



## **MAYOR & COUNCIL COMMUNICATION**

**DATE: October 6, 2015**  
**REGULAR**  
**ITEM #11**  
**RESOLUTION 2015-59 (Approval)**  
**RESOLUTION 2015-59A (Denial)**

**AGENDA ITEM:** Halcyon Cemetery Preliminary and Final Plat

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

**THROUGH:** Clark Schroeder, Interim City Administrator

**REVIEWED BY:** Nick M. Johnson, City Planner  
David Snyder, City Attorney  
Planning Commission  
Jack Griffin, City Engineer  
Greg Malmquist, Fire Chief  
Washington County Public Works

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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 recommended approval of the preliminary and final plat at its July 13, 2015 meeting. The City Council tabled taking action on this matter at its July 21, 2015 meeting.

**FISCAL IMPACT:** None, all of the review activities on the part of the City are reimbursed by application and escrow fees submitted by the developer. All of the improvements to the site are private.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to bring back from the table and to consider a request from Mr. Lee Rossow for approval of a preliminary and final plat for a cemetery to be called Halcyon located at 11050 50<sup>th</sup> Street North. The Planning

Commission held a public hearing to consider the matter at its July 13, 2015 meeting and unanimously recommended approval of the Halcyon Cemetery Preliminary and Final Plat subject to 14 conditions of approval. The City Council considered the application at its July 21, 2015 meeting; however, the Council tabled taking action on the request in order to provide the City with additional time to consider various aspects of the project. In response to the Council's concerns, Staff is offering additional information concerning the use of the property for review and is presenting alternative findings of fact that may be used by the Council to either move forward with the Planning Commission recommendation or to adopt a different set of findings for denial of the request.

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

***“Move to adopt Resolution No. 2015-059, approving the Halcyon Cemetery Preliminary and Final Plat.”***

The suggested motion to deny the request is as follows:

***“Move to adopt Resolution No. 2015-059A, denying the Halcyon Cemetery Preliminary and Final Plat.”***

**BACKGROUND INFORMATION:** Attached is the original detailed Staff report that was provided to the Planning Commission regarding the applicant's request for preliminary and final plat approval in addition to the previous memorandum to the City Council. The staff report includes general information about the application, a summary of the relevant planning and zoning issues, a thorough review and analysis of the final plat (including a draft list of recommended conditions of approval), draft findings, and the Staff recommendation to the Planning Commission. The City Council report also includes a summary of the public hearing comments and a general summary of the Planning Commission discussion.

**APPLICATION HISTORY:** As noted above, the City Council tabled the Cemetery preliminary and final plat request at its July 21, 2015 meeting. Prior to this meeting, the history of this application is as follows:

Date	Event	Action
November 2014	Sketch Plan submitted to the City	Scheduled for review
11/24/14	Sketch Plan reviewed by the Planning Commission	No action required, Planning Commission meeting minutes attached
12/2/14	Sketch Plan reviewed by the City Council	No action required. Meeting minutes attached
January 2015	Plat application materials submitted to the City	Application deemed incomplete pending wetland delineation and watershed district review

June 17, 2015	Revised plans submitted to City and watershed district with wetland delineation	Application deemed complete and review scheduled with Planning Commission
July 1, 2015	Valley Branch review complete	Valley Branch Watershed District Permit issued to applicant (attached)
July 13, 2015	Preliminary and Final Plat reviewed by Planning Commission	Recommended approval with additional conditions. Meeting minutes attached.
July 21, 2015	Preliminary and Final Plat reviewed by City Council.	Tabled. Meeting minutes attached.

During the course of its review of the combined preliminary and final plat application, the City received plans that were dated 1/5/15, 3/14/15, and 6/17/15. The only plans that the City could have taken action to approve were the latest submission, which included the wetland delineation for the property. The location of the wetlands required revisions to the earlier plan submissions and was a requirement before the watershed district would review the request. Staff had discussed splitting the review up between the preliminary plat and final plat, and told the developer that the preliminary plat could proceed in advance of the wetland delineation and watershed district review. The applicant elected to keep the joint review process moving forward, and understood that the City would therefore not be able to take action on the plans that had been submitted prior to June 17, 2015.

**ZONING REVIEW:** As part of its discussion on July 21, 2015, the City Council raised questions about the zoning regulations for cemeteries and how they specifically apply to the applicant's property. In order to address these questions, Staff would like to focus on three specific aspects of the Cemetery request and how they apply to the present application as follows:

**Rural District  
Ordinance  
Amendments**

As part of the larger process of updating the City's Zoning Ordinance, the City Council approved revisions to the City's rural development districts, including the RR – Rural Residential Zoning District, on May 19, 2013. The amendments were intended to bring these sections of code into conformance with earlier ordinance amendments, which included a complete overhaul of the City's uses and use classification system and revised formatting throughout the document. Prior to these 2013 amendments, the City only allowed cemeteries in PF – Public Facility zoning districts. As part of the 2013 revisions, cemeteries and other uses were added to the rural districts, and specifically identified as a permitted use in A and RR zoning districts.

All new uses that were included in the rural development districts were recommended by Staff. These uses included secondary dwellings, cemeteries, commercial kennels and stables, golf courses, restricted recreation, and agricultural production. All of these uses represent activities that are typically require a lot of room to operate or that are generally found in rural areas as

opposed to more heavily developed urban areas. The proposed changes were reviewed by the Planning Commission and City Council and were adopted as presented. In reviewing the meeting minutes and other information associated with the meeting, there was no discussion on cemeteries at that time and only some general questions about any of the other uses shown on the chart.

Since the submission of the applicant's request to construct a new cemetery at 11050 50<sup>th</sup> Street North, there have been a lot of questions raised about the inclusion of cemeteries in the rural development districts and whether or not this type of use should be permitted, conditional, or not allowed at all. In the near future, Staff will be conducting a review of all use classifications and where each type of use is allowed in the City with the Planning Commission to ensure that this aspect of the code accurately reflects the purpose and intent of the Comprehensive Plan. Regardless of any future reviews, the applicant's request is based on cemeteries being a permitted use in Rural Residential zoning districts.

**Use Definitions** Focusing on the actual use classification and definitions in the City Code that pertain to cemeteries, Staff would like to state the two definitions in the ordinance for a cemetery or related activity, in addition to the general requirements concerning these classifications. These provisions are as follows:

*Purpose of Use Types.* The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts. The Use Types section also facilitates the process of determining the applicable use type of any activity not clearly within any defined use type.

*Interpretation.* In the event of any question as to the appropriate use type of any existing or proposed use or activity, the Planning Director shall have the authority to determine the appropriate use type. In making such a determination, the Planning Director shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the Standard Industrial Classification Manual published by the U.S. Office of Management and Budget. In addition, the Planning Director shall consider the specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The Planning Director may also determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this chapter.

*Public and Civic Uses - Cemetery.* Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.



*Services - Funeral Home.* Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

Of particular note is the fact that funeral homes are considered an entirely different type of use than cemeteries, and do not show up in the City's list of uses allowed in rural development districts. The other issue that is pertinent to this particular property and proposal is that the applicant intends to make use of the existing house on the property as an administrative building/caretaker's residence. The City's definitions and regulations are silent on this aspect of the proposal. In these situations, the code will generally allow uses that are accessory to the principle use; however in this case, the use of an existing single family home as part of a cemetery is unique and perhaps not anticipated under the ordinance provisions. The Planning Commission did ask questions about the use of the existing house as part of its review, but did not make any findings specific to the repurposing of the home as an administrative building.

#### **Platting Procedures**

The creation of a new cemetery under Minnesota State Statutes requires the platting of the property to be used for a cemetery. Because the City has adopted a subdivision ordinance that regulates the subdivision and platting of property within the City, it has been Staff's interpretation that any new cemetery must be reviewed in accordance with the City's subdivision ordinance. The ordinance specifies that a subdivision may only be approved after the City has reviewed a sketch plan for the property to be subdivided, which must be submitted prior to a preliminary or final plat. As part of the current request, the applicant has asked that the City conduct a concurrent review of the preliminary and final plat.

The Subdivision Ordinance includes a series of requirements that must be met by an applicant in order to receive approval of a new subdivision. These requirements primarily relate to required plan submissions and required improvements within the subdivision. The applicant has submitted a plat document in addition to the required construction plans for the property. Although there are no public services being extended into the site, the applicant was required to submit grading, drainage, erosion control, and a storm water management plan for the site. This plan (as amended by the applicant) has been reviewed for conformance with City and watershed district requirements.

As part of its review of the cemetery proposal and consideration of issues that have been raised throughout the City's subdivision review process, Staff has identified some of the more relevant questions that may impact the Council's decision of this matter. These questions include the following (along with a brief response):

- Can the applicant operate a funeral home on the premises? ***Response: No, the City's Zoning Ordinance clearly regulates cemeteries and funeral homes differently, and funeral homes are not allowed in any of the rural development districts.***

- Is the applicant allowed to utilize or repurpose the existing single-family home as part of his plans for a cemetery? **Response:** *The Zoning Ordinance is unclear on this matter. As an accessory use to a cemetery, it is reasonable to expect that there will be some maintenance equipment stored on the premises. The applicant has stated that the home will not be used as a funeral home, and has further indicated that building would be used for memorial services and gatherings in conjunction with burials. The plans identify the repurposed home as an administration building and show a proposed expansion that is intended to increase the amount of space available for gatherings. In this case, the Council does have the authority to decide that the use and incorporation of the existing structure into the development plans for the cemetery is not consistent with or allowed under the City's definition of a cemetery.*
- Is platting necessary? Can the City deny a preliminary plat that meets all City requirements? **Response:** *Generally, the City cannot deny a plat application that meets the minimum requirements of the City Code. If the Council decided to deny the preliminary and final plat, Staff would recommend that the Council focus on the first two findings listed in the draft resolution for consideration. These findings note that the plat must be consistent with the Lake Elmo Comprehensive Plan and that it must also comply with the City's RR – Rural Residential District requirements.*
- Is there a minimum amount of land or minimum number of burial plots needed to be considered a cemetery? **Response:** *The City's ordinances include no such minimal levels; however any burial sites will have special protection under State law. Under the City's current ordinances, the only development standards specific to cemeteries are found in the PF zoning district section of the code, and do not apply to the current application. This is certainly an issue concerning cemeteries that warrants further review by the City.*
- Is the use of the house as a gathering space and administration building allowed under the code? Is this a business use? **Response:** *The Council may want to consider the relative size of the proposed cemetery and the plans for other related activity taking place on the site. The proposed development plans show that there will be over 6,000 square feet of building area (for the administration and maintenance building) on the site, and that only roughly half of the 10 acres will be used for burial sites. The size of these buildings and the amount of activity expected to take place within them are pertinent to any discussion concerning the accessory nature (or lack thereof) of these buildings. If the primary activity on the site is a public gathering space and parking, this would indicate that principle use is more than just a cemetery.*
- Are burial sites allowed within areas designated as flood plain? **Response:** *The City and Watershed district regulations do not prohibit the placement of burial sites below the established 100-year flood elevation on the property. In conducting research on this issue, Staff was not able to find any evidence that the burial sites would pose any threat to the City's near-by well or water supply.*

Because the applicant's proposal is very unique and unprecedented for the City, Staff is not surprised that there are numerous questions about the proposed activity and whether or not the development plans are consistent with the City Code. In order to help the City Council give

weight to all of the issues associated with the request, there are really two main issues that will need to be decided at the meeting:

- 1) Does the application meet the City's requirements for a preliminary and final plat, and more specifically, is the plat consistent with the Comprehensive Plan and RR zoning regulations?
- 2) Are the uses proposed allowed under the City's Zoning Ordinance?

In considering the first question, Staff believes that the applicant has met the City's requirements for platting and receiving approval of a subdivision. On the latter issue, there do appear to be some legitimate questions about how the property will be used, and in particular, the inclusion of a building for public gathering space as part of the plans. This is especially apparent when looking at the proportionality between the size of the actual cemetery and what might normally be expected on a property of this size to provide care and maintenance of the grounds. The inclusion of this gathering space is not fully addressed by the underlying zoning or use classifications, and the City Council may want to consider this in making its final decision on the request.

**COUNCIL CONCERNS:** The Council has previously expressed some concerns with the project if it were to move forward. Based on previous discussions by the Council during the review of this application, Staff has noted the following as the more significant issues that warrant repeating:

- *Perpetual maintenance.* The Council has previously expressed concern that the long-term maintenance of the site will be the responsibility of a non-profit association that could someday go away. The applicant has stated that the association will be creating a permanent care trust fund that will be used to ensure that there are funds available for long-term maintenance and upkeep of the site. The Planning Commission recommended a condition of approval that the cemetery association provide copies of all annual minutes and financial reporting of the permanent care trust fund to the City on an annual basis so that the City would be aware of any pending problems with the association or fund.
- *Park land dedication or fees in lieu of dedication.* The applicant has maintained that the City cannot levy any water assessments, park dedication, or other special assessments against the property. It is Staff's opinion that fees in lieu of park land dedication do not meet this requirement and can therefore be required as a condition of approval. If the Council chooses to require a park fee, it would be for the equivalent of 0.4 acres of land based on the dedication schedule found in the Subdivision Ordinance.
- *Traffic.* The applicant has revised the site plan to address comments from the City Engineer concerning the set back of the entrance road into the property from Lake Elmo Avenue. The property is located at the intersection of a County Road and a Municipal State Aid road, both of which were designed to accommodate higher levels of traffic.
- *Floodplain issues.* The previous section of this report notes that the site development plans conform to applicable City and watershed district requirements concerning floodplains.

Please note that the City has received several emails written in support for the Cemetery since the Council's July 21<sup>st</sup> meeting. These emails were sent to all members of the Council and are attached to this report.

**DRAFT FINDINGS/ALTERNATIVES:** With all of the questions that have previously been raised concerning the cemetery proposal, Staff is presenting an alternate set of findings so that the Council will have the ability consider either approving or denying the applicant's request at its meeting. This additional recommendation and alternate findings are also being provided because the City has already extended its review beyond 60 days and the deadline for a final decision on this matter (without the applicant's consent) is October 15, 2015.

In considering all of the options available to the Council, Staff has identified the following alternative actions that could be taken by the Council in response to the Halcyon Cemetery Preliminary and Final Plat request:

- 1) Follow the Planning Commission recommendation to approve the preliminary and final plat with the findings and conditions as drafted by the Commission.
  - a. Alternative action – approve the preliminary and final plat with amended findings or conditions of approval.
- 2) Approve the preliminary plat but take no action on the final plat in order to give the City and developer additional time to address review comments. The developer would then need to submit a final plat application consistent with the preliminary plat approval.
- 3) Deny the preliminary and final plat request with appropriate findings of fact. Staff has drafted alternate findings for denial that may be considered by the Council if it decides to take this action.
- 4) Approve the subdivision request but without the inclusion of the existing single family home and parking area as part of the approval so that the cemetery use remains the principle activity on the site. In order to carry out this alternative, the home would need to be removed from the site before the City would release the plat for recording. If the Council wants to pursue this alternative action, it may be more appropriate to deny the request and allow the applicant to bring forward a new application without the public gathering space as shown on the current plans.

In order to take action to approve the cemetery request, the Council may consider adopting the attached Resolution No. 2015-059. This resolution incorporates all of the previous findings and conditions as recommended by the Planning Commission.

As an alternate action, the City Council may consider denying the request by adopting the attached alternative Resolution No. 2015-059A. This resolution includes the following findings of fact to support this action:

- 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.

**STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS (SWOT):** Please refer to previous Council report.

**RECOMMENDATION:** Based on the aforementioned, if the Council decides to take action on the Planning Commission recommendation to approve the Halcyon Cemetery Preliminary and Final Plat, it should do through the following motion:

***"Move to adopt Resolution No. 2015-059, approving the Halcyon Cemetery Preliminary and Final Plat."***

Based on the aforementioned, if the Council decides deny the Halcyon Cemetery Preliminary and Final Plat, it should do through the following motion:

***"Move to adopt Resolution No. 2015-059A, approving the Halcyon Cemetery Preliminary and Final Plat."***

**ATTACHMENTS:** *(all attachments previous provided to the Council except where noted)*

1. Resolution 2015-059 (Approval of the Plat)
2. NEW - Resolution 2015-059A (Denial of the Plat)
3. Staff Report to the City Council 7/21/15
4. Staff Report to the Planning Commission, 7/13/15
5. Location Map
6. Application Forms and Project Narrative
7. Preliminary and Final Plat and Plans
8. City Engineer Review Memorandum, dated 7/8/15
9. Fire Chief Review Memorandum, dated 7/7/15
10. Washington County Review Memorandum, dated 7/7/15
11. Valley Branch Watershed District Permit
12. Lake Elmo Transportation Plan, Existing and Projected Traffic Volumes
13. Cemetery Proximity and Single Family Home Price Report (1<sup>st</sup> Half)
14. NEW - Letters/Emails Concerning the Request Received Since 7/21/15

**INCLUDED IN THE ELECTRONIC PACKET BUT NOT PROVIDED IN HARD COPY:**

1. 2<sup>nd</sup> Half of Cemetery Proximity and Single Family Home Price Report – Supporting Data
2. Information Handout from League of MN Cities on Cemeteries

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

**RESOLUTION NO. 2015-59**

*A RESOLUTION APPROVING 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 50<sup>th</sup> 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 consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Halcyon Cemetery complies with the City’s RR – Rural Residential zoning district.
- 3) That the Halcyon Cemetery complies with the City’s subdivision ordinance.
- 4) That the Halcyon Cemetery Final Plat meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, off-street parking and other ordinances, except where noted in this report herein.



- 5) That the Halcyon Cemetery Final Plat is consistent with the City's engineering standards, except where noted, provided the plans are updated to address the City Engineer's comments documented in a letter dated July 8, 2015 and the Fire Chief's comments documented in a letter dated July 7, 2015.
- 6) The applicant has committed to establishing a permanent care trust fund consistent with the requirements established under State Statute.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Halcyon Cemetery Preliminary and Final Plat subject to the following conditions:

- 1) The applicant shall revise the Final Plat to accommodate all required right-of-way on Lake Elmo Avenue and 50<sup>th</sup> Street North as documented in review memorandums submitted by Washington County and the City Engineer.
- 2) All required modifications to the plans as requested by the City Engineer in a review letter dated July 8, 2015 shall be incorporated into the plans prior to the City's execution of the Final Plat.
- 3) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and abide by all conditions of approval established in the approved Valley Branch Watershed District permit.
- 4) The applicant shall be responsible to address all review comments submitted by Washington County described in the review memorandum received from the County dated July 7, 2015. In addition, the applicant shall obtain all necessary right-of-way permitting from Washington County.
- 5) The Landscape Plan shall be revised to include 6 additional trees to fulfill the City's Landscaping Requirements. In addition, the plant material that is on top of utilities shall be moved to comply with the direction of the City Engineer per his memorandum dated July 8, 2015. Finally, prior to installation of plant material, the plan shall be reviewed by the City's Landscape Consultant for final approval.
- 6) The applicant must enter into an agreement with the City to own, operate and maintain the private storm water facilities on the property. The storm water maintenance agreement must be recorded with the Final Plat.
- 7) Prior to the issuance of grading/building permits, all review comments of the Fire Chief must be addressed by the applicant.
- 8) The applicant shall obtain the necessary permitting from Washington County to install a new septic system to serve the property prior to the City issuing and building permits for the remodel of the home.
- 9) Any future expansion of the site, including plans to install a crematorium, shall be reviewed and approved by the City.

- 10) All lighting installed on the Halcyon Cemetery site must comply with the City's dark skies ordinance.
- 11) Any alterations to the existing single family home shall be reviewed for conformance to the City's design standards.
- 12) All transplanted trees transplanted on the site shall include a 2-year warranty period to ensure survival. Any trees that do not survive the two-year period shall be replaced.
- 13) The Landscape Plan shall be amended to add plantings along the Eastern and Northern property lines consistent with screening requirements specified in 154.258.F of the City Code.
- 14) Annual meeting minutes, including annual financial reporting and status of the permanent care trust fund, shall be submitted to the City on an annual basis.

