sup>th</sup> St. the City held \$3,125 until 5 additional trees were planted following construction of the homes within the neighborhood, and \$1,000 for some minor plantings needed along the 5th Street median. The City will continue to hold the remaining \$4,125 until the developer addresses the outstanding items and will hold \$70,500 until the plantings are approved.

**FISCAL IMPACT:** It is the City's goal to retain a security amount that is sufficient to cover all improvements needed to address public needs should the developer default. This is done to protect the City and taxpayers from financial harm. With this reduction, the remaining security amount held by the City remains sufficient to complete the remaining improvements, specifically related to landscaping. At this point there has not been a reduction for Phase 3.

**RECOMMENDATION:** Staff is recommending that the City Council approve, *as part of the Consent Agenda*, the security reductions for the Boulder Ponds 2<sup>nd</sup> Addition Landscaping Improvements and revise its previous approval of releasing \$93,750. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to revise the previous security reduction of \$93,750 for the Boulder Ponds 2<sup>nd</sup> Addition Landscaping Improvements and approve a reduction of \$26,250 as detailed in the attached Security Reduction Worksheets.”***

**ATTACHMENTS:**

1. Security Reduction Worksheet – Boulder Ponds 1st Addition.
2. Security Reduction Worksheet – Boulder Ponds 2<sup>nd</sup> Addition.
3. Security Reduction Worksheet – Boulder Ponds 5th Street Improvements.
4. Landscape Architect Email.

**BOULDER PONDS 1ST ADDITION**

**Time of Performance: October 31, 2016**

**DEVELOPMENT AGREEMENT AMOUNTS**

CATEGORY	CONSTRUCTION	125% REMARKS	REDUCTIONS						
			#1	#2	#3	#4	#5	#6	
Grading	\$116,600	\$116,600 100%	\$116,600						
Grading	\$68,194	\$85,243 100%	\$42,621	\$42,621					
Sanitary Sewer	\$405,451	\$506,813 75%	\$380,110						
Watermain	\$349,674	\$437,092 75%	\$327,819						
Streets	\$1,084,327	\$1,355,409 75%	\$677,704	\$338,852					
Surface Water Facilities	\$721,027	\$901,284 75%	\$450,642	\$225,321					SWWD sign-off needed
Erosion Control	\$48,406	\$60,508 75%			\$45,381				
Sidewalks/Trails	Included in Streets	Included in Streets							
Street Lighting	NA	NA By Xcel Energy							
Street Signs and Traffic Control Signs	Included in Streets	Included in Streets							
Landscaping	\$204,302	\$255,378 50%			\$127,689	\$60,719		\$3,125	
Tree Preservation and Restoration	NA	NA						Holding for 5 trees	
Wetland Mitigation and Buffers	NA	NA LOC Through VBWD						to be planted with Lots	
Monuments	\$4,700	\$5,875 75%			\$4,406				
Miscellaneous Facilities	NA	NA							
Record Drawings	\$2,500	\$3,125 75%			\$2,344				

<b>TOTALS</b>	<b>\$2,888,581</b>	<b>\$3,727,326</b>	RELEASED AMOUNTS:	\$1,995,497	\$606,794	\$179,819	\$60,719	\$3,125
		\$881,371	CUMMULATIVE AMOUNTS:	\$1,995,497	\$2,602,291	\$2,782,111	\$2,842,830	\$2,845,955
			SECURITY AMOUNT REMAINING:	\$1,731,829	\$1,125,035	\$945,215	<b>\$884,496</b>	<b>\$881,371</b>
			DATE:	12/15/2015	8/2/2016	12/20/2016	7/17/2018	TBD

**BOULDER PONDS 2ND ADDITION**

Time of Performance: **October 31, 2016**

**DEVELOPMENT AGREEMENT AMOUNTS**

CATEGORY	CONSTRUCTION	125% REMARKS	REDUCTIONS						
			#1	#2	#3	#4	#5	#6	
Grading	NA	NA	Included in Boulder Ponds 1st Addition						
Sanitary Sewer	\$73,000	\$91,250	\$68,438						
Watermain	\$67,000	\$83,750	\$62,813						
Storm Sewer (w/pond structures)	\$39,500	\$49,375	\$37,031						
Streets	\$84,175	\$105,219	\$78,914						
Sidewalks/Trails	\$19,850	\$24,813							
Surface Water Facilities	\$13,000	\$16,250							
Street Lighting	\$12,000	\$15,000							
Street Signs and Traffic Control Signs	\$1,600	\$2,000							
Private Utilities (electricity, natural gas, telephone, and cable)									
Landscaping	\$75,000	\$93,750		\$26,250					
Tree Preservation and Restoration	NA	NA							
Wetland Mitigation and Buffers	\$1,000	\$1,250							
Monuments	\$1,800	\$2,250							
Erosion Control	\$36,650	\$45,813							
Miscellaneous Facilities	NA	NA							
Record Drawings	\$2,500	\$3,125							

<b>TOTALS</b>	<b>\$427,075</b>	<b>\$533,844</b>	RELEASED AMOUNTS:	\$247,195	\$26,250	\$0	\$0	\$0	\$0
			CUMMULATIVE AMOUNTS:	\$247,195	\$26,250				
			SECURITY AMOUNT REMAINING:	<b>\$286,648</b>	<b>\$260,398</b>				
			DATE:	9/5/2017	10/1/2019				

**BOULDER PONDS 5TH STREET NORTH**

**Time of Performance: October 31, 2017**

**DEVELOPMENT AGREEMENT AMOUNTS**

CATEGORY	CONSTRUCTION	125% REMARKS	REDUCTIONS						
			#1	#2	#3	#4	#5	#6	
Grading	NA	NA	Included in Boulder Ponds 1st Addition						
Sanitary Sewer	\$46,600	\$58,250	\$43,688						
Watermain	\$64,000	\$80,000	\$60,000						
Storm Sewer (w/pond structures)	\$97,300	\$121,625		\$91,219					
Streets	\$287,700	\$359,625		\$269,719					
Sidewalks/Trails	\$71,000	\$88,750			\$66,563				
Surface Water Facilities	NA	NA							
Street Lighting	NA	NA							
Street Signs and Traffic Control Signs	\$11,600	\$14,500			\$10,875				
Private Utilities (electricity, natural gas, telephone, and cable)		NA							
Landscaping	\$100,753	\$125,941			\$93,456	\$1,000		\$1,000	
Tree Preservation and Restoration	NA	NA							
Wetland Mitigation and Buffers	NA	NA							
Monuments	NA	NA							
Erosion Control	NA	NA							
Miscellaneous Facilities	NA	NA							
Record Drawings	NA	NA							

\$1,000 Holding for 5th Street median plantings
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<b>TOTALS</b>	<b>\$678,953</b>	<b>\$848,691</b>	RELEASED AMOUNTS:	\$103,688	\$360,938	\$170,893	\$1,000
		\$212,173	CUMMULATIVE AMOUNTS:	\$103,688	\$464,625	\$635,518	\$636,518
			SECURITY AMOUNT REMAINING:	\$745,004	\$384,066	\$213,173	\$212,173
			DATE:	2/21/2017	9/5/2017	7/17/2018	TBD

## Ben Prchal

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**From:** Lucius N. Jonett <ljonett@wenck.com>  
**Sent:** Thursday, September 26, 2019 11:02 AM  
**To:** Ben Prchal  
**Subject:** Boulder Ponds  
**Attachments:** 2019-09-26 Boulder Ponds Landscape Plan Review Calc.xlsx

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

Ben,

I have attached a spreadsheet breaking down how many of what trees are proposed to be installed per phase.