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

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

**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 50<sup>th</sup> 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 6<sup>th</sup> day of October, 2015 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk



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October 2, 2015

Hon. Mike Pearson  
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**RE: Halcyon Cemetery | Denial of Application is Warranted**  
*Preliminary and Final Plat Application of Lee Rossow ("Developer")*

Dear Mayor Pearson and Council Members:

I represent a group of Lake Elmo residents and homeowners (collectively, the "Concerned Neighbors") in connection with their objection to the Preliminary and Final Plat Application dated June 17, 2015 ("Application") for the Halcyon Cemetery and funeral establishment proposed for 11050 50<sup>th</sup> Street North in Lake Elmo ("Project"). Accordingly, I respectfully submit this letter in advance of the October 6<sup>th</sup> City Council meeting to supplement the 147 signed petitions collected from members of the community and the testimony to be provided from the Concerned Neighbors and other Lake Elmo residents in opposition to the Project.

For the reasons set forth below, the City Council is urged to depart from the recommendations of City Staff and the Planning Commission and deny the Application for the Project. At the outset, it is important to reiterate the purpose of rural districts according to the Lake Elmo City Code ("City Code") is to "preserve and enhance quality of living, and regulate structures and uses which may affect the character and desirability of the area." (§ 154.400)



1. **Although a cemetery is a permitted use in the City's RR-Rural Residential zoning district ("RR District"), the Project itself does not comply fully with applicable zoning controls. Denial of the Application is warranted and defensible.**

Generally, a landowner is allowed to engage in a permitted use, except where that use does not otherwise comply with the zoning code or development controls. *Chase v. City of Minneapolis*, 401 N.W.2d 408, 413 (Minn. 1981). In the event of such non-compliance, a municipality is under no obligation to approve a land use application allowing the permitted use. *Chanhassen Estates Residents Association v. City of Chanhassen*, 342 N.W.2d 335, 340 (Minn.1984). This concept is echoed in the Lake Elmo City Code. Section 154.005 states:

Except as in this chapter specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose in any manner which is not in conformity with this chapter.

Therefore, while the "cemetery" facet of the Project may be considered a permitted use in the RR-Rural Residential zoning district pursuant to Table 9-1 of City Code § 154.401, all accessory uses and other improvements comprising the Project must also strictly conform to Lake Elmo's zoning code and applicable law, and the Developer must observe those controls throughout the planning, development, and operation of the Project. Based on the contents of the Application and the Developer's on-the-record narrative at public hearings, the Project appears to violate a number of applicable controls. Consequently, denial of the Application is appropriate and supported under existing Lake Elmo ordinances and Minnesota law.

- a. **In violation of City Code, the Project will be operated as a mixed-use Cemetery, Funeral Home/Mortuary, and Single Family Dwelling.**

The Application describes the Project as a cemetery and nothing more, and it is through that thin lens that the public discourse and City review of the Project has been focused and framed. Whether it was the too-broad definition of "cemetery" contained in the City Code that caused additional use regulations to be overlooked, a fresh eye to the operational aspects and business plan regarding the Project indicate the true uses of the property are multiple and nuanced. Troublingly, the separate uses are impossible to harmonize and as such denial of the Application is warranted..

- i. **Cemetery use is permitted in the RR District.**

The City Code defines a "cemetery" as land that is "used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery." (§ 154.012(B)(2)(a)) (hereinafter "Cemetery Definition"). Classified as a Public/Civic use type,



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cemeteries are allowable uses in only two of Lake Elmo's zoning districts: 1) in the PF-Public/Quasi-Public Open Space zoning district ("PF District") as a conditional use subject to performance standards (*see* City Code §§154.600 (B)(1)(a-b)); and 2) in the RR District as a permitted use without performance standards, as contemplated in the Application (*see* Table 9-1 of City Code § 154.401).

There is broad agreement between all stakeholders that the Project will be partially used as a "cemetery", which is a permitted use in the RR District pursuant to Table 9-1 of City Code.

**ii. Funeral Home/Mortuary use is prohibited in the RR District.**

The City Code does not specifically define the term "mortuary", however "mortuary" uses are allowed in cemeteries pursuant to the Cemetery Definition above, and also in "Funeral Homes." The City Code defines "funeral homes" as "[e]stablishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries." § 154.012(B)(3)(h) (hereinafter "Funeral Home Definition"). Classified as a Service use type, a funeral home is an allowable use in four of Lake Elmo's zoning districts.<sup>1</sup> However, as the Developer conceded at the July 21<sup>st</sup> City Council meeting, a funeral home use is prohibited in the RR District (City Council Meeting Video Archive, July 21, 2015; *and see* City Code § 154.401 explaining that uses not identified upon Table 9.1 as either permitted or conditional "shall be considered prohibited").<sup>2</sup> The opposite is also true – while funeral home uses are prohibited in the zoning districts where cemetery uses are allowed, cemetery uses are prohibited in the four zoning districts where funeral homes are allowed.<sup>3</sup>

The use conflict between funeral homes and cemeteries is irreconcilable. If mortuaries fall under the "funeral home" classification, by rule they cannot also be associated with the "cemetery" classification because the applicable zoning district regulations prevent cemetery uses and funeral home (mortuary) uses from coexisting as envisioned within the Cemetery Definition.

So what use classification does "mortuary use" slot into? Before diving deeper into the mire, some perspective: the "mortuary use" conundrum is only worth solving if the Developer plans to engage (or is deemed to engage) in a funeral home/mortuary use on the property under the existing Cemetery Definition (currently allowing for both a cemetery and a mortuary). The Application does

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1 Funeral Homes are allowable in: 1) in the HDR-Urban High Density Residential zoning district as a conditional use subject to performance standards (*see* City Code Table 10-2 and § 154.454(I)); 2) in the VMX-Village Center zoning district as a conditional use without performance standards (*see* City Code § 154.501; Table 11.1); 3) in the CC-Convenience Commercial zoning district as a conditional use (*see* City Code Table 12.1); and 4) in the C-Commercial zoning district as a permitted use (*see* City Code § 154.551; Table 12.1).

2 Resolving the "allowable use" discrepancies by way of use variances would also be ineffective. City Code § 154.109 B (prohibiting use variances for all uses that are not listed as permitted or conditional use in the zoning district where the property is located.)

3 *See* provisions cited in Note 1 above, where each provides that all uses not classified as permitted or conditional in the respective zoning district shall be considered prohibited.





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not reference a planned mortuary/funeral home use and the Developer has consistently stated the Project “will not be a mortuary.” (City Council Meeting Video Archive, July 21, 2015). However, in light of the Developer’s articulated business plan and the related analysis below, there is little doubt the Project will be used as a mortuary, perhaps even despite the Developer’s best efforts. Therefore, it is important to determine whether a “mortuary” use should be included in the “Public/Civic – cemetery” classification, and thereby allowed in the RR District, or whether a mortuary is in the “Service – funeral home” classification.

Section 154.012(A)(2) of the City Code guides interpretation of zoning use types and classifications “in the event of any question as to the appropriate use type of any existing or proposed use.” In determining what classification an undefined use fits into, the Planning Director shall (a) “consider the operational and physical characteristics of the use in question” and (b) “shall consider the classification contained in the most recent edition of the Standard Industrial Classification [SIC] Manual published by the U.S. Office of Management and Budget.” (City Code § 154.012(A)(2)) The following analysis applies (a) and (b) to the undefined mortuary use:

(a) Operational and physical characteristics of a proposed mortuary use. As a starting point, common language usage suggests “mortuary” and “funeral home” are closely related terms, if not identical, whereas a practical distinction can be drawn between “mortuary” and “cemetery” uses. Webster’s Dictionary defines “mortuary” as “a place in which dead bodies are kept until burial; especially: funeral home,” and defines “cemetery” as “a place where dead people are buried.”<sup>4</sup>

Regarding operational and physical characteristics, the Developer’s own public narrative suggests that mortuary/funeral use will occur upon the Project. Aside from interment of the deceased in the facilities identified upon the Project’s site plans, the Project’s planned features also include a parking lot designed to park up to 53 multiple-occupant vehicles,<sup>5</sup> plus a 1,600 square-foot addition to the Administrative Center (currently the single family residence on the property), which according to the Developer will be known as the “Palaestra” and will accommodate up to 295 guests for the purpose of hosting wakes, memorial services, funeral services, and related celebrations and ceremonies at the Project. Therefore, the Project will be used as both “a place where dead people are buried” (Webster’s: cemetery) and as “a place in which dead bodies are kept until burial” (Webster’s: mortuary) that is “engaged in...arranging and managing funerals” (City Code: Funeral Home Definition).

The operational and physical characteristics of the Project suggest a mortuary use, if any, should be classified as a “Service – funeral home” type and therefore prohibited in the RR District.

(b) Government classification of a proposed mortuary use. In 1997, the Office of Management and Budget replaced the SIC system identified in City Code with the North American Industry Classification System (NAICS). Under the NAICS, mortuaries and funeral homes are

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<sup>4</sup> Webster’s Dictionary accessed via <http://www.merriam-webster.com/dictionary>.

<sup>5</sup> Based on City Staff’s trip forecasting data. (City Planning Commission Meeting Video Archive; July 13, 2015; City Council Meeting Video Archive, July 21, 2015)



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classified as code 812210: “Funeral Homes and Funeral Services.”<sup>6</sup> This classification “comprises establishments primarily engaged in preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise).” Meanwhile, the NAICS classifies cemeteries as code 812220: “Cemeteries and Crematories,” which comprises “establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains and/or cremating the dead.” Illustrative examples provided include “Cemetery Associations, Memorial Gardens, Mausoleums, and Crematories (except combined with funeral homes.)” The NAICS classifications suggest both a mortuary use, if any, should be classified as a “Service – funeral home” type and therefore prohibited in the RR District.<sup>7</sup>

Finally, in the Developer’s own words, the Project is “not just a lot where people will be buried,” but rather a state-of-the art establishment designed to facilitate funeral and gravesite services as well as wakes “where people come to grieve” and to “be by the side of a deceased loved one prior to interment.” (City Council Meeting Video Archive, July 21, 2015). To the extent the City Council believes a conflict exists in the City Code regarding what a “mortuary use” is and what zoning district(s) it fits into, the Council may direct the City Attorney to advise the Planning Director to issue a determination pursuant to City Code § 154.012(A)(2). However, it is abundantly clear the Developer seeks to engage a prohibited “funeral home” use within the Project, which use type has no place in the RR District. Whether this violation is intentional or not, the City Council should nonetheless deny the Application.

**iii. Single Family Dwelling use is permitted in the RR District, but not as an accessory to cemetery or funeral home use.**

The Project contains an existing single family residence structure that will be retrofitted to house the Administration Center, Palaestra, and resident caretaker’s quarters. This arrangement does not work in the RR District. City Code Section 154.401(A) allows for principal and accessory uses to be combined within a single RR District parcel. Although the term “principal use” is not specifically defined in the Code, the provisions regarding accessory uses in the RR District, and limitations imposed thereon, prohibit the Project’s implied mixed-use concept.

Here, the single family residence is being entirely repurposed to support the cemetery use. On this basis, we will presume the cemetery is the principal use of the Project, and the single family dwelling and residential use of the Project for the caretaker to be an accessory use. This is

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<sup>6</sup> NAICS searches for terms “mortuaries” and “cemetery” conducted at <https://www.census.gov/eos/www/naics/> using 2012 edition of NAICS.

<sup>7</sup> Although not directly at issue for the purposes of this letter, it is extremely important to note that Chapter 149A of Minnesota Statutes will require the cemetery association operating the Project, and possibly engaged individuals as well, to be licensed by the Minnesota Department of Health. “No person shall, without being licensed by the Minnesota Department of Health ... arrange, direct, or supervise a funeral, memorial service, or graveside service.” Minn. Stat. § 149A.01, Subd 2(3).



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problematic however, because a residential use does not appear to be an allowed Accessory Use in the RR District. (*see* § 154.401, Table 9.1 (list of “Accessory Uses” does not include “residential use”). Moreover, because the single family residence pre-exists the cemetery use on the property, the Project further violates the “phasing” requirement of City Code § 154.405(A). Third, and as a practical matter, the Developer has explained that he does not expect profitability prior to year eight because “cemeteries take a long time to mature.” (Planning Commission Meeting Video Archive, July 13, 2015; City Council Meeting Video Archive, July 21, 2015). If true, the immediate need for a resident caretaker at the Project seems dubious at best, and an accessory residential use likely does not meet the Code’s “incidental to principal use” or “function” requirements, which provide that an accessory use “shall be incidental to and customarily associated with the principal use...” and “shall contribute to the comfort, convenience, or necessity of the... principal use served.” (City Code §§ 154(B)(D)) This is especially true in considering the extensive security fencing the Developer has demanded.

Under any permutation, the principal use vs. accessory use analysis generates a non-compliant mix of uses. Therefore, the Application does not meet with zoning regulations and should be denied.

**b. The “maintenance garage” violates accessory structure regulations.**

In the RR District, accessory buildings are limited to a size of 2,000 square feet. (City Code § 154.406, Table 9-3). The survey of the property contained within the Application depicts the “maintenance garage” accessory structure to measure 30.1 feet by 72.1 feet for a rough total area of 2,170 square feet. In addition, no detached accessory in the RR District may be located nearer the front lot line than the principal building, except by resolution of the City Council. (City Code § 154.406 (C)(2)) The survey depicts the accessory structure to lie 104.5 feet from the front lot line, while the principal structure lies 166.2 feet from the front. Upon information and belief, the City Council has not passed a resolution to approving this non-conformity. Alternatively, in the event the accessory structure is presently considered a legal non-conforming use, the Board of Adjustment will need to approve the accessory structure’s proposed change in use from residential to cemetery use, which upon information and belief such approval has not been sought or granted. (City Code § 154.151(F)) As a result, the Application does not comply with applicable zoning regulations and should be denied.

**c. The proposed security fence violates fence regulations.**

In the RR District, no permanent fence shall be installed without a fence permit. (City Code § 154.205(C)(1). Even with a permit, “a fence within a front or side (corner) yard setback may not exceed forty-two (42) inches in height and must be 50% open to air and light” and under no circumstances may a fence in a residential district exceed six (6) feet in height. (City Code §§ 154.205(E)(1-2)). The security fence proposed in the Application, which according to the Developer is essential to “keep out vandals,” is eight (8) feet in height. The proposed security fence for the



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Project does not comply with applicable zoning regulations and therefore the Application should be denied.

**d. The proposed off-street parking does not comply with zoning regulations.**

City Code provides that “development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 5, 6, and 7” of the zoning code. (§ 154.404) In residential areas, on-street and off-street parking is limited to the use of residents and guests. (City Code § 154.210(C)(5)) As depicted in the site plans contained in the Application, the Project will provide off-street parking for up to 53 vehicles in a paved parking lot, plus parking along the 16 foot-wide bituminous driveways between the in-ground burial sections of the cemetery and around the perimeter of the property.

According to Table 5-2 in Section 154.210 of the City Code, the minimum parking requirement for cemeteries is “as determined by the Planning Director.” According to the Staff Report to the Planning Commission dated July 13, 2015, the Table 5-2 standard was applied by Staff to analyze the parking on the Project based on the Application, and the 53 provided spaces were deemed sufficient for the cemetery use articulated in the Application. However, City Code dictates that in the event of a conflict between more restrictive and less restrictive regulations for comparable conditions, “the regulations which are more restrictive... shall prevail.” (§ 154.006(B))

Alternatively, it is apparent from the Staff Report that the parking analysis of the Project contemplated cemetery use only. (Staff Report to the Planning Commission, July 13, 2015) The Developer has since articulated a business plan that implicates additional uses on the Project, including a funeral home use. (Planning Commission Meeting Video Archive, July 13, 2015; City Council Meeting Video Archive, July 21, 2015). In the scenario this impermissible mixed use is approved and if the Table 5-2 “minimum permissible parking” standard is determined to be the applicable standard for off-street parking, as opposed to the above standard limiting all parking in residential areas to residents and guests, a shared-use parking analysis will need to be conducted by staff pursuant to Section 154.210(G), which upon information and belief has not been completed.

Based on all of the foregoing, the Application does not comply with applicable zoning regulations and denial is warranted.

**2. Denial of the Application will not create legal precedent binding the City vis-à-vis future developments that properly comply with the City Code and community objectives.**

Municipal officials can be reluctant to deny land use applications due to concerns that such decision will limit their discretion in approving or denying later land use applications submitted by different property owners for different projects. However, such concerns are not supported by Minnesota law. Minnesota courts have consistently declared that land use decisions made by local





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governments fail to create any sort of binding precedent because every application involves different facts and circumstances and takes place at different times from previous situations whereby similar applications were considered and granted.

The Minnesota Court of Appeals rejected a property owner's argument that a county zoning board was required to grant him a setback variance because the zoning board had granted his neighbor a similar setback variance. *Stotts v. Wright County*, 478 N.W.2d 802, 806 (Minn. Ct. App. 1991), citing *In re Johnson*, 404 N.W. 2d 298, 301 (Minn. Ct. App. 1987), rev'd on other grounds 562 N.W. 2d 21 (Minn. Ct. App. 1997). In *In re Johnson*, the Minnesota Court of Appeals held that "an applicant for a variance is not entitled to a variance merely because similar variances were granted in the past. Otherwise, the granting of one variance would likely result in the destruction of the entire zoning scheme." *Id.* at 301. Accordingly, the City Council's decision to reject the Application must not be swayed by the false pretense that doing so would unfairly preclude this Developer or others from submitting plans that duly comply with City Code and the comprehensive plan while carefully considering the fabric of the community in which the development sits.

### **3. Conclusion**

Based on the foregoing and on behalf of the Concerned Neighbors, we respectfully urge the City Council to deny the Application and take such follow-up action it deems necessary to further "preserve and enhance the quality of living" of Lake Elmo's distinguished and desirable rural areas. Thank you for your consideration.

Very truly yours,

**MORRISON SUND PLLC**

Robert Q. Williams, Esq.

Cc. Julie Johnson, City Clerk ([jjohnson@lakeelmo.org](mailto:jjohnson@lakeelmo.org))  
Clark Schroeder, Interim City Administrator ([cschroeder@lakeelmo.org](mailto:cschroeder@lakeelmo.org))  
Dave Snyder, City Attorney ([david@johnsonandturner.com](mailto:david@johnsonandturner.com))



## **MAYOR & COUNCIL COMMUNICATION**

**DATE: July 21, 2015**  
**REGULAR**  
**ITEM #17**  
**RESOLUTION 2015-59**

**AGENDA ITEM:** Halcyon Cemetery Preliminary and Final Plat

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

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director  
Jack Griffin, City Engineer  
Greg Malmquist, Fire Chief  
Washington County Public Works

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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:** Planning Commission

**FISCAL IMPACT:** None, all of the review activities on the part of the City are reimbursed by application and escrow fees submitted by the developer. All of the improvements to the site are private.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from Mr. Lee Rossow for approval of a preliminary and final plat for a cemetery to be called Halcyon located at 11050 50<sup>th</sup> Street North. The Planning Commission held a public hearing to consider the matter at its July 13, 2015 meeting and unanimously recommended approval of the Halcyon Cemetery Preliminary and Final Plat subject to 14 conditions of approval. The suggested motions to adopt the Planning Commission recommendation is as follows:

***“Move to adopt Resolution No. 2015-59, approving the Halcyon Cemetery Preliminary and Final Plat.”***

**BACKGROUND INFORMATION:**

Attached is the original detailed Staff report that was provided to the Planning Commission regarding the applicant’s request for preliminary and final plat approval. The staff report includes general information about the application, a summary of the relevant planning and zoning issues, a thorough review and analysis of the final plat (including a draft list of recommended conditions of approval), draft findings, and the Staff recommendation to the Planning Commission.

**PLANNING COMMISSION REPORT:**

The Planning Commission held a public hearing to review the preliminary and final plat application at its July 13, 2015 meeting. During the public hearing, the Planning Commission received the following testimony:

- Jean Madrinich, 11420 50<sup>th</sup> Street N., noted that there are multiple flood plains in the area. She asked how the flood plains are being addressed. Lee Rossow noted that they have worked through those issues with the watershed district. Ms. Madrinich also noted concern about additional traffic that would be generated on 50<sup>th</sup> Street.
- Deb Kreuger, 4552 Lake Elmo Ave. N., asked questions about the need for parkland dedication associated with this property. In addition, she referenced several State Statutes that relate to cemeteries. She wanted to ensure that the statutory requirements are being followed with the project, especially the establishment of a permanent care trust fund for the cemetery association. The applicant noted that a trust fund is being established with the project.
- Janet Thompson, 11491 50<sup>th</sup> Street N., noted that she is concerned about a commercial venue being placed in a residential area. She stated that her family moved here to live in a rural area, and this use is not in keeping with that goal.
- Rebecca Tenpas, 11330 50<sup>th</sup> Street N., stated that she does not believe the proposed use is consistent with the rural character that the City desires. She also stated that the traffic on 50<sup>th</sup> Street is a concern, and the use will add to the existing problem.
- Rich Day, owner of a property to the south of the proposed cemetery, asked if the project has undergone an environmental review, such as an EIS. Johnson noted that the project did not meet the threshold to trigger an environmental review, but that the City does have the discretion to request environmental review. Mr. Day also voice his concern about the storm water on the site that travels to his property. The applicant noted that they have received permit approval from the Valley Branch Watershed District for the proposed storm water management design.