For phase 2, 51 of the 179 trees to be installed were the 5<sup>th</sup> Street trees. These 51 trees were accepted with the 1<sup>st</sup> addition landscape, therefor 28% of the 2<sup>nd</sup> addition landscape escrow could be eligible for a LOC reduction.

**Lucius Jonett, PLA (MN, ND, IA)**

*Landscape Architect / Associate*



[ljonett@wenck.com](mailto:ljonett@wenck.com) D| 763-479-4254 C| 715-207-9850  
1800 Pioneer Creek Center | Maple Plain, MN 55359

	Master Plan (Code Required)	Phase 1 Proposed	Phase 2 Proposed	Phase 3 Proposed	
Street frontage	10043				Lineal Feet
Lake Shore	0				Lineal Feet
Stream Frontage	0				Lineal Feet
Total Linear Feet	10043				Lineal Feet
/50 Feet = Required Frontage Trees	201				Trees
Development or Disturbed Area	-				SF
Development or Disturbed Area	48.8				Acres
*5 = Required Development Trees	244				Trees
5th Street Boulevard Frontage	3965				Spaces
/40 Feet = Required Blvd Frontage Trees	99	48	51		Trees
Required Mitigation Trees	0				
<b>Required Number of Trees*</b>	<b>544</b>				
<b>Total Trees to Date</b>		<b>350</b>	<b>179</b>	<b>108</b>	

\* Residential development - mitigation replacement trees are in addition to landscape required tree counts.

Master Plan	Qty	% Composition	
Deciduous Shade Trees	362	57%	>25% required
Coniferous Trees	79	12%	>25% required
Ornamental Trees	97	15%	<15% required
5th Street Blvd Trees	99		

**Tree Count 637**

Phase 1	Qty	% Composition	
Deciduous Shade Trees	192	55%	>25% required
Coniferous Trees	42	12%	>25% required
Ornamental Trees	68	19%	<15% required
5th Street Blvd Trees	48		

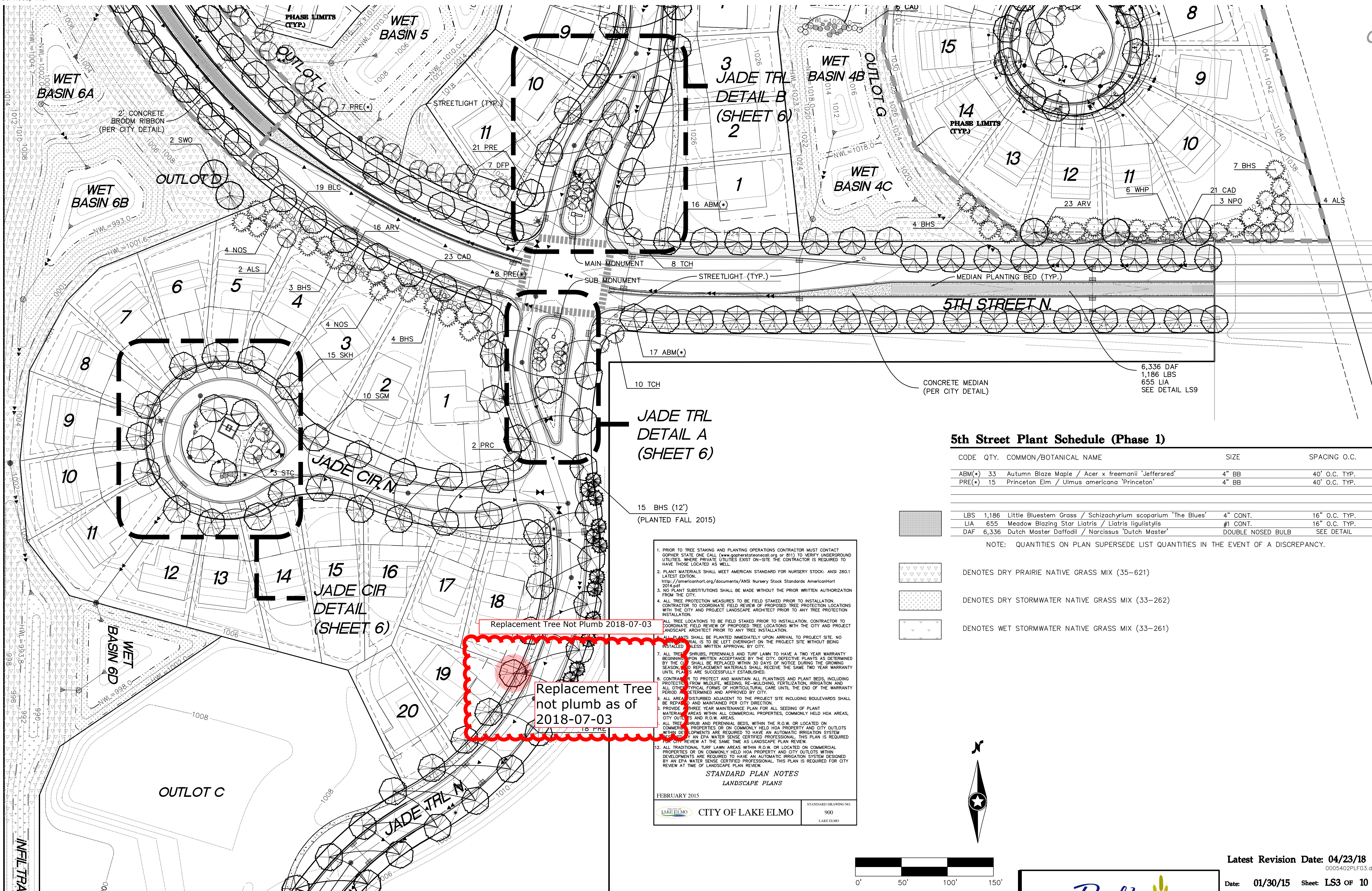
**Tree Count 350**

Phase 2	Qty	% Composition	
Deciduous Shade Trees	110	61%	>25% required
Coniferous Trees	2	1%	>25% required
Ornamental Trees	16	9%	<15% required
5th Street Blvd Trees	51		

**Tree Count 179**

Phase 3	Qty	% Composition	
Deciduous Shade Trees	60	56%	>25% required
Coniferous Trees	35	32%	>25% required
Ornamental Trees	13	12%	<15% required
5th Street Blvd Trees	0		

**Tree Count 108**



**Westwood**

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 Toll Free (888) 937-5150 westwoodps.com  
 Westwood Professional Services, Inc.

I hereby certify that this plan 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.

**Cory Meyer**  
 Date: 04/23/18 License No. 26971

**Revisions:**

04/13/15	- CITY COMMENTS
05/07/15	- CITY COMMENTS
05/26/15	- 5TH STREET PLANT SCHEDULE
09/01/15	- 5TH ST MEDIAN
03/01/16	- CITY COMMENTS
03/17/16	- CITY COMMENTS
04/11/16	- CITY COMMENTS
04/23/18	- SITE REVISIONS

Designed: CLM  
 Checked: CLM  
 Drawn: SYB  
 Record Drawing by/date:

Prepared for:

**The Excelsior Group, LLC**  
 11455 Viking Dr, Suite 350  
 Eden Prairie, MN 55344

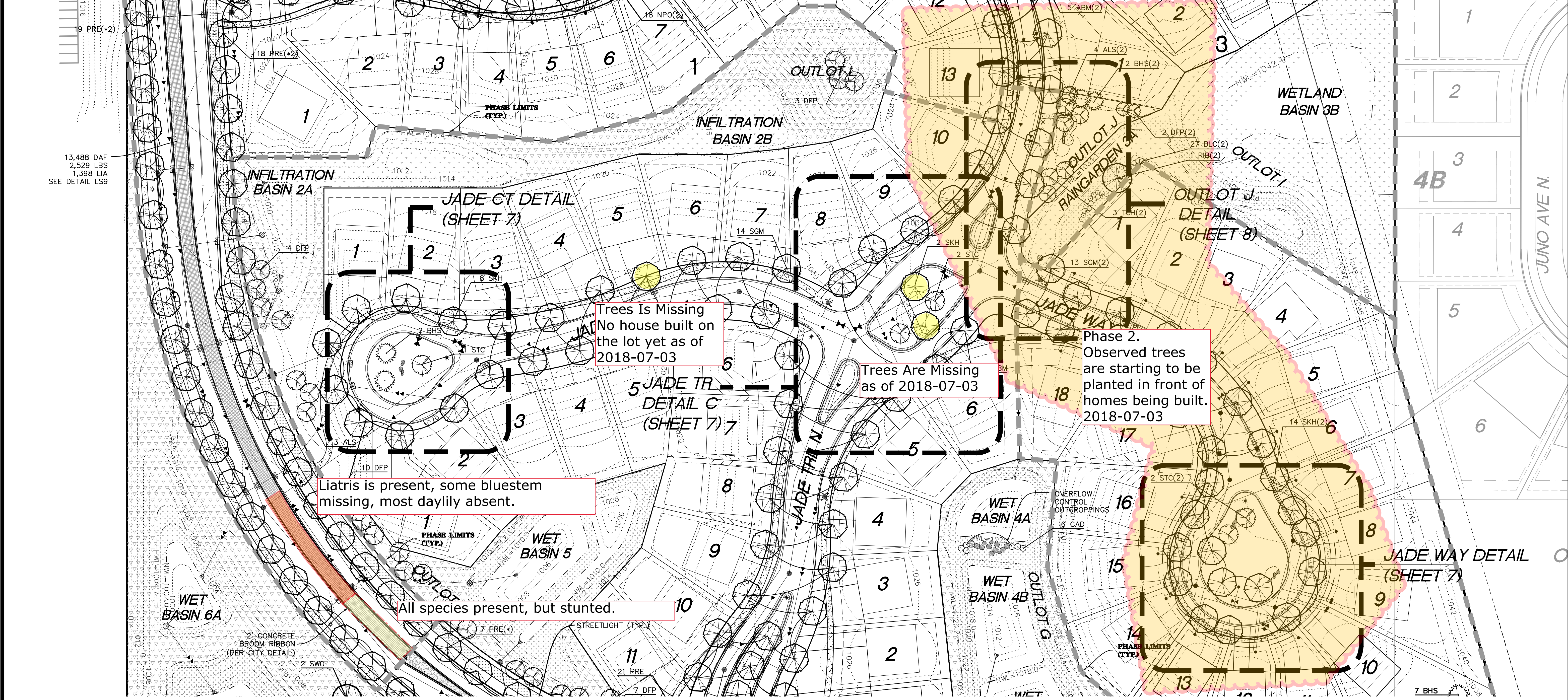


Latest Revision Date: 04/23/18

Date: 01/30/15 Sheet: LS3 OF 10

Final Landscape Plan





**5th Street Plant Schedule (Phase 2)**

CODE	QTY.	COMMON/BOTANICAL NAME	SIZE	SPACING	O.C.
HTO(*2)	14	Heritage Oak / <i>Quercus x macdonnellii</i> 'Clemons'	4" BB	40'	O.C. TYP.
PRE(*2)	37	Princeton Elm / <i>Ulmus americana</i> 'Princeton'	4" BB	40'	O.C. TYP.
LBS	2,529	Little Bluestem Grass / <i>Schizachyrium scoparium</i> 'The Blues'	4" CONT.	16"	O.C. TYP.
LIA	1,398	Meadow Blazing Star Liatris / <i>Liatris ligulistylis</i>	#1 CONT.	16"	O.C. TYP.
DAF	13,488	Dutch Master Daffodil / <i>Narcissus</i> 'Dutch Master'	DOUBLE NOSED BULB	SEE DETAIL	

- NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.
- DENOTES DRY PRAIRIE NATIVE GRASS MIX (35-621)
  - DENOTES DRY STORMWATER NATIVE GRASS MIX (33-262)
  - DENOTES WET STORMWATER NATIVE GRASS MIX (33-261)

**STANDARD PLAN NOTES**  
LANDSCAPE PLANS  
FEBRUARY 2015

1. PRIOR TO TREE STAKING AND PLANTING OPERATIONS CONTRACTOR MUST CONTACT CHERYL STATE ONE CALL (www.gopherstatesonecall.com) TO VERIFY UNDERGROUND UTILITIES. THESE PRIVATE UTILITIES EXIST ON-SITE AND CONTRACTOR IS REQUIRED TO HAVE THOSE LOCATED AS WELL.

2. PLANT MATERIALS SHALL MEET AMERICAN STANDARD FOR NURSERY STOCK AND 2003 LATEST EDITION. [http://www.americanstandard.org/documents/ANSI\\_Nursery\\_Stock\\_Standards\\_AmericanStandard\\_2003.pdf](http://www.americanstandard.org/documents/ANSI_Nursery_Stock_Standards_AmericanStandard_2003.pdf)

3. NO PLANT SUBSTITUTIONS SHALL BE MADE WITHOUT THE PRIOR WRITTEN AUTHORIZATION FROM THE CITY.

4. ALL TREE PROTECTION MEASURES TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE PROTECTION LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE PROTECTION INSTALLATION.

5. ALL TREE LOCATIONS TO BE FIELD STAKED PRIOR TO INSTALLATION. CONTRACTOR TO COORDINATE FIELD REVIEW OF PROPOSED TREE LOCATIONS WITH THE CITY AND PROJECT LANDSCAPE ARCHITECT PRIOR TO ANY TREE INSTALLATION.

6. ALL PLANTS SHALL BE PLANTED IMMEDIATELY UPON ARRIVAL TO PROJECT SITE. NO PLANT MATERIAL IS TO BE LEFT OVERTNIGHT ON THE PROJECT SITE WITHOUT BEING INSTALLED UNLESS WRITTEN APPROVAL BY CITY.

7. ALL TREES, SHRUBS, PERENNIALS AND TURF LAWN TO HAVE A TWO YEAR WARRANTY. WARRANTY PERIOD SHALL BE DETERMINED BY THE CITY APPROVAL. WARRANTY AS DETERMINED BY THE CITY SHALL BE REPLACED WITHIN 30 DAYS OF NOTICE DURING THE GROWING SEASON, AND REPLACEMENT MATERIALS SHALL RECEIVE THE SAME TWO YEAR WARRANTY UNTIL PLANTS ARE SUCCESSFULLY ESTABLISHED.

8. CONTRACTOR TO PROTECT AND MAINTAIN ALL PLANTINGS AND PLANT BEDS INCLUDING PROTECTION FROM MUDSPILLS, WEEDING, RE-MULCHING, FERTILIZATION, IRRIGATION AND ALL OTHER TYPICAL FORMS OF PROFESSIONAL CARE UNTIL THE END OF THE WARRANTY PERIOD AS DETERMINED AND APPROVED BY CITY.

9. ALL AREAS OUTWASHED ADJACENT TO THE PROJECT SITE INCLUDING BOULEVARDS SHALL BE REPAIRED AND MAINTAINED PER CITY DIRECTION.

10. PROVIDE A THREE YEAR MAINTENANCE PLAN FOR ALL SEEDING OF PLANT MATERIALS/AREAS WITHIN ALL COMMERCIAL, RESIDENTIAL, COMMONLY HELD HOA AREAS, CITY OUTLOTS AND R.O.W. AREAS.