- Jeffrey Saffle, 11180 50<sup>th</sup> Street N., asked if the lights on the site would be compliant with dark skies standards. He noted that is important to follow the City's dark skies ordinance.
- Saxe Roberts, 11165 50<sup>th</sup> Street N., noted his concern about the effect of cemeteries on property values. Mr. Roberts agreed with staff that research is inconclusive on the matter, but he worried that the presence of the cemetery would eliminate some buyers for his property in the future.

The full account of the testimony can be reviewed in the draft Planning Commission minutes dated 7/13/15.

The Planning Commission discussed a variety of topics in considering the preliminary and final plat application for the cemetery. In discussing the project, the Planning Commission added the following conditions:

- A condition was added that any future expansions for the cemetery use would need City review and approval.
- A condition was added to ensure that dark skies ordinances were followed.
- A condition was added that any expansion of the home meet design criteria contained in the City's design standards.
- A condition was added to add a warranty period for the transplanted trees on the site.
- A condition was added to provide additional screening along the east and north property lines.
- Finally, a condition was added that the cemetery association provide copies of all annual minutes and financial reporting of the permanent care trust fund to the City on an annual basis.

The Planning Commission recommended approval of the Halcyon Cemetery Preliminary and Final Plat with 14 conditions of approval. The vote to recommend approval of the preliminary and final plat was unanimous (Vote: 6-0).

#### **STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS (SWOT):**

**Strengths:** The proposed preliminary and final plat are compliant with the City's subdivision ordinance, as well as other ordinances found in the zoning code.

**Weaknesses:** Neighboring property owners have expressed concerns about traffic generated by the use.

**Opportunities:** N/A

**Threats:** N/A

#### **RECOMMENDATION:**

*Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council approve the Halcyon Cemetery Preliminary and Final Plat through the following motion:*

***“Move to adopt Resolution No. 2015-59, approving the Halcyon Cemetery Preliminary and Final Plat.”***

**ATTACHMENTS:**

1. Resolution 2015-59
2. Staff Report to the Planning Commission, 7/13/15
3. Location Map
4. Application Forms and Project Narrative
5. Preliminary and Final Plat and Plans
6. City Engineer Review Memorandum, dated 7/8/15
7. Fire Chief Review Memorandum, dated 7/7/15
8. Washington County Review Memorandum, dated 7/7/15
9. Valley Branch Watershed District Permit
10. Lake Elmo Transportation Plan, Existing and Projected Traffic Volumes
11. Cemetery Proximity and Single Family Home Price Report (1<sup>st</sup> Half)

**INCLUDED IN THE ELECTRONIC PACKET BUT NOT PROVIDED IN HARD COPY:**

1. 2<sup>nd</sup> Half of Cemetery Proximity and Single Family Home Price Report – Supporting Data
2. Information Handout from League of MN Cities on Cemeteries

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

**RESOLUTION NO. 2015-59**

*A RESOLUTION APPROVING 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 50<sup>th</sup> 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 made the following findings of fact:

- 1) That the Halcyon Cemetery Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Halcyon Cemetery complies with the City’s RR – Rural Residential zoning district.
- 3) That the Halcyon Cemetery complies with the City’s subdivision ordinance.
- 4) That the Halcyon Cemetery Final Plat meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, off-street parking and other ordinances, except where noted in this report herein.
- 5) That the Halcyon Cemetery Final Plat is consistent with the City’s engineering standards, except where noted, provided the plans are updated to address the City Engineer’s

comments documented in a letter dated July 8, 2015 and the Fire Chief's comments documented in a letter dated July 7, 2015.

- 6) The applicant has committed to establishing a permanent care trust fund consistent with the requirements established under State Statute.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Halcyon Cemetery Preliminary and Final Plat subject to the following conditions:

- 1) The applicant shall revise the Final Plat to accommodate all required right-of-way on Lake Elmo Avenue and 50<sup>th</sup> Street North as documented in review memorandums submitted by Washington County and the City Engineer.
- 2) All required modifications to the plans as requested by the City Engineer in a review letter dated July 8, 2015 shall be incorporated into the plans prior to the City's execution of the Final Plat.
- 3) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and abide by all conditions of approval established in the approved Valley Branch Watershed District permit.
- 4) The applicant shall be responsible to address all review comments submitted by Washington County described in the review memorandum received from the County dated July 7, 2015. In addition, the applicant shall obtain all necessary right-of-way permitting from Washington County.
- 5) The Landscape Plan shall be revised to include 6 additional trees to fulfill the City's Landscaping Requirements. In addition, the plant material that is on top of utilities shall be moved to comply with the direction of the City Engineer per his memorandum dated July 8, 2015. Finally, prior to installation of plant material, the plan shall be reviewed by the City's Landscape Consultant for final approval.
- 6) The applicant must enter into an agreement with the City to own, operate and maintain the private storm water facilities on the property. The storm water maintenance agreement must be recorded with the Final Plat.
- 7) Prior to the issuance of grading/building permits, all review comments of the Fire Chief must be addressed by the applicant.
- 8) The applicant shall obtain the necessary permitting from Washington County to install a new septic system to serve the property prior to the City issuing and building permits for the remodel of the home.
- 9) Any future expansion of the site, including plans to install a crematorium, shall be reviewed and approved by the City.
- 10) All lighting installed on the Halcyon Cemetery site must comply with the City's dark skies ordinance.

- 11) Any alterations to the existing single family home shall be reviewed for conformance to the City's design standards.
- 12) All transplanted trees transplanted on the site shall include a 2-year warranty period to ensure survival. Any trees that do not survive the two-year period shall be replaced.
- 13) The Landscape Plan shall be amended to add plantings along the Eastern and Northern property lines consistent with screening requirements specified in 154.258.F of the City Code.
- 14) Annual meeting minutes, including annual financial reporting and status of the permanent care trust fund, shall be submitted to the City on an annual basis.

Passed and duly adopted this 21<sup>st</sup> day of July, 2015 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk



PLANNING COMMISSION  
DATE: 7/13/2015  
AGENDA ITEM: 4A – PUBLIC HEARING  
CASE # 2015-06

ITEM: Halcyon Cemetery – Preliminary and Final Plat

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director  
Jack Griffin, City Engineer  
Ann Pung-Terwedo, Washington County  
Greg Malmquist, Fire Chief

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

The Planning Commission is being asked to hold a public hearing to consider a Preliminary and Final Plat application request from Mr. Lee Rossow for a cemetery to be platted on a 10-acre parcel located at the northeast corner of Lake Elmo Avenue (CSAH 17) and 50<sup>th</sup> Street North. Staff is recommending approval of the request subject to compliance with 8 conditions as noted in this report.

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### **GENERAL INFORMATION**

*Applicant:* Lee Rossow, 11050 50<sup>th</sup> Street North, Lake Elmo, MN 55042

*Property Owners:* Lee Rossow, 11050 50<sup>th</sup> Street North, Lake Elmo, MN 55042

*Location:* Part of Section 01, Township 29 North, Range 21 West in Lake Elmo, immediately north of 50<sup>th</sup> Street and immediately east of Lake Elmo Avenue (CSAH 17). PID Number: 01.029.21.33.0003

*Request:* Application for preliminary and final plat approval of a cemetery to be called Halcyon.

*Existing Land Use and Zoning:* Single Family Detached, Rural Residential (RR) zoning

*Surrounding Land Use and Zoning:* North – single family home (RR); west – single family home (RR); south – Agricultural (RR); east – single family residential (RR) and Municipal Well Site #4.

*Comprehensive Plan:* Rural Area Development

*History:* Sketch Plan review by Planning Commission on 11/24/2014.

*Deadline for Action:* Application Complete – 6/17/2015  
60 Day Deadline – 8/17/2015  
Extension Letter Mailed – No  
120 Day Deadline – 10/16/2015

*Applicable Regulations:* Chapter 153 – Subdivision Regulations  
Article IX – Rural Districts  
Article V – Off Street Parking  
Article VI – Landscaping and Tree Preservation  
§150.270 Storm Water, Erosion, and Sediment

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## **REQUEST DETAILS**

The City of Lake Elmo has received a request from Mr. Lee Rossow to plat a 10-acre cemetery at 11050 50<sup>th</sup> Street North to be called Halcyon. Under State Law, cemeteries must be filed and recorded with the County. In order for the cemetery plat to be filed and recorded at the County, the City must approve a final plat for the cemetery. The Planning Commission is asked to hold a public hearing on the proposed cemetery plat. The proposed cemetery would be located at the northeast corner of Lake Elmo Ave. and 50<sup>th</sup> St. North. The 10-acre parcel has historically been used as a single family residential home.

It should be noted that a Sketch Plan of the Halcyon Cemetery was reviewed by the Planning Commission on November 24<sup>th</sup> of 2014. At the Sketch Plan review level, the City completed a high-level review of the proposal to inform a future preliminary/final plat application. There is no formal approval issued by the City at the time of Sketch Plan review. According to standard subdivision procedures, a typical plat will go through both a preliminary and final plat review process. However, it is possible to proceed with preliminary and final plat review concurrently for plats of more limited scope and size. In the judgment of staff, the review of the Halcyon Cemetery represents such an application of more limited scope/size where the review of preliminary and final plans should be permitted to proceed in a concurrent fashion. Therefore, the applicant has prepared a final plat and construction plans for consideration by the City.

The existing condition of the property is that of a single family residential home with an accessory building on the eastern side of the property. It should be noted that the existing home has access off both 50<sup>th</sup> Street and Lake Elmo Avenue. The proposed cemetery would eliminate the access on Lake Elmo Ave., improving the access spacing related to driveways on the County arterial road. Access to the proposed cemetery would be accommodated off of 50<sup>th</sup> Street North approximately 270 feet east of Lake Elmo Ave. (CSAH 17). As part of the proposed cemetery use, the existing home and accessory building would be repurposed to support the cemetery use. The home would be used as an administrative office, caretaker quarters and gathering space for the bereaved. The existing accessory building would be utilized as a maintenance garage. In addition to these existing improvements, the applicant is planning to construct private storm water management facilities along the eastern portion of the site to address the additional impervious surface. It should be noted that these facilities have been designed to comply with the rules of the City of Lake Elmo and the Valley Branch Watershed District. With regards to the cemetery, the applicant is planning a total of 5 sections or areas to serve as burial sites or columbarium/mausoleums. Sections 1, 2 and 5 are within the planned Phase 1 area of the cemetery, while Sections 3 and 4 are in the planned Phase 2 area of the cemetery. The options for burial or interment include in-ground burials, mausoleums, columbarium, in-ground cremation and estate lots. At full capacity, the 5 sections could host the remains of 1,995 persons according to the site plan. Finally, there is also a 58-stall parking area planned for the cemetery. The parking lot would be utilized to accommodate larger parties for various burial ceremonies or rituals.

As far as utilities are concerned, the existing building will be served by a private septic system. The applicant has completed a compliance inspection and submitted to Washington County. The inspection revealed that the existing system is not compliant per Washington County ordinance.



Therefore, the applicant will need to construct a new septic system in consultation with Washington County Health Department (Condition #8). With regards to water, the site does have access to the City's municipal water system within 50<sup>th</sup> Street. Water service will be extended to the site to provide proper fire suppression for the home once it is converted to serve the cemetery use. It should also be noted that there is an existing well on the site. It is the understanding of the City that the well is to be protected and maintained for irrigation purposes.

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## PLANNING AND ZONING ISSUES

The Halcyon Cemetery parcel is guided Rural Area Development (RAD) according to the City's Comprehensive Plan. The existing zoning of the parcel is Rural Residential (RR). According to Article XI – Rural Districts of the Zoning Code, cemeteries are considered a permitted use within the Agricultural (A) and Rural Residential (RR) zoning districts. Therefore, the proposed use of a cemetery on this property is in compliance with the City's Zoning Code. It should also be noted that the Zoning Code does not contain any specific development standards for the cemetery use.

Based on Staff's review of the preliminary and final plat, the applicant has demonstrated compliance with all applicable code requirements at the level of detail that is required for a plat. As noted previously, the plat approval from the City is not required as a result of splitting the parcel into 4 or more lots, but rather as an approval of the proposed use prior to the filing of the property as a cemetery with Washington County. However, the platting procedures do allow the City and County to obtain the necessary right-of-way to serve both Lake Elmo Avenue and 50<sup>th</sup> Street.

With regards to parkland dedication, the Subdivision Ordinance does require that residential and commercial plats provide parkland dedication based upon a percentage or fee set under the City's Fee Schedule. Residential developments typically require a dedication percentage in between 7-10%, whereas the City's Fee Schedule require \$4,500/acre for commercial development be provided for parkland fees. In researching the cemetery use, staff has determined that the use is technically defined as a public cemetery association, meaning that the cemetery is owned privately but is open to the public. As a result of this definition and the fact that private cemeteries are considered a quasi-public use, staff does not believe that the City can require parkland dedication fees for the proposed use. The cemetery use is neither residential nor commercial, and thus staff is not recommending to impose any parkland dedication fees.

Finally, it should be noted that City staff has received some inquiries of concern from some surrounding property owners about the cemetery use. In speaking with the surrounding property owners, the general concerns staff has received relate to traffic, the effect on property values and the means to maintain the cemetery into perpetuity. Staff has completed some general research to look into these concerns:

- **Traffic.** With regards to increased traffic generated by the cemetery, the property is located at the intersection of a County arterial road and City major collector road. These facilities, as opposed to local residential streets, should be able to accommodate any increased traffic generated from the cemetery use. According to the City's Transportation Plan, the average daily traffic of 50<sup>th</sup> Street in 2009 was 500 trips, whereas the projected volume on 50<sup>th</sup> Street in 2030 is 1500 trips per day. Given this lower average daily traffic as of 2009, it is unlikely that the cemetery use would generate the amount of traffic that would come within any proximity of the available capacity. Lake Elmo average daily traffic as of 2009 was 3100 vehicle trips per day. The projected traffic volume for 2030 is 9200 vehicle trips per day. The applicant has estimated that daily travel to the cemetery will be extremely limited, with peak

travel resulting from scheduled funerals on an infrequent basis. While staff understands the concern over additional traffic generated by the proposed cemetery, the fact that the subject property is located at the intersection of an arterial road and major collector provides assurance to staff that the use would be ideally located. In the judgment of staff, there is adequate capacity on Lake Elmo Ave. and 50<sup>th</sup> Street.

- **Property Values.** Staff has received two concerns about reduced property values as a result of the proposed cemetery. Staff has conducted some research into this concern. Based on the limited research conducted, staff is not confident that there is a documented or proven correlation between property values and cemeteries. In researching the matter, the connection between cemeteries and property values remains inconclusive. There are academic studies and anecdotal articles that fall on both sides of the argument. For the benefit of the Planning Commission, staff has attached the article (Attachment #9) that presented the most comprehensive look at the effect of cemeteries on property values based on the research conducted.
- **Permanent Care of the Cemetery.** One resident that contact staff inquired about how the cemetery would be well maintained into the future. In researching this question, staff found that some cemeteries depending on location and population are required to maintain a Permanent Care and Improvement Fund. Whether or not the Halcyon Cemetery is required to establish this fund is undetermined at this time. However, the applicant has noted in their narrative that they intend to utilize a percentage of funds from every burial and interment to pay a permanent care and maintenance fund, which would be established and run by the cemetery association. The narrative notes that this fund will be in compliance with State Statutes. According to the applicant, this fund would be utilized to care for the grounds and complete capital projects and improvements to the cemetery.

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## REVIEW AND ANALYSIS

City Staff has reviewed the proposed preliminary and final plat for the Halcyon Cemetery. It should be noted that the applicant chose to wait to submit the plat application until the Valley Branch Watershed Permit was approved and issued, which occurred on June 25<sup>th</sup>, 2015. During the course of these review, staff has evaluated the proposed plans according to City ordinances and engineering standards. In completing the review, there are some elements of the plat that remain in conflict with City, County or Valley Branch Watershed District standards, which must still be addressed or corrected by the applicant. In general, the proposed plat will meet all applicable City requirements for conditional approval, and any deficiencies or additional work that is needed is noted as part of the review record.

The City has received a detailed list of comments from the City Engineer, Fire Chief and Washington County concerning the proposed cemetery, all of which are attached for consideration by the Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the issues and comments related to the following discussion areas as well:

- **Comprehensive Plan.** The proposed subdivision is consistent with the Lake Elmo Comprehensive Plan for this area. The subject property is guided Rural Area Development (RAD), which correlates to Agricultural and Rural Residential land uses. Under the Comprehensive Plan, cemetery use is not in conflict with this land use guidance.

- **Zoning.** The zoning of the subject property is Rural Residential (RR). Under this zoning designation, cemeteries are a permitted use according to the Zoning Code.
- **Subdivision Requirements.** The City's Subdivision Ordinance details the process for platting and other pertinent design standards. The majority of the standards are not applicable as the parcel is not being subdivided in the manner that is typical of other development. Staff, as well as the City Engineer, have not identified any existing conflicts with the City's Subdivision Ordinance. However, staff has found that additional public right-of-way may need to be provided on both 50<sup>th</sup> Street and Lake Elmo Avenue. The requirements to provide public right-of-way is found in the Subdivision Ordinance.
- **Infrastructure.** No public infrastructure is proposed to be constructed as part of the cemetery use. The wastewater facilities will be private. The existing home will be connected to the City water system via a water service. In addition, the Fire Chief will be requesting a hydrant to be located on the property. Nevertheless, the water line and hydrant will be privately owned and maintained. Finally, the storm water management facilities will also be privately owned and maintained. The City will require the landowner or association to enter into a maintenance agreement for the storm water facilities.
- **Wetlands.** The landowner has completed a wetland delineation as part of the permitting process for the Valley Branch Watershed. The applicant will be required to meet all the rules and regulations of the Wetland Conservation Act and Valley Branch Watershed District (Condition #3).
- **Landscaping.** Staff has reviewed the landscape plan submitted by the applicant and found the plan to be in general conformance with the City's ordinance. However, the applicant must provide 6 additional new trees to meet the City's quantity standards. Aside from this issue, the plant material provided meets the City standards for variety and plant size. It should also be noted that the applicant is proposing to transplant many of the existing trees on the site. In combination with the new plant material, there should be a fairly significant amount of landscaping on the 10-acre site. Staff was unable to have the plan reviewed by a registered Landscape Architect prior to consideration by the City. Therefore, Staff would recommend that the plan be reviewed for final approval prior to the installation of the plant material on the site. Finally, it should be noted that the City Engineer has identified some areas where plant material or trees are located on top of proposed utilities. The Landscape Plan should be revised to provide separation between the proposed utilities and plant material. These recommendations are included in a recommended condition of approval (Condition #5).
- **Tree Preservation Plan.** Staff has reviewed the Tree Preservation Plan and found it to be in conformance with the City's regulations pertaining to tree preservation for sites undergoing development activity. The total number of caliper inches on the site according to the survey is 1,550 caliper inches of significant trees. According to the Tree Preservation Ordinance, an applicant is allowed to remove 30% of significant trees on the site before tree replacement schedule is initiated. 30% of 1,550 total caliper inches is 465 caliper inches. The applicant is proposing to remove 340 caliper inches of significant trees, which is below the threshold for tree replacement. It should be noted that the applicant is proposing to transplant a significant amount of existing trees on the site to install mature plantings from an early point. Under the Tree Preservation Ordinance, transplanted trees do not count towards the total tree removals.

Staff finds the submitted tree preservation plan to be in conformance with the City's ordinance.