11. ALL TREE, SHRUB AND PERENNIAL SEEDS WITHIN THE R.O.W. OR LOCATED ON COMMERCIAL, RESIDENTIAL OR ON COMMONLY HELD HOA PROPERTY AND CITY OUTLOTS WITHIN DEVELOPMENTS ARE REQUIRED TO HAVE AN AUTOMATIC IRRIGATION SYSTEM DESIGNED BY AN EPA WATER SENSE CERTIFIED PROFESSIONAL. THIS PLAN IS REQUIRED FOR CITY REVIEW AT THE SAME TIME AS LANDSCAPE PLAN REVIEW.

12. ALL TRADITIONAL TURF LAWN AREAS WITHIN R.O.W. OR LOCATED ON COMMERCIAL, RESIDENTIAL OR ON COMMONLY HELD HOA PROPERTY AND CITY OUTLOTS WITHIN DEVELOPMENTS ARE REQUIRED TO HAVE AN AUTOMATIC IRRIGATION SYSTEM DESIGNED BY AN EPA WATER SENSE CERTIFIED PROFESSIONAL. THIS PLAN IS REQUIRED FOR CITY REVIEW AT THE SAME TIME AS LANDSCAPE PLAN REVIEW.

CITY OF LAKE ELMO  
900  
LAKE ELMO

I hereby certify that this plan 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.

Cory Meyer  
Date: 04/23/18 License No. 26971

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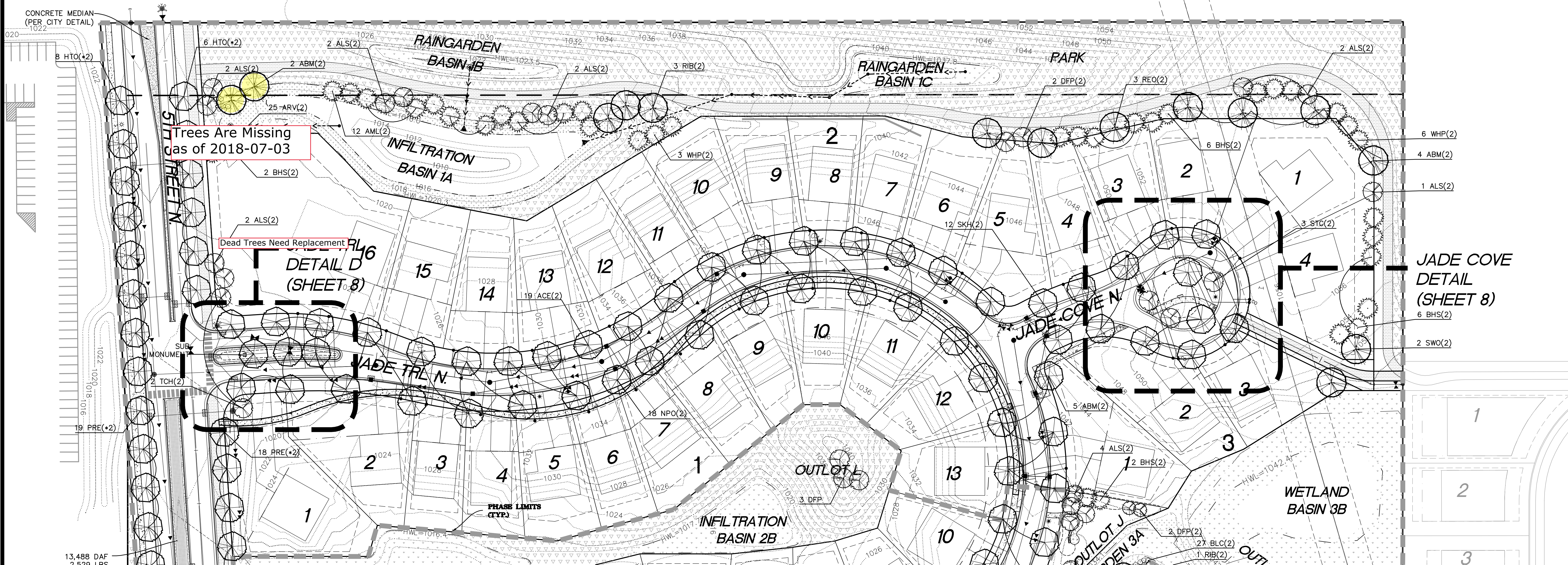
Prepared for:  
**The Excelsior Group, LLC**  
11455 Viking Dr, Suite 350  
Eden Prairie, MN 55344