- ***Off-Street Parking.*** The proposed site plan for the cemetery shows 58 parking stalls. The City's Off-Street Parking Ordinance (§154.210) includes the required number of off-street parking stalls for various uses. As for cemeteries, the ordinance does not provide concrete direction, but rather states that parking should be provided in an amount determined by the Planning Director. Planning staff has reviewed the overall amount of parking on the plan and found it to be more than adequate. The amount of parking provided in the southern parking lot should prevent cars from parking on 50<sup>th</sup> Street or Lake Elmo Ave., both of which are currently designated no parking. Should an overflow parking be necessary, it is likely it could be accommodated within the various drive lanes that circulate the cemetery. In the judgment of staff, the amount of parking provided is more than adequate. Finally, it should be noted that the parking stall dimensions meet the City's minimum standards per the ordinance.
- ***City Engineer Review.*** The City Engineer has completed a review of the proposed cemetery and submitted his review comments in a memorandum dated July 8, 2015. With regards to the plat, he notes that 50<sup>th</sup> Street North is a major collector road, requiring 80 total feet of right-of-way. The plat currently shows 35 feet granted on the north side of 50<sup>th</sup> Street. He is requesting an additional 5 feet to establish the correct amount of right-of-way for collector roads. In addition, he is requesting additional right-of-way at the intersection to accommodate the sight line triangle. Finally, he is also requesting that a 10-foot drainage and utility easement be provided on the southern property line. This additional right-of-way and easement should not impact the proposed improvements on the site. Should any improvement be located in the drainage and utility easement, an easement encroachment agreement may be approved to allow fencing and other such improvements to be located there. In addition to the review comments on right-of-way, the engineer is requiring that the storm water management system be owned and maintained privately. The storm water facilities have not been designed to meet City standard. These facilities must be owned, operated and maintained privately. The City will expect a maintenance agreement to ensure proper operation of the facilities. Finally, the City Engineer has also noted several revisions and additions to the Construction Plan sheets. These review comments are mostly detail and plan notes that provide greater accuracy and clarity on the plans. Staff is recommending that the Engineer's review comments be adopted as a condition of approval (Condition #2). These modifications should be completed prior to the City executing the Final Plat.
- ***Fire Department Review.*** The Fire Chief has reviewed the proposed cemetery and identified some areas of further review. One request included additional information about the location of hydrants on the property. In addition, the Fire Chief is requesting additional information related to the movement of emergency vehicle on the site. Staff is recommending that the concerns identified by the Fire Chief be addressed prior to the issuance of grading or building permits (Condition #7)
- ***Washington County Review.*** County Staff has reviewed the cemetery plat and responded with a review memorandum dated July 7, 2015. Within the memo, County staff correctly notes that the amount of public right-of-way for Lake Elmo Ave. shown on the final plat is insufficient. In order to address this deficiency, an additional 25 feet must be provided. Staff is confident that the additional amount of right-of-way requested can be accommodated, as the Final Construction Plans include the correct amount of right-of-way, while the plat does

not. In other words, the additional right-of-way should not result in redesign of the site. In addition to the right-of-way issue, County staff notes that a right-of-way permit will be needed for the removal of the driveway and grading work associated with the retaining wall. In addition, the applicant must submit drainage calculations to review downstream impacts in the County ditch. Staff is recommending that all requirements and modifications identified in the County review memorandum be adopted as a condition of approval (Condition #4).

- ***Watershed District Review.*** The project area lies within the Valley Branch Watershed District (VBWD). The Valley Branch Watershed District reviewed the proposed cemetery at their June 25<sup>th</sup> meeting. At the meeting, the Valley Branch Board of Managers approved the permit for the cemetery with several conditions (see Attachment #7). It should be noted that the applicant must meet all the rules of the Wetland Conservation Act and the conditions of the VBWD permit. Staff is recommending a condition of approval (Condition #3) that these requirements be fulfilled.

Based on the above Staff report and analysis, Staff is recommending approval of the preliminary plat with 8 conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to move forward with a final plat. The recommended conditions are as follows:

***Recommended Conditions of Approval:***

- 1) The applicant shall revise the Final Plat to accommodate all required right-of-way on Lake Elmo Avenue and 50<sup>th</sup> Street North as documented in review memorandums submitted by Washington County and the City Engineer.
- 2) All required modifications to the plans as requested by the City Engineer in a review letter dated July 8, 2015 shall be incorporated into the plans prior to the City's execution of the Final Plat.
- 3) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and abide by all conditions of approval established in the approved Valley Branch Watershed District permit.
- 4) The applicant shall be responsible to address all review comments submitted by Washington County described in the review memorandum received from the County dated July 7, 2015. In addition, the applicant shall obtain all necessary right-of-way permitting from Washington County.
- 5) The Landscape Plan shall be revised to include 6 additional trees to fulfill the City's Landscaping Requirements. In addition, the plant material that is on top of utilities shall be moved to comply with the direction of the City Engineer per his memorandum dated July 8, 2015. Finally, prior to installation of plant material, the plan shall be reviewed by the City's Landscape Consultant for final approval.
- 6) The applicant must enter into an agreement with the City to own, operate and maintain the private storm water facilities on the property. The storm water maintenance agreement must be recorded with the Final Plat.

- 7) Prior to the issuance of grading/building permits, all review comments of the Fire Chief must be addressed by the applicant.
- 8) The applicant shall obtain the necessary permitting from Washington County to install a new septic system to serve the property prior to the City issuing and building permits for the remodel of the home.

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## DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Halcyon Cemetery Final Plat:

- That the Halcyon Cemetery Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Halcyon Cemetery complies with the City's RR – Rural Residential zoning district.
- That the Halcyon Cemetery complies with the City's subdivision ordinance.
- That the Halcyon Cemetery Final Plat meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, off-street parking and other ordinances, except where noted in this report herein.
- That the Halcyon Cemetery Final Plat is consistent with the City's engineering standards, except where noted, provided the plans are updated to address the City Engineer's comments documented in a letter dated July 8, 2015.

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## RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Halcyon Cemetery Final Plat with the 8 conditions of approval as listed in the Staff report. Suggested motion:

***“Move to recommend approval of the Halcyon Cemetery Final Plat with the 8 conditions of approval as drafted by Staff based on the findings of fact listed in the Staff Report.”***

## ATTACHMENTS:

1. Location Map
2. Application Forms and Narrative
3. Preliminary and Final Plat and Plans
4. City Engineer Review Memorandum, dated 7/8/15
5. Fire Chief Review Memorandum, dated 7/7/15
6. Washington County Review Memorandum, dated 7/7/15
7. Valley Branch Watershed District Permit
8. Lake Elmo Transportation Plan, Existing and Projected Traffic Volumes
9. Cemetery Proximity and Single Family Home Price Report (1<sup>st</sup> Half)

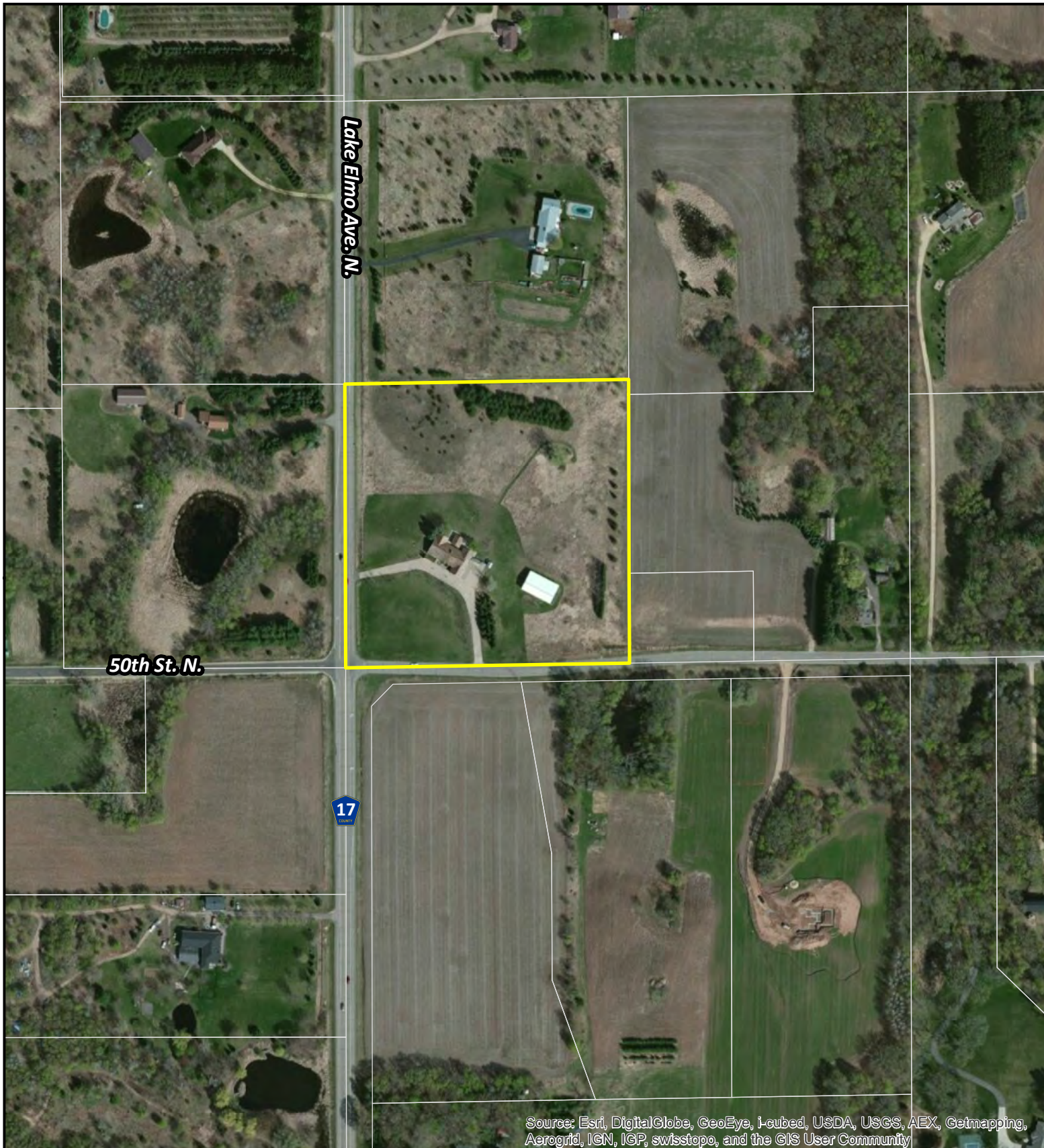
**INCLUDED IN THE ELECTRONIC PACKET BUT NOT PROVIDED IN HARD COPY:**

- 1. 2<sup>nd</sup> Half of Cemetery Proximity and Single Family Home Price Report – Supporting Data
- 2. Information Handout About Cemeteries from League of Minnesota Cities

**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





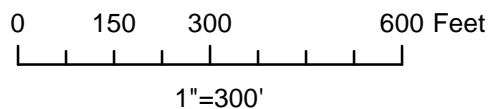
# **Location Map: Proposed Halcyon Cemetery**



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



11050 50th Street N.



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



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

## PRELIMINARY PLAT APPLICATION

Applicant: LEE ROSSOW  
Address: 1870 RICE STREET  
Phone #: 651-308-3999  
Email Address: 337 @ LACH.NET

Fee Owner: SAME  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address and Complete (long) Legal Description: \_\_\_\_\_  
11050 50TH STREET N  
\_\_\_\_\_  
\_\_\_\_\_

General information of proposed subdivision: \_\_\_\_\_  
CEMETERY  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: 2-8-2015

Signature of Fee Owner: SAME Date: \_\_\_\_\_



Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
LU File #: \_\_\_\_\_



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

## FINAL PLAT APPLICATION

Applicant: LEE ROSSOW  
Address: 1870 RICE STREET  
Phone #: 651-308-2999  
Email Address: 332 Q LACH, NET

Fee Owner: SAME  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Property Location (Address and Complete (long) Legal Description: \_\_\_\_\_

11050 50TH STREET N

General information of proposed subdivision: \_\_\_\_\_

C E M E T E R Y

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: 2-8-2015

Fee Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_



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 50<sup>TH</sup> STREET N

Lee Rossow  
Signature

OCTOBER 30, 2014  
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.



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

\_\_\_\_\_

\_\_\_\_\_

February 16, 2015

Lee Rossow  
Halcyon, GLCJ Properties, LLC, Rossow, INC  
1870 Rice Street  
St. Paul, MN 55113

Nick Johnson  
City of Lake Elmo  
3800 Laverne Ave North  
Lake Elmo, MN. 55042

Dear Nick Johnson,

The following narrative is in response to the Final Plat Application Requirements.

Item 1: Submitted with the proper fees on January 9, 2015.

Item 2: Sub a. Contact. Lee Rossow, 1870 Rice Street. (651) 308 – 2999, email – [337@lach.net](mailto:337@lach.net).  
Architect. William Sanders at LOUCKS

Sub b. Halcyon at 11050 50<sup>th</sup> Street North, 10 acres, Rural Residential, 435,600 sq. feet.

Sub c. i. HALCYON

iv. Wetland cannot be exactly determined until May, 2015. The area where the proposed wetland is located is in the phase II construction area which will not be touched until after the exact delineation is completed.

v. There are no dedicated rights of way within the property boundaries. There is a discussion with the County and right of way along Lake Elmo Ave. 25 feet

vi. The general legal descriptions of the burial locations are listed on the plans.

Sub d. Issues discussed after the sketch plan review: Park dedication and water assessment. Open issues are right of Way on Lake Elmo Ave. and the wetland delineation. Discussed in iv. v.

Sub f. All of the site work during the first building season, except that which is deemed necessary by the V.B.W.D. will be confined to the western 400 feet of the parcel. Including parking, sidewalks, storm sewer, mausoleums, columbariums, structure modifications and landscaping.

Sub g. Issues raised by one of the neighbors were addressed at the sketch plan meetings.

Sub h. At this time I am unaware of any issues with the neighbors.

Sub i. Halcyon will develop into a serene park like setting with minimal impact the community. Traffic will be accommodated entirely on site. Any funeral processions will enter the property and be accommodated on the property.

Sub I. We intend to start as soon as our plans are approved. We will work on phase 1 during this building season and phase II probably in 2016. Target date to be operational is August 2015.

Item 1. Administrative Information.

Sub 14. Labels with addresses of adjacent property owners were secured from Washington County and delivered to you on January 12, 2015.

Item 3. Final grading. Signed copies. Once the Engineers and the Watershed agree on the details, freshly signed plans will be resubmitted to your office.

Item 12. Spot elevations. I talked to Bill Sanders about including this on the plan if not already there.

Item 17. Phasing plan. As discussed the phase 1 and phase 2 areas on the erosion control plan will be clearly identified.

Other topics:

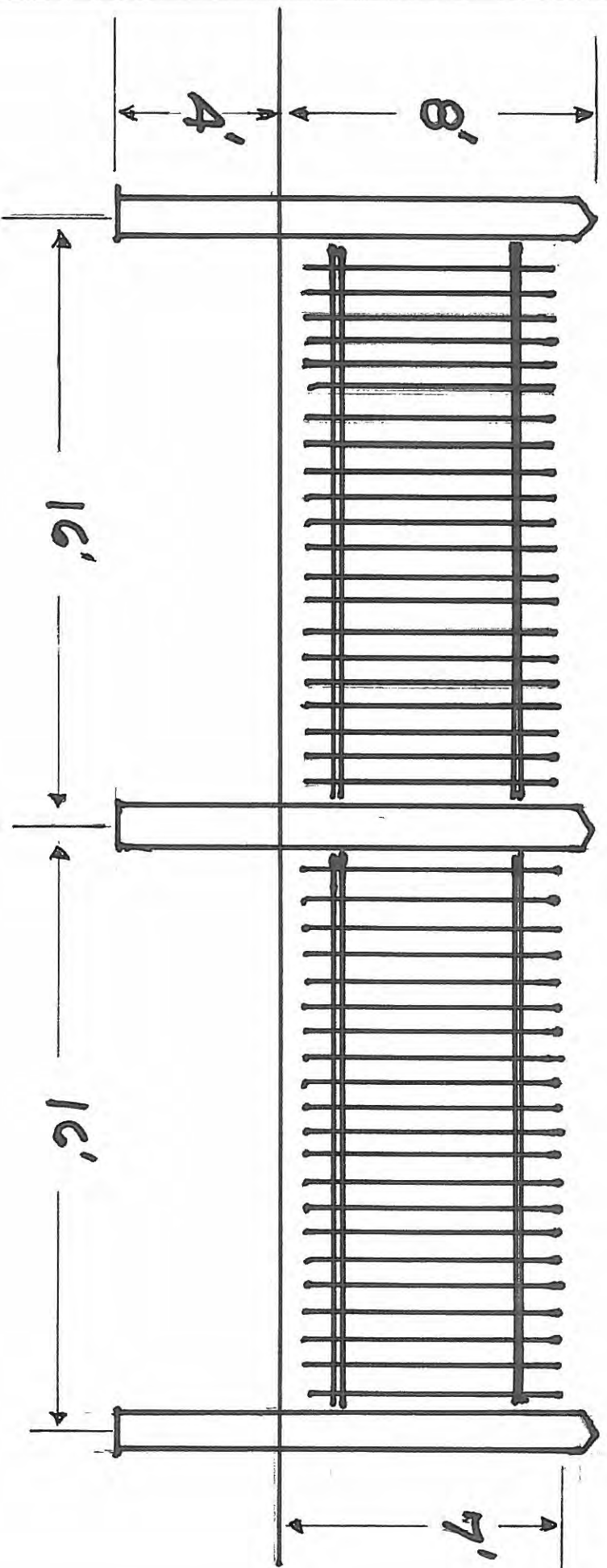
Care and Improvement: In compliance with Minnesota Statute 306.37, 306.41, 306.731, 20% of every burial lot and 10% of every mausoleum or columbarium space shall be paid to a permanent trust fund for the care, maintenance and improvement of the cemetery.

Public Service Agreement. I'm at a loss to make a suggestion because the City doesn't currently have any public service agreements with the other three cemeteries or religious organizations.



Lee Rossow





HALCYON FENCE DETAIL

12' CONCRETE POSTS

2-24-2015

15' SPAN STEEL SECTIONS

By LEE ROSSOW

# HALCYON

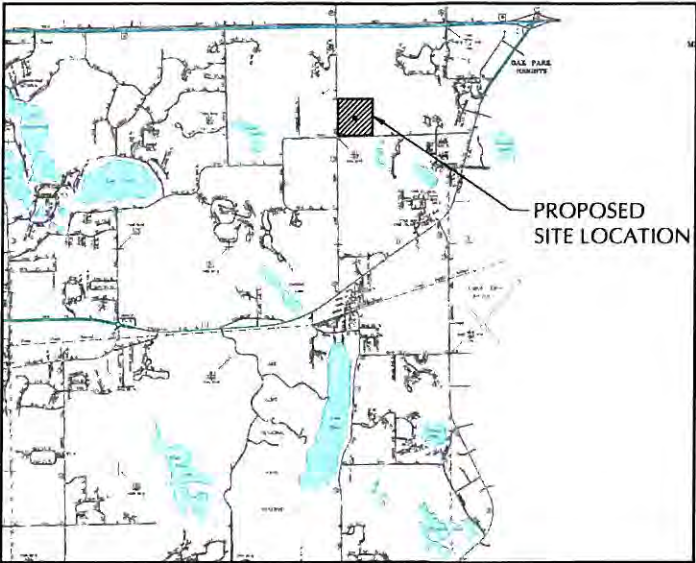
## LAKE ELMO, MINNESOTA

PLANS FOR:  
CEMETERY BURIAL LOCATIONS, PARKING, GRADING &  
DRAINAGE, UTILITIES AND LANDSCAPE

### SHEET INDEX

- C0-1 COVER SHEET
- C1-1 EXISTING CONDITIONS / REMOVALS
- C2-1 SITE LAYOUT PLAN
- C3-1 GRADING & DRAINAGE PLAN
- C3-2 EROSION CONTROL PLAN
- C5-1 PRELIMINARY PLAT
- C8-1 CIVIL DETAILS
- C8-2 CIVIL DETAILS
- C8-3 CIVIL DETAILS
- L1-0 TREE PRESERVATION PLAN
- L2-0 LANDSCAPING PLAN
- L2-1 LANDSCAPING DETAILS

### VICINITY MAP



EXISTING	CIVIL LEGEND	PROPOSED
	SANITARY MANHOLE	
	STORM MANHOLE	
	CATCH BASIN	
	CULVERT	
	HYDRANT	
	GATE VALVE	
	POST INDICATOR VALVE	
	LIGHT POLE	
	POWER POLE	
	SIGN	
	BENCHMARK	
	SOIL BORING	
	WATER MANHOLE	
	TELEPHONE MANHOLE	
	UTILITY MANHOLE	
	ELECTRIC MANHOLE	
	WATER SERVICE	
	SANITARY SERVICE	
	HANDICAP PARKING	
	DIRECTION OF FLOW	
	SPOT ELEVATION	
	CONTOURS	
	SANITARY SEWER	
	STORM SEWER	
	WATERMAIN	
	FORCEMAIN	
	DRAIN TILE	
	SILT FENCE	
	CURB & GUTTER	
	RETAINING WALL	
	TREE LINE	
	EASEMENT LINE	
	SETBACK LINE	
	FENCE LINE	
	UNDERGROUND TOLE	
	UNDERGROUND GAS	
	OVERHEAD UTILITY	

### DESIGN CONSULTANTS

LANDSCAPE ARCHITECT  
LOUCKS ASSOCIATES  
365 E. KELLOGG BLVD.  
ST. PAUL, MINNESOTA 55101

BILL SANDERS  
TEL: 763-496-6784

CIVIL ENGINEER  
LOUCKS ASSOCIATES  
365 E. KELLOGG BLVD.  
ST. PAUL, MINNESOTA 55101

VICKI VANDELL  
TEL: 763-496-6720

### WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



CALL BEFORE YOU DIG

Gopher State One Call

TWIN CITY AREA: 651-454-0002  
TOLL FREE: 1-800-252-1166

Project Name:

HALCYON

11050 50th St. N.  
Lake Elmo, MN 55042

halcyoncemetry.com

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

7200 Hennock Lane - Suite 300  
Maple Grove, MN 55369  
Telephone: (763) 424-5505  
www.LoucksAssociates.com

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14530 C0-1 COVER SHEET.DWG/Cover

03/04/15 Revised City Submittal  
05/14/15 Watershed Submittal  
06/17/15 Final City Submittal

Professional Signature:

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.