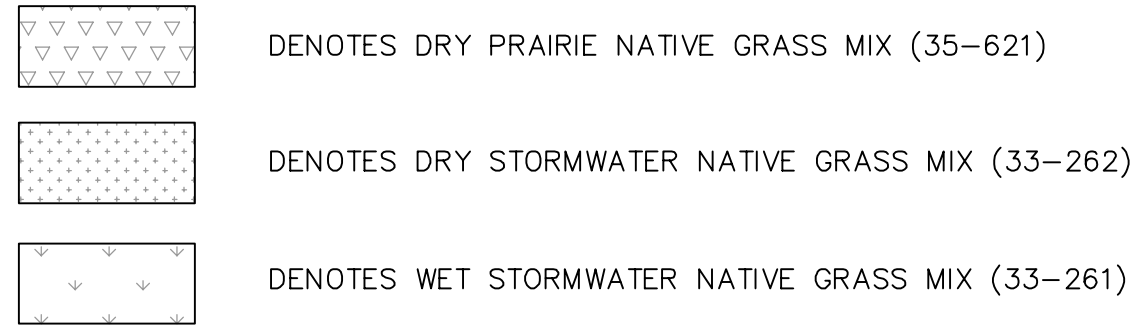
Latest Revision Date: 04/23/18  
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Date: 01/30/15 Sheet: LS4 OF 10

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**Final Landscape Plan**

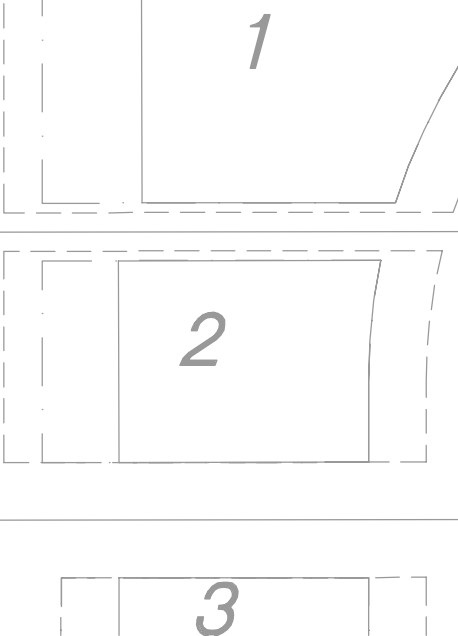


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STANDARD PLAN NOTES  
LANDSCAPE PLANS  
FEBRUARY 2015  
CITY OF LAKE ELMO  
STANDARD DRAWING NO. 900  
LAKE ELMO

JADE COVE  
DETAIL  
(SHEET 8)



Latest Revision Date: 04/23/18  
0005402PLF05.dwg  
Date: 01/30/15 Sheet: LS5 OF 10

**Westwood**

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Westwood Professional Services, Inc.

I hereby certify that this plan 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.

*Cory Meyer*  
Cory Meyer  
Date: 04/23/18 License No. 26971

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04/11/16 - CITY COMMENTS
04/23/16 - SITE REVISIONS

Designed:	CLM
Checked:	CLM
Drawn:	SYB
Record Drawing by/date:	

Prepared for:

**The Excelsior Group, LLC**  
11455 Viking Dr, Suite 350  
Eden Prairie, MN 55344



Lake Elmo, Minnesota

Final Landscape Plan