*William D. Sanders*

12335

William D. Sanders

6/17/15

License No.

Date

Quality Control:

Project Lead: WS Drawn By: GAJ  
Checked By: WS Review Date: 06/17/15

C0-1	COVER SHEET / PROJECT LOCATION
C1-1	EXISTING CONDITIONS & REMOVALS
C2-1	SITE LAYOUT PLAN
C3-1	GRADING & DRAINAGE PLAN
C3-2	EROSION CONTROL PLAN
C4-1	UTILITY PLAN
C5-1	PRELIMINARY PLAT
C8-1, C8-2, C8-3	CIVIL DETAILS
L1-0	TREE PRESERVATION PLAN
L2-0	LANDSCAPING PLAN
L2-1	LANDSCAPING DETAILS

Sheet Title:

COVER SHEET

Project No.:

14530

Sheet No.:

C0-1



# Preliminary Plat of: HALCYON

## PRELIMINARY PLAT GENERAL NOTES

**SURVEYOR:**  
Loucks Associates, Inc.  
7200 Hemlock Lane, Suite 300  
Maple Grove, MN 55330  
763-424-5505

**OWNER/DEVELOPER:**  
GLCJ Properties, LLC  
1870 Rice Street  
Roseville, MN 55113  
651-308-2999

**LEGAL DESCRIPTION:**  
The South 660 feet of the West 660 feet of the Southwest Quarter of the Southwest Quarter, Section 1, Township 29 North, Range 21 West, Washington County, Minnesota.

**DATE OF PREPARATION:**  
February 27, 2015

**BENCHMARK:**  
Top nut of hydrant located at the northeast corner of Lake Elmo Avenue and 50th Street North as shown. Elev. = 933.90 (NAVD88)

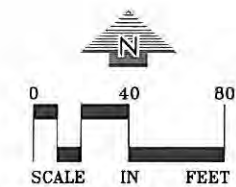
**EXISTING ZONING:**  
Zone RR (Rural Residential)

**PROPOSED ZONING:**  
Zone RR (Rural Residential)

**AREAS:**  
Total Property Area = 435,638 Sq.Ft. or 10.00 Acres  
Right of way Dedication Area = 54,354 Sq.Ft. or 1.25 Acres  
Net Property Area = 381,284 Sq.Ft. or 8.75 Acres

**PROPOSED BUILDING SETBACKS:**  
Front = 30 Feet  
Side (Corner) = 25 Feet  
Side (Interior) = 10 Feet  
Rear = 40 Feet

**FLOOD ZONE DESIGNATION:**  
This property is contained in Zone X (areas determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27163C0245E, effective date of February 3, 2010.



0 DENOTES 1/2 INCH X 14 INCH IRON MONUMENT SET, MARKED "RLS 17255"

■ DENOTES IRON MONUMENT FOUND

HORIZONTAL DATUM IS BASED ON WASHINGTON COUNTY COORDINATES

## SURVEY LEGEND

AS ASH	☼ CATCH BASIN	— STORM SEWER
BO BOXELDER	⊙ STORM MANHOLE	— WATERMAIN
CO COTTONWOOD	⊙ WATER WELL	— CULVERT
OA OAK	⊙ HYDRANT	— UNDERGROUND ELECTRIC
SP SPRUCE	⊙ GATE VALVE	— GAS UNDERGROUND GAS
BI TWIN TREES	⊙ LIGHT POLE	— UNDERGROUND TELEPHONE
TC TOP OF CURB	⊙ MAIL BOX	— CHAIN LINK FENCE
THSD THRESHOLD	⊙ GUARD POST	— WOOD FENCE
	⊙ SIGN	— CONCRETE CURB
	⊙ SPOT ELEVATION	— CONCRETE
	⊙ A/C UNIT	— CONTOUR
	⊙ TELEPHONE PEDESTAL	☼ CONIFEROUS TREE
	⊙ ELECTRIC METER	☼ DECIDUOUS TREE
	⊙ GAS METER	

Project Name

11050  
50th Street North

Lake Elmo, Minnesota

Owner/Developer

GLCJ Properties, LLC

1870 Rice Street  
Roseville, MN 55113

Professional Services:

**LOUCKS ASSOCIATES**

Planning • Civil Engineering • Land Surveying  
Landscape Architecture • Environmental

7200 Hemlock Lane - Suite 300  
Maple Grove, MN 55369  
Telephone: (763) 424-5505  
www.loucksassociates.com

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S14530-MASTER.DWG/PREPLAT

Revisions:

02-27-15 Drawing Issued

Professional Signature:

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 Land Surveyor or under the laws of the State of Minnesota.

Richard L. Licht - PLS

26724 February 27, 2015  
License No. Date

Quality Control:

Project Lead: RLL Drawn By: SFH

Checked By: Review Date:

Vicinity Map:



Sheet Title:

Preliminary  
Plat

Project No.

14-530

Sheet No.

C5-1

# HALCYON

**KNOW ALL PERSONS BY THESE PRESENTS:** That GLCJ Properties, LLC, a Minnesota limited liability company, owner of the following described property situated in the County of Washington, State of Minnesota, to wit:

The South 660 feet of the West 660 feet of the Southwest Quarter of the Southwest Quarter, Section 1, Township 29 North, Range 21 West.

Has caused the same to be surveyed and platted under Minnesota Statute 307.01 as HALCYON, and do hereby donate and dedicate to the public the thoroughfares as shown hereon.

In witness whereof said GLCJ Properties, LLC, a Minnesota limited liability company has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_

**GLCJ PROPERTIES, LLC**

By \_\_\_\_\_

its \_\_\_\_\_

Slate of \_\_\_\_\_  
County of \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ by \_\_\_\_\_ of GLCJ Properties, LLC, a Minnesota limited liability company, on behalf of the company.

(Signature) \_\_\_\_\_

(Printed Name) \_\_\_\_\_  
 Notary Public \_\_\_\_\_ County, \_\_\_\_\_  
 My Commission Expires January 31, 20\_\_\_\_

### SURVEYORS CERTIFICATION

I, Richard L. Licht, do hereby certify that I have surveyed and platted the property described on this plat under Minnesota Statute 307.01 as HALCYON, that this is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_

Richard L. Lich, Licensed Land Surveyor  
Minnesota License No. 26724

State of Minnesota  
County of Hennepin

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ by Richard L. Licht,  
a Licensed Land Surveyor.

(Signature)

Printed Name)  
Notary Public Hennepin County, Minnesota  
My Commission Expires January 31, 2020

**LAKE ELMO PLANNING COMMISSION**

Approved by the Planning Commission of the City of Lake Elmo, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

By \_\_\_\_\_  
Chair

By \_\_\_\_\_  
Secretary

**COUNTY SURVEYOR**

certify that this plat has been checked mathematically and approved the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

Washington County Surveyor

## COUNTY AUDITOR/TREASURER

There are no delinquent taxes, the current taxes due are payable for the year \_\_\_\_\_ have been paid and transfer has been entered this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_

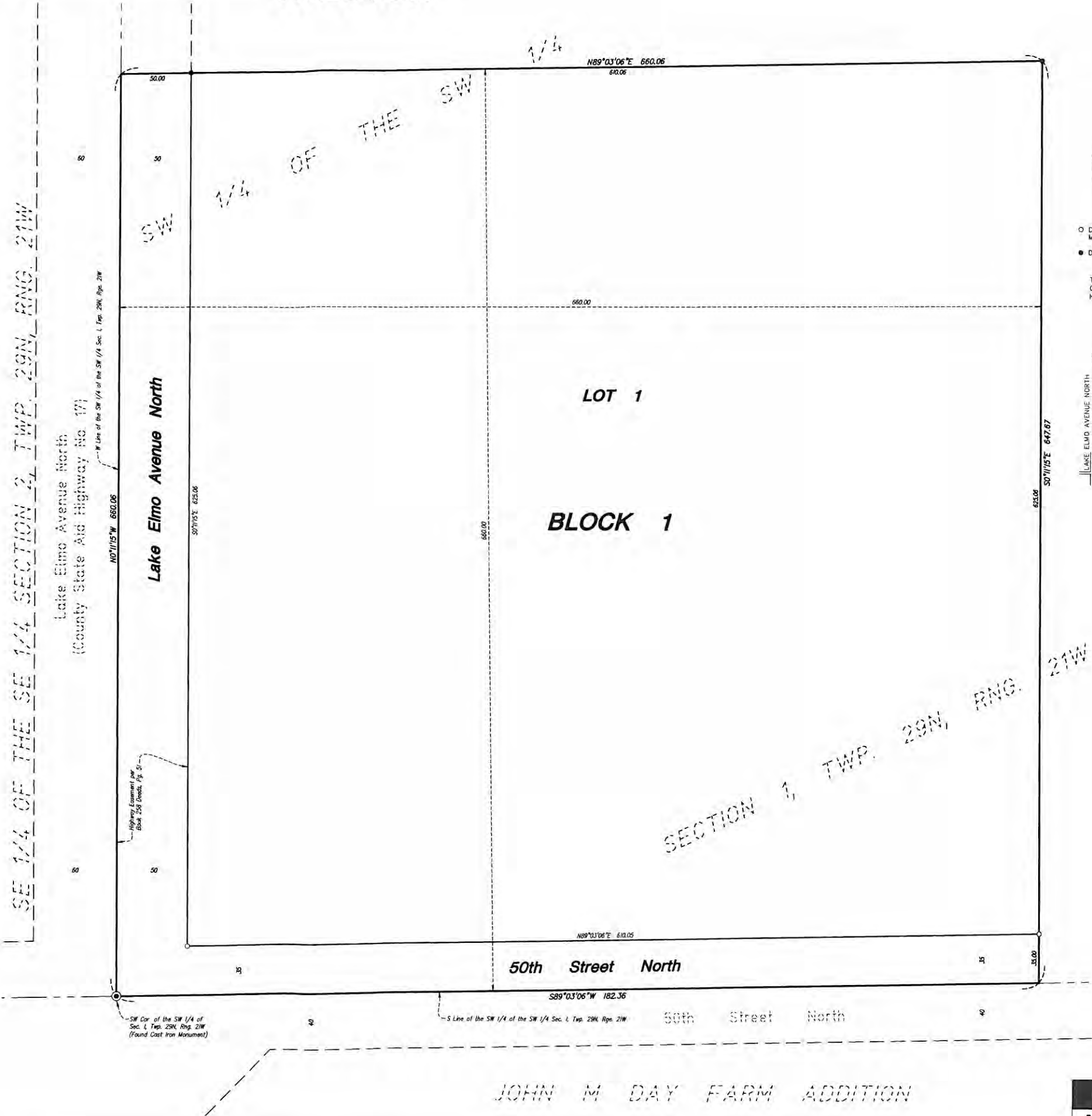
By \_\_\_\_\_  
Washington County Auditor/Treasurer

By \_\_\_\_\_  
Deputy

## COUNTY RECORDER, Washington County, Minnesota

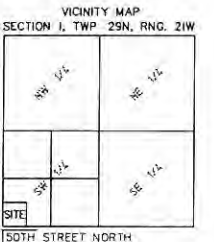
hereby certify that the within plat of HALCYON was recorded in this office this \_\_\_\_\_ day of \_\_\_\_\_  
01 \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M

By \_\_\_\_\_  
Washington County Recorder Deputy



• DENOTES 1/2 INCH X 14 INCH IRON MONUMENT SET, MARKED "RLS 26724"

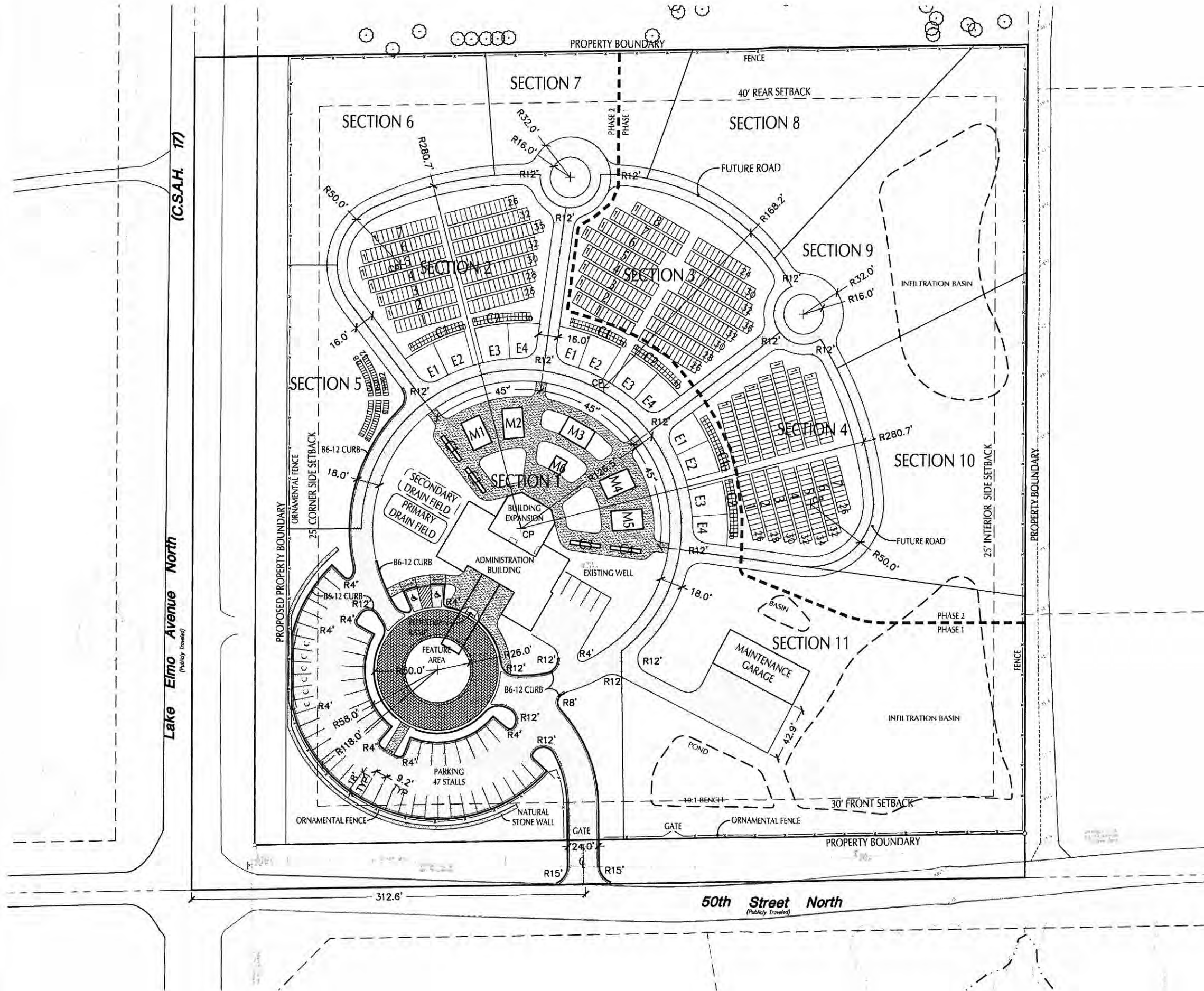
THE SOUTH LINE OF THE SW1/4  
OF THE SW1/4 IS ASSUMED TO  
HAVE A BEARING OF S89°03'06"W



JOHN M DAY FARM ADDITION

**LOUCKS  
ASSOCIATES**





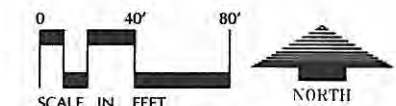
SITE LAYOUT PLAN:

LEGEND

- BITUMINOUS ROAD
- CONCRETE SURFACING
- PAVER SURFACING

BURIAL TOTALS

SECTION 1 -	MAUSOLEUM	322
	COLUMBARIUM	640
SECTION 2 -	IN-GROUND FULL	209
	IN-GROUND CREMATION	60
	ESTATE LOTS	48
SECTION 3 -	IN-GROUND FULL	209
	IN-GROUND CREMATION	60
	ESTATE LOTS	48
SECTION 4 -	IN-GROUND FULL	209
	IN-GROUND CREMATION	60
	ESTATE LOTS	48
SECTION 5 -	IN-GROUND INFANT	72
SECTION 6 -	FUTURE	
SECTION 7 -	FUTURE	
SECTION 8 -	FUTURE	
SECTION 9 -	FUTURE	
SECTION 10 -	FUTURE	
SECTION 11 -	FUTURE	
TOTAL		1985



Project Name

HALCYON  
11050 50th St. N.  
Lake Elmo, MN 55042

halcyoncemetery.com

Owner/Developer:

GLC 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  
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7200 Hennock Lane - Suite 300  
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14530 C2-1 LAYOUT PLAN.DWG/Layout Plan

03/04/15	Revised City Submittal
05/14/15	Watermarked Submittal
06/17/15	Final City Submittal

Professional Signature:

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.

William D. Smider

24610 6/17/15  
License No. Date

Quality Control:

CAJ

Project Lead: WS Drawn By: 06/17/15

Checked By: Review Date:

CB-1	COVER SHEET / PROJECT LOCATION
CL-1	EXISTING CONDITIONS & REMOVALS
C2-1	SITE LAYOUT PLAN
CL-1	GRADING & DRAINAGE PLAN
CL-2	EROSION CONTROL PLAN
CL-3	UTILITY PLAN
CL-4	PRELIMINARY PLAT
CL-5	CIVIL DETAILS
CL-6	TREE PRESERVATION PLAN
CL-7	LANDSCAPING PLAN
CL-8	LANDSCAPING DETAILS

Sheet Title:

PRELIMINARY  
SITE PLAN

Project No.

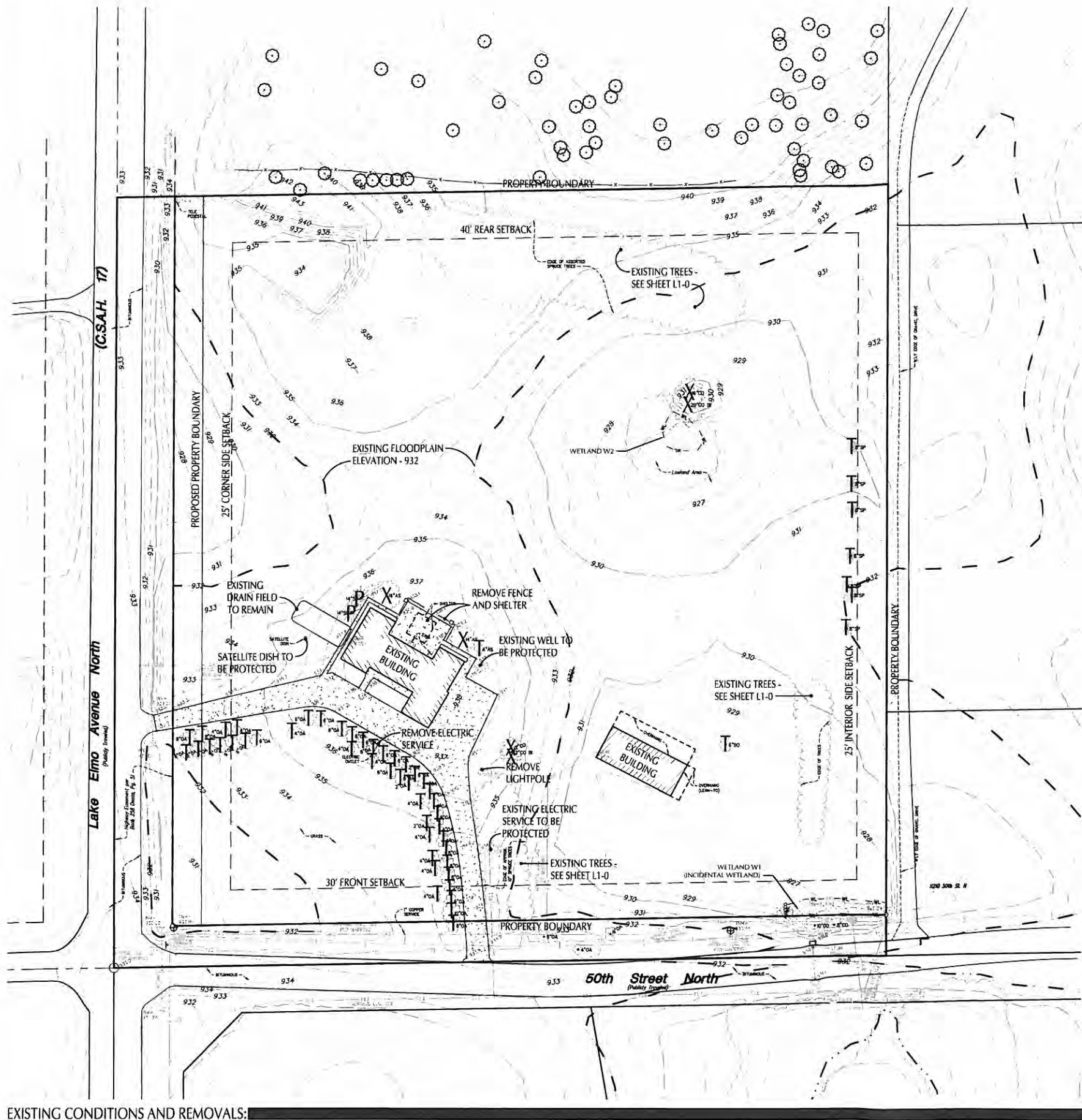
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Sheet No.:

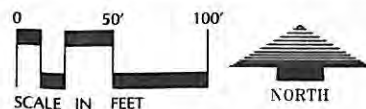
C2-1



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EXISTING CONDITIONS AND REMOVALS:

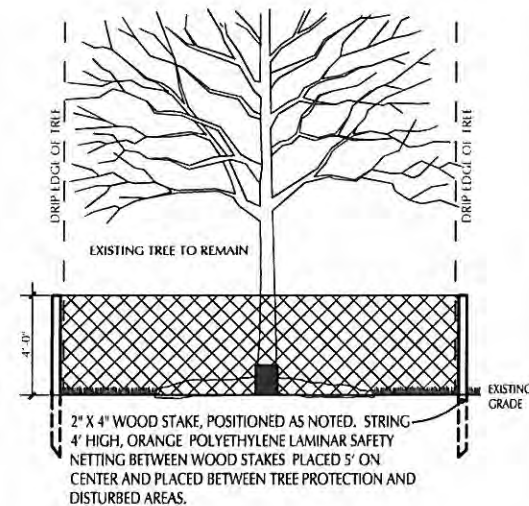


## REMOVALS / SITE PREPARATION NOTES:

1. REFER TO SHEET C3-2 FOR EROSION CONTROL PLAN AND ADDITIONAL NOTES.
2. CONTRACTOR SHALL VISIT THE SITE PRIOR TO SUBMITTING BID. INSPECT THE SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS RELATING TO THE NATURE AND SCOPE OF THE WORK.
3. ASSURE COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK OR MATERIALS SUPPLIED.
4. PREVENT SOIL FROM WASHING INTO THE STORM SEWER. ALL SEDIMENT AND EROSION CONTROL MEASURES AS REQUIRED BY STATE AND LOCAL CODES SHALL BE INSTALLED PRIOR TO ANY DEMOLITION OR EARTHWORK ACTIVITIES.
5. LOCATION AND SIZES OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE AND ARE SHOWN BASED ON FIELD LOCATION OF VIEWABLE FIXTURES. CONTRACTOR SHALL VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES WITH GOPHER ONE AND LOCAL UTILITY SERVICES. PROVIDE THE NECESSARY PROTECTION FOR EXISTING UTILITIES BEFORE CONSTRUCTION OR MATERIAL INSTALLATION BEGINS (MINIMUM 10' CLEARANCE).
6. NO CONSTRUCTION, DEMOLITION OR COMMERCIAL POWER MAINTENANCE EQUIPMENT SHALL BE OPERATED WITHIN THE CITY BETWEEN THE HOURS OF 6:00 PM AND 7:00AM ON WEEKDAYS OR DURING ANY HOURS ON SATURDAYS, SUNDAYS AND STATE AND FEDERAL HOLIDAYS, EXCEPT UNDER PERMIT.
7. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING SITE FEATURES TO REMAIN. ANY DAMAGE TO EXISTING SITE FEATURES SHALL BE REPORTED TO LANDSCAPE ARCHITECT AND OWNER PRIOR TO START OF CONSTRUCTION ACTIVITIES. ANY DAMAGE TO SAME SHALL BE REPAIRED AT NO COST TO THE OWNER.
8. LOCATIONS FOR STORING CONSTRUCTION EQUIPMENT AND MATERIALS SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT.
9. ALL CONSTRUCTION AND POST-CONSTRUCTION PARKING SHALL BE AS DIRECTED BY THE OWNER. NO ON-STREET PARKING / LOADING / UNLOADING ALLOWED.
10. SEE SHEETS L1-0 AND L2-0 - FOR ADDITIONAL TREE REMOVAL / TRANSPLANT INFORMATION

## LEGEND

- EXISTING CONTOUR
- EXISTING DECIDUOUS TREE TO BE TRANSPLANTED
- EXISTING TREE TO BE PROTECTED - SEE 2/C1-1
- EXISTING TREE TO BE REMOVED
- CONCRETE SURFACE TO BE REMOVED



TREE PROTECTION NOTE:  
INSTALL SNOW FENCE AROUND EACH TREE TO BE PROTECTED PRIOR TO GRADING. FENCE SHALL BE PLACED AT THE DRIP EDGE OR CRITICAL ROOT ZONES OF THE TREES. FENCING SHALL BE NO CLOSER THAN 6' TO THE TRUNK OF ANY TREE TO BE PROTECTED. THE PERIMETERS FOR TREES BEING PROTECTED SHALL BE DESIGNATED AT ALL TIMES DURING CONSTRUCTION ACTIVITY AND SIGNAGE SHALL BE INSTALLED AT ALL TREE PROTECTION AREAS THAT INSTRUCTS WORKERS TO STAY OUT. CONTRACTOR SHALL AVOID ALL AREAS WITHIN TREE PROTECTION FENCE. SOIL SHOULD BE PROTECTED FROM EROSION AND CHANGES IN CHEMISTRY FROM CONCRETE OR TOXIC MATERIALS SUCH AS FUELS AND PAINTS.

ALL DAMAGE TO TREES TO BE PROTECTED SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND LANDSCAPE ARCHITECT.

## 2 C1-1 TREE PROTECTION

SCALE: 1/2" = 1'-0"



CALL BEFORE YOU DIG

Gopher State One Call

TWIN CITY AREA: 651-454-0002  
TOLL FREE: 1-800-252-1166

Project Name:

HALCYON

11050 50th St. N.  
Lake Elmo, MN 55042

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14530 C1-1 REMOVALS.DWG/Removals

03/04/15	Revised City Submittal
05/14/15	Watershed Submittal
06/17/15	Final City Submittal

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William D. Smider

12335 6/17/15  
License No. Date

Quality Control:

CAJ

Project Lead: WS Drawn By: 06/17/15

Checked By: Review Date:

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C6-1 - C8-1	CIVIL DETAILS
L1-0	TREE PRESERVATION PLAN
L2-0	LANDSCAPING PLAN
L3-1	LANDSCAPING DETAILS

Sheet Title:

EXISTING CONDITIONS & REMOVALS

Project No.:

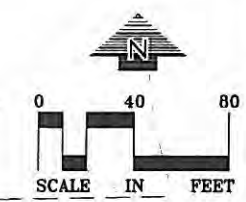
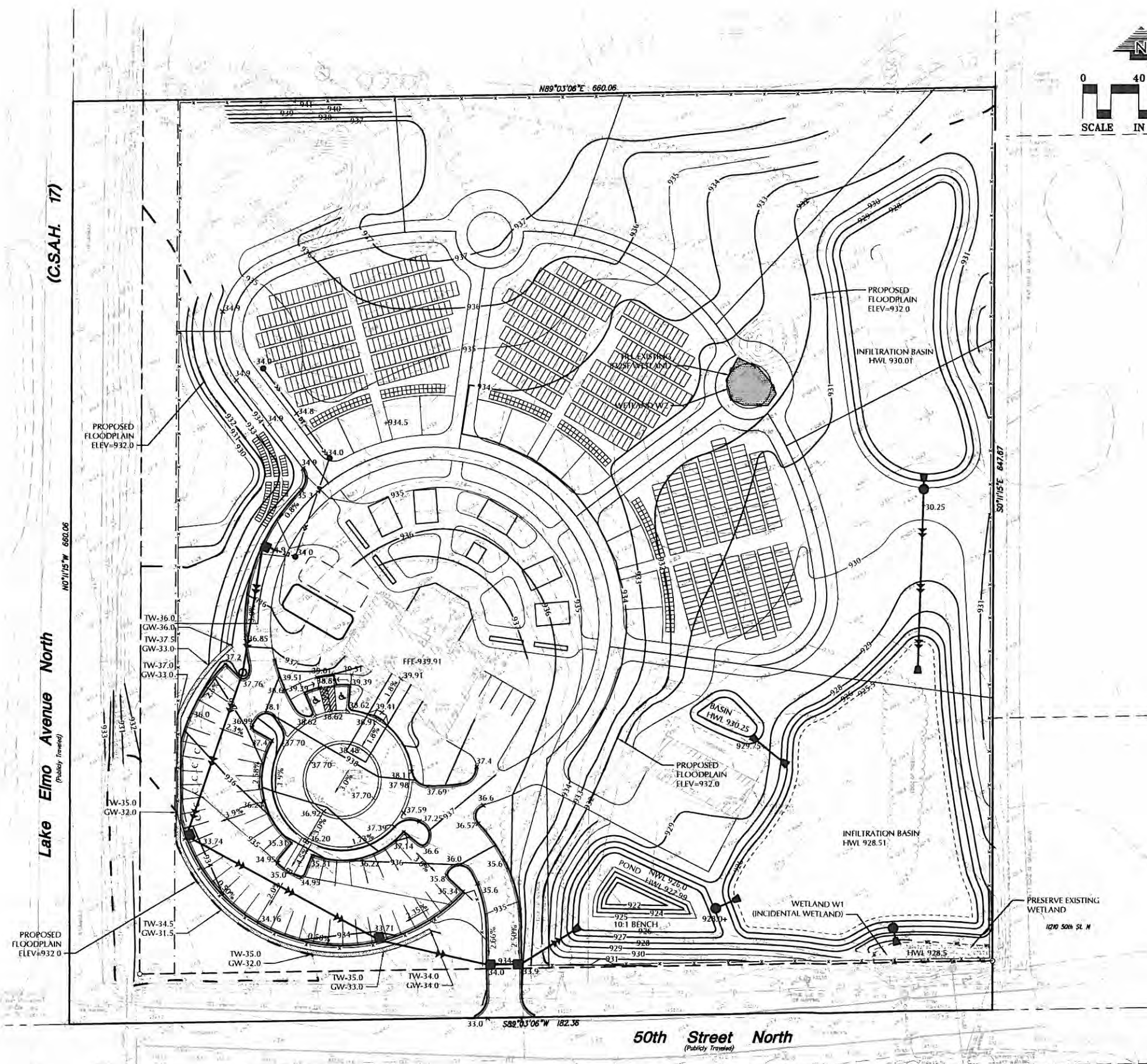
14530

Sheet No.:

C1-1



Plotted: 06/16/2015 10:09 AM W:\2014\14530\CADD\DATA\CIVIL\DWG\Sheet Plans



LEGEND	
EXISTING	PROPOSED
TOPOGRAPHIC CONTOUR	800
SPOT ELEVATION	X 800.0
DRAINAGE SLOPE	X.XX%
STORM SEWER	—+—+—+—
STORM MANHOLE	○
CATCH BASIN	●
SANITARY SEWER	—+—+—+—
WATERMAIN	—+—+—+—
BENCHMARK	⊕
EMERGENCY OVERTFLOW	—+—+—+—
CONSTRUCTION LIMITS	—+—+—+—

NOTE:  
CATCH BASINS RIMS ARE 2 INCHES LOWER  
THAN FLOW LINE ELEVATION.

NOTE:  
SPOT ELEVATIONS AT CURB LINES INDICATE  
BASE OF CURB AND GUTTER LINE (I.E. FLOW  
LINE) ELEVATIONS UNLESS OTHERWISE NOTED.

- GRADING PLAN NOTES**
1. BACKGROUND INFORMATION IS BASED ON A FIELD SURVEY BY LOUCKS ASSOCIATES AND RECORD UTILITY DRAWINGS FROM THE CITY OF LAKE ELMO. LOUCKS ASSOCIATES DOES NOT GUARANTEE THE ACCURACY OF INFORMATION PROVIDED BY OTHERS.
  2. THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF BUILDINGS, VESTIBULES, SLOPED PAVING, EXIT PORCHES, RAMPS, TRUCK DOCKS, ENTRY LOCATIONS AND LOCATIONS OF DOWNSPOUTS.
  3. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASE OF THIS PROJECT. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGES TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASE OF THIS PROJECT.
  4. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING THE PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
  5. BEFORE BEGINNING CONSTRUCTION THE CONTRACTOR SHALL INSTALL A TEMPORARY ROCK ENTRANCE PAD AT ALL POINTS OF VEHICLE EXIT FROM THE PROJECT SITE. SAID ROCK ENTRANCE PAD SHALL BE MAINTAINED BY THE CONTRACTOR FOR THE DURATION OF THE PROJECT.
  6. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE ESTABLISHED AROUND THE ENTIRE SITE PERIMETER AND IN ACCORDANCE WITH NPDES PERMIT REQUIREMENTS, BEST MANAGEMENT PRACTICES, AND CITY REQUIREMENTS.
  7. ALL SPOT ELEVATIONS SHOWN REPRESENT FINISHED SURFACE OR GUTTER LINE ELEVATIONS UNLESS OTHERWISE NOTED.
  8. CONTRACTOR TO VERIFY EXISTING INFORMATION PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF ANY PLAN DISCREPANCIES.
  9. EXISTING UTILITY LOCATIONS AS-PER CITY AS-BUILT PLANS AND FIELD SHOTS.
  10. SEE SHEET C3-2 FOR EROSION CONTROL INFORMATION.
  11. GENERAL CONTRACTOR MUST VERIFY ALL TIE IN GRADES.
  12. THE POND IS TO BE LINED BELOW 926.0 ELEVATION WITH 2' OF CLEAN CLAY COMPACTED TO 98%. CLAY MATERIAL PROVIDED NEEDS TO BE TESTED TO VERIFY QUALITY AND INFILTRATION RATE.

**WARNING**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

CALL BEFORE YOU DIG!

**Gopher State One Call**

TWIN CITY AREA: 651-454-0002  
TOLL FREE: 1-800-252-1166

Project Name: **HALCYON**

11050 50th St. N.  
Lake Elmo, MN 55042

halcyoncemetry.com

Owner/Developer:  
GLC 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  
7400 Hemlock Lane • Suite 300  
Maple Grove, MN 55369  
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Submital:  
03/04/15 Revised City Submittal  
05/14/15 Watershed Submittal  
06/17/15 Final City Submittal

Professional Signature:  
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.  
*John J. Jundt*  
4/952 License No. 6/17/15 Date

Quality Control:  
VJV WBS  
Project Lead: VJV Drawn By: VJV  
Checked By: VJV Review Date: 6/17/15

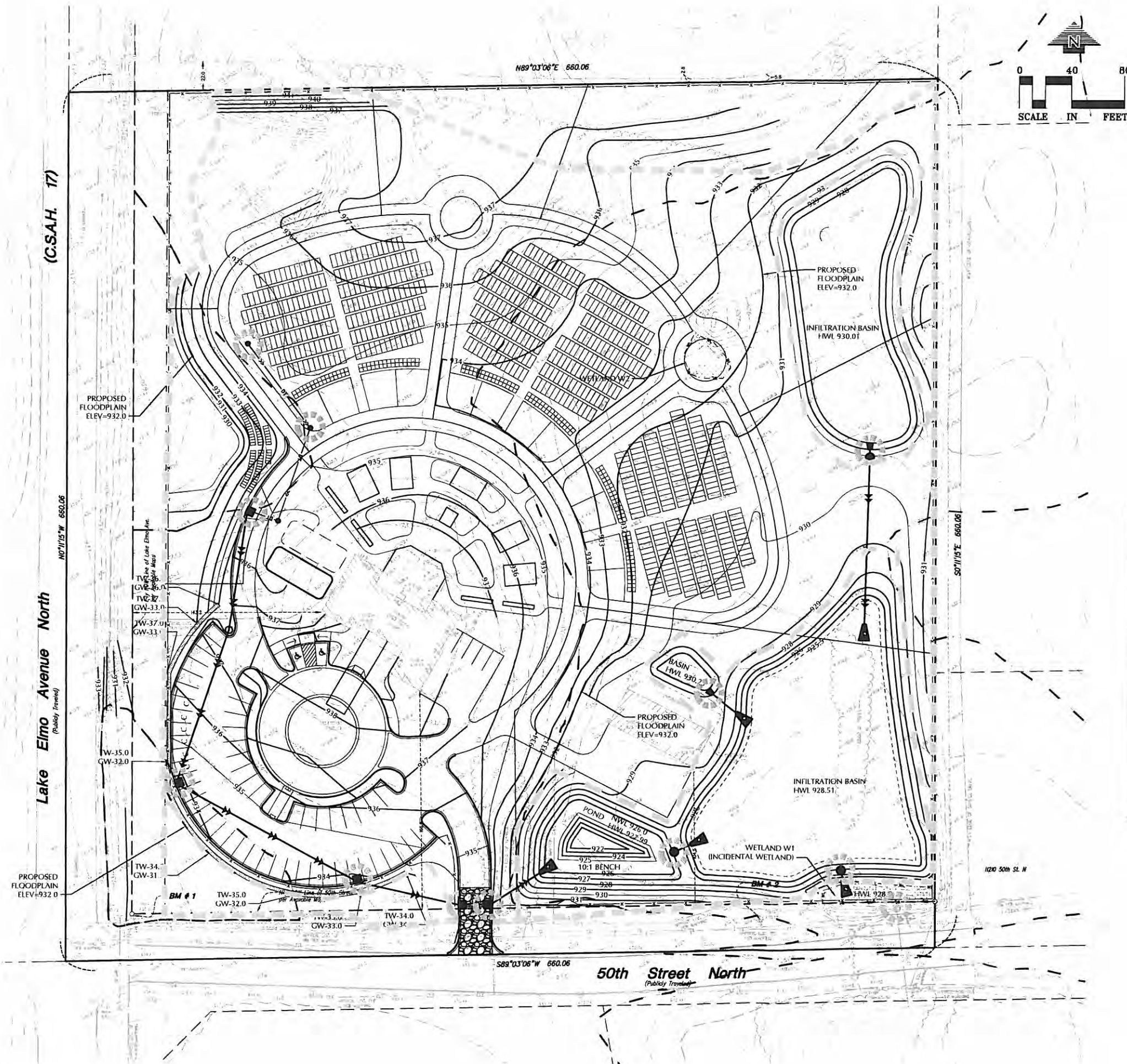
Sheet Index:  
C01 COVER SHEET / PROJECT LOCATION  
C11 EXISTING CONDITIONS & REMOVALS  
C21 SITE LAYOUT PLAN  
C31 GRADING & DRAINAGE PLAN  
C32 EROSION CONTROL PLAN  
C41 UTILITY PLAN  
C51 PRELIMINARY PLAN  
C61 - C63 CIVIL DETAILS  
L10 TREE PRESERVATION PLAN  
L20 LANDSCAPING PLAN  
L21 LANDSCAPING DETAILS

Sheet Title:  
**GRADING & DRAINAGE PLAN**

Project No.: 14530

Sheet No.: C3-1





EXISTING IMPERVIOUS	0.46 Acres
PROPOSED IMPERVIOUS	2.07 Acres
DISTURBED AREA	8 Acres

NOTE:  
SEE C8-2 FOR EROSION  
CONTROL NOTES & DETAILS

LEGEND	
EXISTING	PROPOSED
TOPOGRAPHIC CONTOUR	800
SPOT ELEVATION	X 800.0
DRAINAGE SLOPE	X XX%
STORM SEWER	—
STORM MANHOLE	○
CATCH BASIN	●
SANITARY SEWER	—
WATERMAIN	—
BENCHMARK	⊕
EMERGENCY OVERFLOW	~
CONSTRUCTION LIMITS	—
ADA ACCESSIBLE ROUTE	—
SILT FENCE	—
BASIN SILT FENCE	—
INLET PROTECTION	—

Project Name:

HALCYON

11050 50th St. N.  
Lake Elmo, MN 55042

halcyoncemetry.com

Owner/Developer:

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Lee Rossow

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

Professional Services:

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C:\14530\3-2.DWG/Layout1

Submit:

03/04/15	Revised City Submittal
05/14/15	Waterland Submittal
06/17/15	Final City Submittal

Professional Signature:

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.

*John J. Jandell*  
John J. Jandell  
4/952 License No. 6/17/15 Date

Quality Control:

WBS  
Project Lead: VJV  
Checked By: VJV  
Drawn By: VJV  
Review Date: 06/17/15

Sheet Index:

C8-1	COVER SHEET / PROJECT LOCATION
C1-1	EXISTING CONDITIONS & REMOVALS
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C3-1	GRADING & DRAINAGE PLAN
C3-2	EROSION CONTROL PLAN
C4-1	UTILITY PLAN
C5-1	PRELIMINARY PLAT
C8-1 + C8-2	CIVIL DETAILS
L1-1	TREE PRESERVATION PLAN
L2-1	LANDSCAPING PLAN
L2-2	LANDSCAPING DETAILS

Sheet Title:

EROSION CONTROL  
PLAN

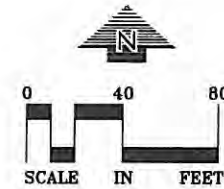
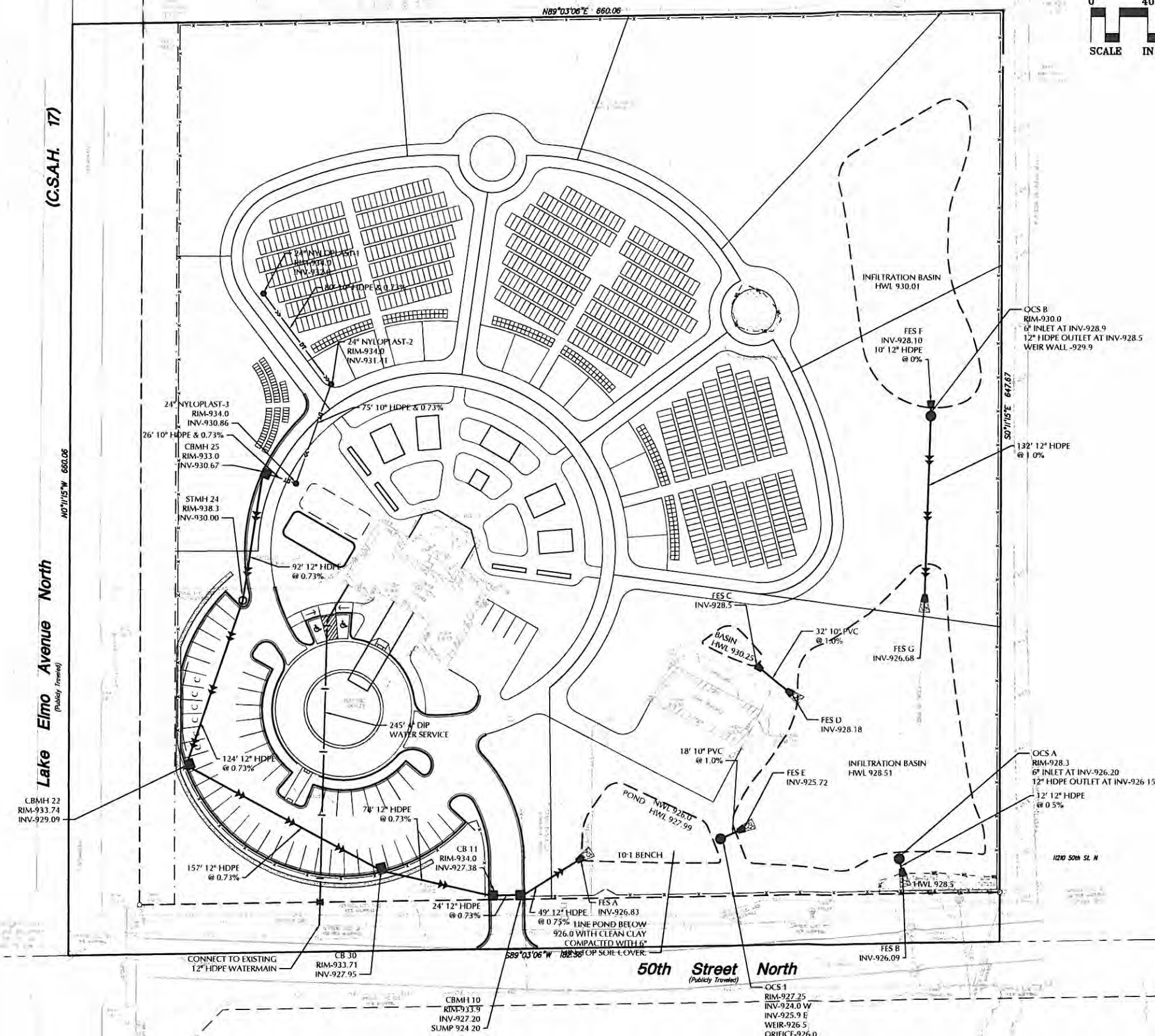
Project No.:

14530

Sheet No.:

C3-2





#### NOTES

- BACKGROUND INFORMATION IS BASED ON A FIELD SURVEY BY LOUCKS ASSOCIATES AND RECORD UTILITY DRAWINGS FROM THE CITY OF ELMO. LOUCKS ASSOCIATES DOES NOT GUARANTEE THE ACCURACY OF INFORMATION PROVIDED BY OTHERS.
- ALL SANITARY SEWER, STORM SEWER AND WATERMAIN UTILITIES SHALL BE FURNISHED AND INSTALLED PER THE REQUIREMENTS OF THE SPECIFICATIONS, THE CITY AND THE STANDARD UTILITIES SPECIFICATION OF THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM), 1999 EDITION. HDPE PIPE CONNECTIONS INTO ALL CONCRETE STRUCTURES SHALL BE MADE WITH WATER TIGHT MATERIALS, UTILIZING AN A-LOK OR WATERSTOP GASKET OR BOOT, CAST-IN-PLACE RUBBER BOOT, OR APPROVED EQUAL. WHERE THE ALIGNMENT PRECLUDES THE USE OF THE ABOVE APPROVED WATERTIGHT METHODS, CONSEAL 231 WATERSTOP SEALANT, OR APPROVED EQUAL WILL ONLY BE ALLOWED AS APPROVED BY THE ENGINEER. ALL SANITARY SEWER MAIN LINE SHALL BE SDR 35. ALL SANITARY SEWER SERVICES SHALL BE SDR 26.
- SEE SHEETS C8-1 - C8-3 AND THE CONTRACT SPECIFICATIONS FOR SPECIFIC UTILITY DETAILS AND UTILITY SERVICE DETAILS.
- ALL UTILITY PIPE BEDDING SHALL BE COMPACTED SAND OR FINE GRANULAR MATERIAL PER THE REQUIREMENTS OF THE CITY. ALL COMPACTION SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CEAM SPECIFICATION.
- THE CONTRACTOR SHALL NOTIFY GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION OR UNDERGROUND WORK.
- ADJUST ALL EXISTING STRUCTURES, BOTH PUBLIC AND PRIVATE TO THE PROPOSED GRADES WHERE DISTURBED AND COMPLY WITH ALL REQUIREMENTS OF THE UTILITY OWNERS. STRUCTURES BEING RESET TO PAVED AREAS MUST MEET OWNERS REQUIREMENTS FOR TRAFFIC LOADING.
- PROPOSED PIPE MATERIALS:  
STORM SEWER: 12\"/>
- STORM SEWER PIPE SHALL MEET OR EXCEED AASHTO M294 MINIMUM PIPE STIFFNESS PER ASTM D2412 60PSI FOR 8\"/>
- PROPOSED GAS, TELEPHONE & ELECTRIC SERVICES ARE APPROXIMATE LOCATIONS ONLY. COORDINATE EACH SERVICE WITH THE UTILITY OWNER AND GENERAL CONTRACTOR. IF ANY PROPOSED SERVICE LOCATION VARIES SIGNIFICANTLY OR CONFLICTS, THE ENGINEER MUST BE NOTIFIED PRIOR TO THE INSTALLATION OF THE SERVICE.
- THE REMOVAL OF EXISTING SERVICES WITHIN THE CONSTRUCTION LIMITS SHALL BE COORDINATED WITH THE GENERAL CONTRACTOR AND UTILITY OWNER. ADDITIONAL SERVICES MAY EXIST.

#### WARNING

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

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TWIN CITY AREA: 651-454-0002  
TOLL FREE: 1-800-252-1166

Project Name:

**HALCYON**

11050 50th St. N.  
Lake Elmo, MN 55042

halcyoncemetary.com

Owner/Developer:

GLC Properties, Inc.  
Lee Rossow  
1870 Rice St.  
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C14530 4-1.DWG/Layout1

Submittal:

03/04/15	Revised City Submittal
05/14/15	Waterline Submittal
06/17/15	Final City Submittal

Professional Signature:

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.

*[Signature]*  
4/15/15 License No. 6/17/15 Date

Quality Control:

Project Lead: **VJV** Drawn By: **WBS**  
Checked By: Review Date: **06/17/15**

Sheet Index:

C0-1	COVER SHEET / PROJECT LOCATION
C1-1	EXISTING CONDITIONS & REMOVALS
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C7-1	CIVIL DETAILS
C8-1	TREE PRESERVATION PLAN
C9-1	LANDSCAPING PLAN
C10-1	LANDSCAPING DETAILS

Sheet Title:

**UTILITY PLAN**

Project No.:

**14530**

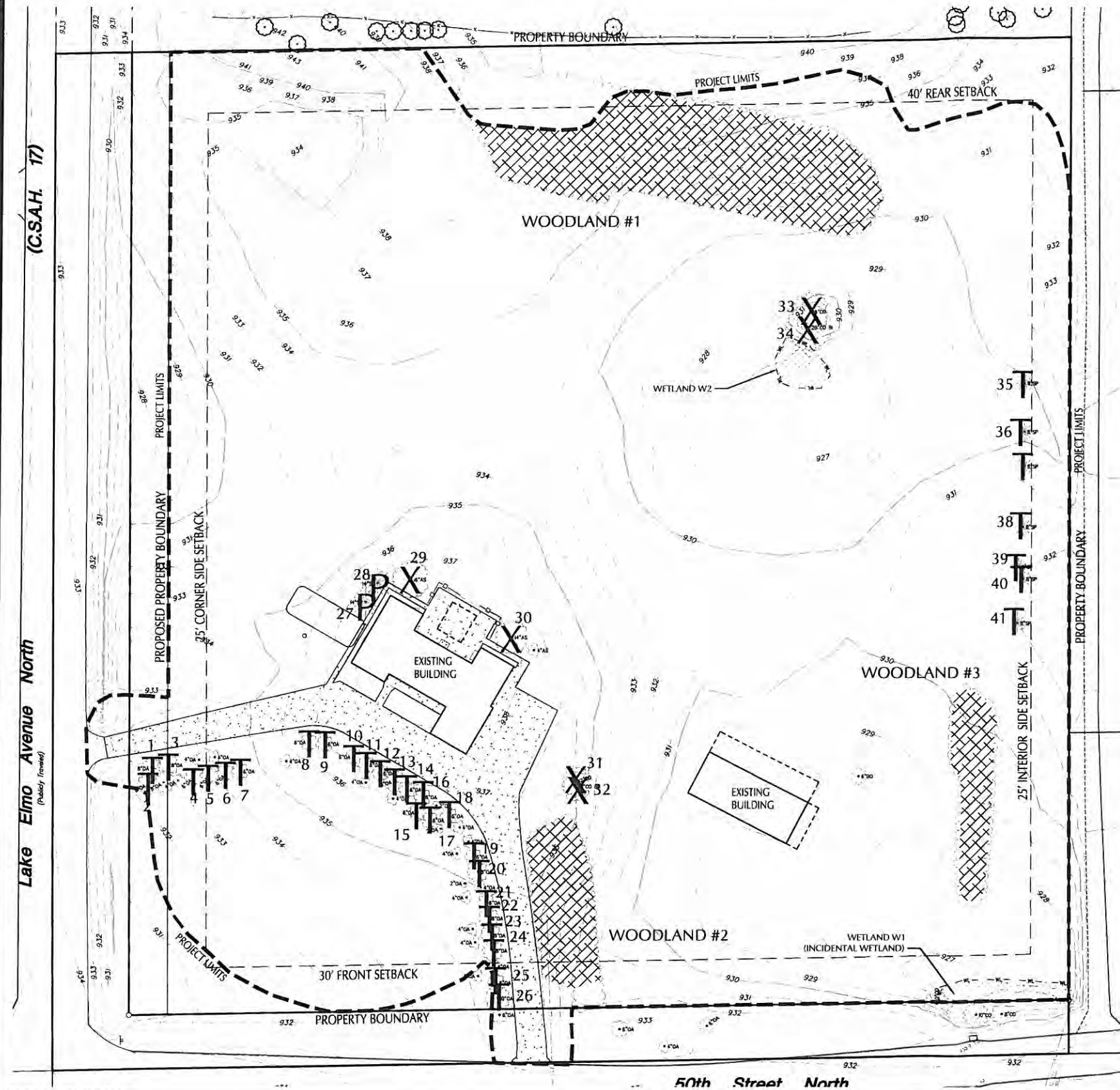
Sheet No.:

**C4-1**



(CSAH. 17)

Lake Elmo Avenue North  
(Publicly Trained)



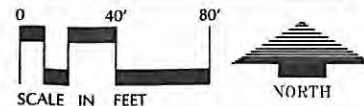
## TREE INVENTORY:

### LEGEND:

- X** SIGNIFICANT TREE TO BE REMOVED
- T** SIGNIFICANT TREE TO BE TRANSPLANTED
- P** SIGNIFICANT TREE TO BE SAVED / PROTECTED DURING CONSTRUCTION - SEE DETAIL 2/L1-0
- XXXX** SIGNIFICANT WOODLAND TREES TO BE TRANSPLANTED

### TREE INVENTORY SUMMARY:

EXISTING SIGNIFICANT TREES	187 (1550" TOTAL CAL. DIAM.)
30% ALLOWED REMOVAL	56 (465" TOTAL CAL. DIAM.)
SIGNIFICANT TREES TO BE REMOVED	35 (286" TOTAL CAL. DIAM.)
NO TREE MITIGATION IS REQUIRED	



## SIGNIFICANT TREE INVENTORY

TREE #	SPECIES	DIAM (IN.)	DISPOSITION
1	OAK	8	TRANSPLANT
2	OAK	8	TRANSPLANT
3	OAK	8	TRANSPLANT
4	OAK	6	TRANSPLANT
5	OAK	6	TRANSPLANT
6	OAK	6	TRANSPLANT
7	OAK	6	TRANSPLANT
8	OAK	6	TRANSPLANT
9	OAK	6	TRANSPLANT
10	OAK	6	TRANSPLANT
11	OAK	6	TRANSPLANT
12	OAK	6	TRANSPLANT
13	OAK	8	TRANSPLANT
14	OAK	6	TRANSPLANT
15	OAK	6	TRANSPLANT
16	OAK	6	TRANSPLANT
17	OAK	6	TRANSPLANT
18	OAK	6	TRANSPLANT
19	OAK	6	TRANSPLANT
20	OAK	8	TRANSPLANT
21	OAK	6	TRANSPLANT
22	OAK	8	TRANSPLANT
23	OAK	8	TRANSPLANT
24	OAK	8	TRANSPLANT
25	OAK	6	TRANSPLANT
26	OAK	10	TRANSPLANT
27	SPRUCE	14	SAVED
28	SPRUCE	14	SAVED
29	ASH	16	REMOVED
30	ASH	14	REMOVED
31	COTTONWOOD	12	REMOVED
32	COTTONWOOD	12	REMOVED
33	COTTONWOOD	16	REMOVED
34	COTTONWOOD	20	REMOVED
35	SPRUCE	8	TRANSPLANT
36	SPRUCE	8	TRANSPLANT
37	SPRUCE	8	TRANSPLANT
38	SPRUCE	8	TRANSPLANT
39	SPRUCE	8	TRANSPLANT
40	SPRUCE	8	TRANSPLANT
41	SPRUCE	8	TRANSPLANT
WOODLAND #1	SPRUCE	(17) @10	SAVED
	SPRUCE	(52) @10	TRANSPLANTED
	SPRUCE	(16) @10	REMOVE
WOODLAND #2	SPRUCE	(16) @10	TRANSPLANTED
	SPRUCE	(6) @10	REMOVE
WOODLAND #3	SPRUCE	(10) @10	TRANSPLANTED
	SPRUCE	(3) @10	REMOVED

### TREE INVENTORY NOTES:

SIGNIFICANT TREES LISTED ARE AS SHOWN ON THE BOUNDARY AND TOPOGRAPHICAL SURVEY DATED 1-5-15 BY LOUCKS ASSOCIATED (SEE ATTACHED)

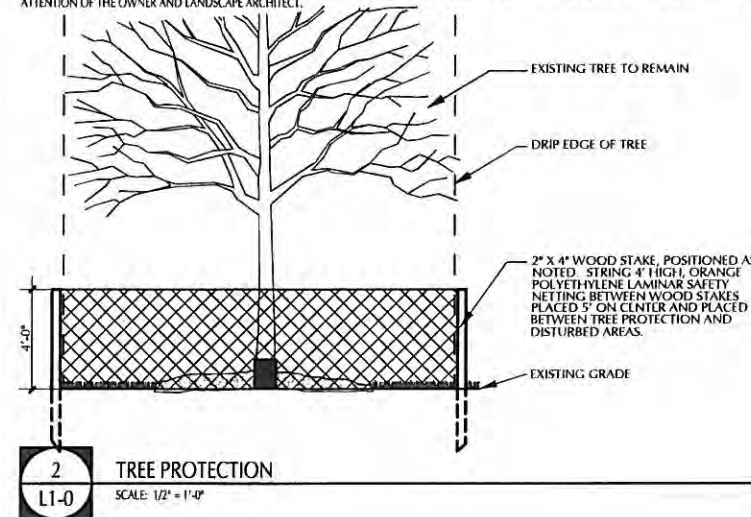
TRANSPLANTED TREE SPECIES WILL BE VERIFIED PRIOR TO FINAL SUBMITTAL. TREES LISTED AS OAK MAY ALSO INCLUDE WALNUT AND MAPLE SPECIES

WOODLAND TREE EVALUATION QUANTITIES ARE BASED ON 10" DIAM SPRUCE (TYP) AT APPROXIMATELY 15' O.C.

SEE SHEET L2-0 FOR PROPOSED STRUCTURES AND IMPERVIOUS SURFACE LOCATIONS

**TREE PROTECTION NOTE:**  
INSTALL SHOW FENCE AROUND EACH TREE TO BE PROTECTED PRIOR TO GRADING. FENCE SHALL BE PLACED AT THE DRIP EDGE OR CRITICAL ROOT ZONES OF THE TREES. FENCING SHALL BE NO CLOSER THAN 6" TO THE TRUNK OF ANY TREE TO BE PROTECTED. THE PERIMETERS FOR TREES BEING PROTECTED SHALL BE DESIGNATED AT ALL TIMES DURING CONSTRUCTION ACTIVITY AND SIGNAGE SHALL BE INSTALLED AT ALL TREE PROTECTION AREAS THAT INSTRUCTS WORKERS TO STAY OUT. CONTRACTOR SHALL AVOID ALL AREAS WITHIN TREE PROTECTION FENCE. SOIL SHOULD BE PROTECTED FROM EROSION AND CHANGES IN CHEMISTRY FROM CONCRETE OR TOXIC MATERIALS SUCH AS FUELS AND PAINTS.

THE CONTRACTOR SHALL HAVE "TREE PAINT" ON SITE AT ALL TIMES. IF AN OAK IS WOUNDED DURING CONSTRUCTION, THE CONTRACTOR MUST IMMEDIATELY APPLY PAINT TO THE WOUND IN ORDER TO PREVENT OAK WILT. ALL DAMAGE TO TREES TO BE PROTECTED SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND LANDSCAPE ARCHITECT.



Project Name:

**HALCYON**  
11050 50th St. N.  
Lake Elmo, MN 55042

halcyoncemetry.com

Owner/Developer:

GLC Properties, Inc.  
Lee Rossow  
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14530 L1-0 TREE PRESERVATION.DWG/Planting

03/04/15 Revised City Submittal  
05/14/15 Watershed Submittal  
06/17/15 Final City Submittal

Professional Signature:

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.

*William D. Spindler*

12335 License No. 06/17/15 Date

Quality Control:

Project Lead: WS Drawn By: GJ  
Checked By: Review Date: 06/17/15

C0-1 COVER SHEET / PROJECT LOCATION  
C1-1 EXISTING CONDITIONS & REMOVALS  
C2-1 SITE LAYOUT PLAN  
C3-1 GRADING & DRAINAGE PLAN  
C3-2 EROSION CONTROL PLAN  
C4-1 UTILITY PLAN  
C5-1 PRELIMINARY PLAT  
C6-1 - C6-3 CIVIL DETAILS  
L1-0 TREE PRESERVATION PLAN  
L2-0 LANDSCAPING PLAN  
L3-1 LANDSCAPING DETAILS

Sheet Title:

TREE PRESERVATION PLAN

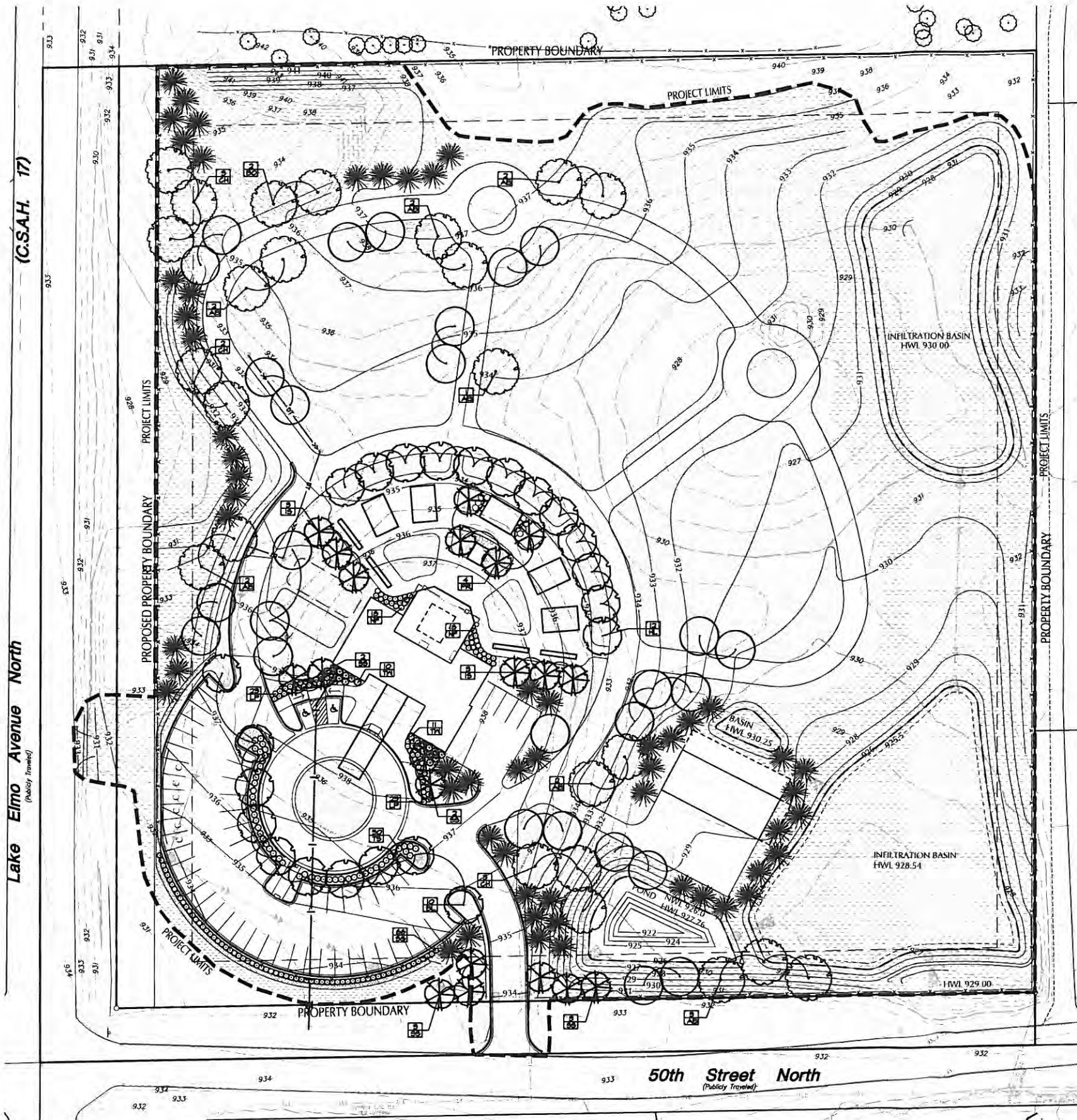
Project No.:

14530

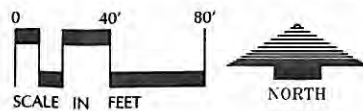
Sheet No.:

L1-0





PLANTING PLAN:



PLANT LIST:

	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	COMMENTS
OVERSTORY TREES					
BL	10	BOULEVARD LINDEN	Tilia americana "Boulevard"	2-1/2" CAL B.B.	
AB	12	AUTUMN BLAZE MAPLE	Acer x freemanii "Jeffersred"	2-1/2" CAL B.B.	
CH	10	COMMON HACKBERRY	Celtis occidentalis	2-1/2" CAL B.B.	
PO	12	IMPERIAL HONEYLOCUST	Quercus ellipsoidalis	2-1/2" CAL B.B.	
BO	2	BUR OAK	Quercus macrocarpa	6" - 10" CAL	
	26	OAK - TRANSPLANTS	Quercus x species	6" - 10" CAL	
ORNAMENTAL TREES					
SS	10	SPRING SNOW CRABAPPLE	Malus "Spring Snow"	2" CAL B.B.	
AF	4	PRAIRIE FIRE CRABAPPLE	Malus "Prairie Fire"	2" CAL B.B.	
IS	6	IVORY SILK LILAC	Syringa reticulata "Ivory silk"	2" CAL B.B.	
EVERGREEN TREES					
	61	SPRUCE - TRANSPLANTS	Picea x species	15'-25' HT	
CONIFEROUS SHRUBS					
SG	66	SEA GREEN JUNIPER	Juniperus chinensis "Sea Green"	#5 CONT	4' O.C.
TY	21	TAUNTON YEW	Taunton x media "Taunton"	#5 CONT	3-1/2' O.C.
DECIDUOUS SHRUBS					
NF	36	NEON FLASH SPIREA	Spiraea japonica "Neon Flash"	#2 CONT	4' O.C.
LP	48	LITTLE PRINCESS SPIREA	Spiraea japonica "Little Princess"	#2 CONT	3' O.C.
TS	50	TOR SPIREA	Spiraea betulifolia "Tor"	#2 CONT	3' O.C.
PERENNIALS / GRASSES					
KF	52	KARL FOERSTER GRASS	Calamagrostis acutiflora "Karl Foerster"	#1 CONT	2' O.C.
SD	90	STELLA DE ORO DAYLILY	Hemerocallis "Stella de Oro"	#1 CONT	2' O.C.

LANDSCAPE REQUIREMENTS:

1 TREE PER 50 LF. OF STREET FRONTAGE - 1210 LF — 25 TREES  
5 TREES PER 1 ACRE OF DISTURBED LAND - 8.5 ACRES — 45 TREES  
TOTAL TREES REQUIRED — 70 TREES

PROPOSED PLANT TOTALS:

OVERSTORY TREES - NEW — 44  
OVERSTORY TREES - TRANSPLANT — 26  
ORNAMENTAL TREES — 20  
CONIFEROUS TREES - TRANSPLANT — 61  
SHRUBS — 221  
PERENNIALS / GRASSES — 142

GENERAL NOTES:

- CONTRACTOR SHALL VISIT SITE PRIOR TO SUBMITTING BID. HE SHALL INSPECT SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS RELATING TO THE NATURE AND SCOPE OF WORK.
- VERIFY LAYOUT AND ANY DIMENSIONS SHOWN AND BRING TO THE ATTENTION OF THE LANDSCAPE ARCHITECT ANY DISCREPANCIES WHICH MAY COMPROMISE THE DESIGN AND/OR INTENT OF THE PROJECT'S LAYOUT.
- ASSURE COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK OR MATERIALS SUPPLIED.
- CONTRACTOR SHALL PROTECT ALL EXISTING ROADS, CURBS/GUTTERS, TRAILS, TREES, LAWNS AND SITE ELEMENTS TO REMAIN DURING PLANTING OPERATIONS. ANY DAMAGE TO SAME SHALL BE REPAIRED AT NO COST TO THE OWNER.
- CONTRACTOR SHALL VERIFY ALIGNMENT AND LOCATION OF ALL UNDERGROUND AND ABOVE GRADE UTILITIES AND PROVIDE THE NECESSARY PROTECTION FOR SAME BEFORE CONSTRUCTION / MATERIAL INSTALLATION BEGINS (MINIMUM 10' - 0" CLEARANCE).
- ALL UNDERGROUND UTILITIES SHALL BE LAID SO THAT TRENCHES DO NOT CUT THROUGH ROOT SYSTEMS OF ANY EXISTING TREES TO REMAIN.
- EXISTING CONTOURS, TRAILS, VEGETATION, CURB/GUTTER AND OTHER EXISTING ELEMENTS BASED UPON INFORMATION SUPPLIED TO LANDSCAPE ARCHITECT BY OTHERS. CONTRACTOR SHALL VERIFY ANY AND ALL DISCREPANCIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.

LEGEND:

- OVERSTORY TREE
- TRANSPLANTED OAK
- ORNAMENTAL TREE
- TRANSPLANTED SPRUCE
- SHRUB BED
- PERENNIAL BED
- TURF SEED
- NATIVE SEED MIX - MNDOT #35-221

Project Name:

HALCYON  
11050 50th St. N.  
Lake Elmo, MN 55042

halcyoncemetary.com

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

7200 Hemlock Lane - Suite 300  
Maple Grove, MN 55369  
Telephone: (763) 424-5505  
www.LoucksAssociates.com

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CADD Qualification:

CADD files prepared by the Consultant for this project are instruments of the Consultant's professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written consent by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All traditional or non-traditional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

14530 L2-0 LANDSCAPE PLAN.DWG/Planting

03/04/15 Revised City Submittal  
05/14/15 Watershed Submittal  
06/17/15 Final City Submittal

Professional Signature:

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.

William D. Smider

12335 06/17/15  
License No. Date

Quality Control:

Project Lead: WS Drawn By: GJA  
Checked By: Review Date: 06/17/15

C0-1 COVER SHEET / PROJECT LOCATION  
C1-1 EXISTING CONDITIONS & REMOVALS  
C2-1 SITE LAYOUT PLAN  
C3-1 GRADING & DRAINAGE PLAN  
C3-2 EROSION CONTROL PLAN  
C4-1 UTILITY PLAN  
C5-1 PRELIMINARY PLAT  
C6-1 - C6-3 CIVIL DETAILS  
L1-0 TREE PRESERVATION PLAN  
L2-0 LANDSCAPING PLAN  
L3-1 LANDSCAPING DETAILS

Sheet Title:

LANDSCAPE PLAN

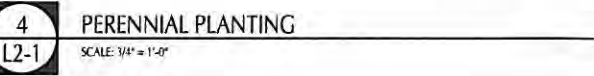
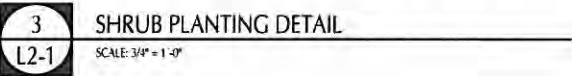
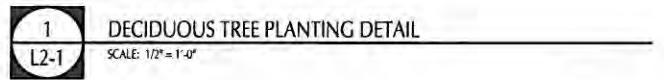
Project No.:

14530

Sheet No.:

L2-0





21. CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM THE DATE OF OWNER ACCEPTANCE.

22. WARRANTY (ONE FULL GROWING SEASON) FOR LANDSCAPE MATERIALS SHALL BEGIN ON THE DATE OF ACCEPTANCE BY THE LANDSCAPE ARCHITECT AFTER THE COMPLETION OF PLANTING OF ALL LANDSCAPE MATERIALS. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.

23. REPRODUCIBLE AS-BUILT DRAWING(S) OF ALL LANDSCAPE INSTALLATION AND SITE IMPROVEMENTS UPON COMPLETION OF CONSTRUCTION INSTALLATION AND PRIOR TO PROJECT ACCEPTANCE.

24. THE APPROPRIATE DATES FOR SPRING PLANT MATERIAL INSTALLATION AND SOD PLACEMENT IS FROM THE TIME GROUND HAS THAWED TO JUNE 15. FALL SODDING IS GENERALLY ACCEPTABLE FROM AUGUST 15 - NOVEMBER 1. FALL CONIFEROUS PLANTING MAY OCCUR FROM AUGUST 15 - OCTOBER 1 AND FALL DECIDUOUS PLANTING FROM THE FIRST FROST UNTIL NOVEMBER 15. PLANTING OUTSIDE THESE DATES IS NOT RECOMMENDED. ANY ADJUSTMENT MUST BE APPROVED IN WRITING BY THE LANDSCAPE ARCHITECT.

25. LANDSCAPE CONTRACTOR SHALL ESTABLISH TO HIS SATISFACTION THAT SOIL AND COMPACTION CONDITIONS ARE ADEQUATE TO ALLOW FOR PROPER DRAINAGE AT AND AROUND THE BUILDING SITE

# 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. 651.300.4283

Date: July 8, 2015

To: Nick Johnson, City Planner  
Cc: Kyle Klatt, Planning Director  
From: Jack Griffin, P.E., City Engineer

Re: Halcyon Cemetery  
Preliminary and Final Plan Review

An engineering review has been completed for the Halcyon Cemetery Preliminary-Final Plat, and Construction Plans. The submittal consisted of the following documentation prepared by Loucks Associates, dated January 5, 2015:

- Site Plan and Preliminary Plat dated June 17, 2015.
- Construction Plans for Parking, Grading, Drainage, Erosion Control and Utilities dated June 17, 2015.
- Tree Preservation Pland and Landscape Plan dated June 17, 2015.
- Stormwater Management Plan dated May 14, 2015.

### STATUS/FINDINGS: Engineering has prepared the following review comments and conditions for Final Plat:

#### PRELIMINARY / FINAL PLAT

- The Final Plat must be revised to include an additional 25 feet R/W along CSAH 17 (Lake Elmo Avenue) as required by Washington County (75 feet from CSAH 17 centerline).
- An 80 foot R/W with 10 foot utility easements immediately outside of the R/W is the recommended minimum corridor plan for 50<sup>th</sup> Street as a Municipal State Aid major collector roadway.
  - The Final Plat must include an additional 5 feet R/W along 50<sup>th</sup> Street so that the 50<sup>th</sup> Street R/W is a total of 80 feet. The proposed plat of 35 feet must be revised to 40 feet.
  - The Final Plat must include a 10 foot utility easement along the full length of the south property line, located just outside of the 50<sup>th</sup> Street R/W.
- The Final Plat must include additional R/W at the intersection of CSAH 17 and 50<sup>th</sup> Street to accommodate a sight line triangle similar to the sight triangle at the southeast corner of this intersection.
- The Final Plat must be contingent upon the applicant providing written documentation demonstrating adequate wastewater management facilities for the proposed land use. Minimum documentation must include:
  - If the existing system is to continue in use, submit to the City a compliance inspection report that has been reviewed and approved by Washington County.
  - Provide water use data used to size the current and secondary ISTS systems for the property.
  - Provide percolation testing indicating that the proposed locations are suitable for the proposed use.
  - Provide to the City a copy of Washington County's ISTS system approvals, including conditions.

- The storm water ponds, infiltration basins and all storm sewer are to be privately owned and maintained by the property owner with this responsibility recorded to run with the property ownership. These facilities have not been designed to meet City design standards for storm sewer or storm water management facilities. The Final Plat must be conditioned upon the applicant executing an agreement to own, operate and maintain the storm sewer and storm water facilities proposed on the site and recording this agreement with the property.

CONSTRUCTION PLANS: The following engineering review comments must be addressed prior to any construction work on the property.

- Provide plan notes on Sheet C3-1, C3-2 and C4-1 calling out measures to protect both the existing and proposed drainfield sites throughout the construction process.
- Sheet C4-1, Utility Plan: Add note that all storm sewer pipe and storm water facilities are to be privately owned and maintained.
- Sheet C4-1, Utility Plan: Update all Plan Notes to be pertinent and consistent with the proposed Utility Plan. Generic notes appear to be inconsistent or irrelevant to this project.
- Replace all City Standard Details and Plan Notes with the updated Details and Plan Notes dated February 2015.
- Sheet C8-1, Civil Details: Remove details 3003 and 3013. The City Standard Detail No. 605 and 604 respectively must be used as shown on Sheet C8-2.
- The Construction Plans must be updated with field verified utility locations with the plans resubmitted for engineering review and approval prior to the start of construction. The applicant must complete a Gopher State One call and utility locate and field survey all utilities to finalize the construction plans. All notes referring to utility information being provided by others must be removed from the plans.
- The Tree Protection detail on Sheet C1-1 and Sheet L1-0 must be replaced with the City standard detail 904.

LANDSCAPE PLANS: This engineering review does not include a review of the proposed Landscape Plans, however the following comments are noted.

- The landscape plan must be revised to provide maintenance access for the storm water pond adjacent to the entrance driveway.
- The landscape plan must be revised to relocate trees planted directly over the proposed utilities. Revisions must be made to address these conflicts to maintain a minimum 5 foot separation.



**Station #1**  
3510 Laverne Ave. No.  
Lake Elmo, MN 55042  
651-770-5006



**Station #2**  
4259 Jamaca Ave. No.  
Lake Elmo, MN. 55042  
651-779-8882

---

**LAKE ELMO FIRE DEPARTMENT**

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July 7, 2015

**Review of the PRELIMINARY AND FINAL PLAT – CEMETARY**

Following a review of the packet provided, I have questions and concerns related to the following:

- Hydrant placement/spacing. This being a commercial property, we must adhere to the 350' spacing. I did not see any indication of hydrants on the drawings I had.
- FD will also need to approve the placement of the FDC (Fire Department Connection) as it relates to the fire sprinkler suppression system.
- Designation of "Fire Lanes" and possibly "No Parking" area to ensure proper access for emergency vehicles to all areas at all times.
- Adequate overhead clearance of driveway canopy for ambulance and fire vehicles.
- Proper turning radius's at all corners to allow emergency vehicles to access all areas of the facility.

Sincerely,

Greg Malmquist, Fire Chief

*"Proudly Serving Neighbors & Friends"*



**Public Works Department**

Donald J. Theisen, P.E.  
Director

Wayne H. Sandberg, P.E.  
Deputy Director/County Engineer

July 7, 2015

Nick Johnson  
City Planner  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, MN 55042

**RE: Washington County comments on the plans and plat for Halcyon**

Dear Mr. Johnson,

Thank you for providing Washington County with the plans and plat for Halcyon. Based on review of the plans, we offer the following comments and recommendations to consider as you process this application through the City of Lake Elmo:

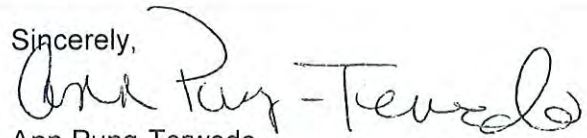
- The plans identify a retaining wall at the west edge of the parking lot along the future right-of-way line of CSAH 17/Lake Elmo Avenue. In order to construct the retaining wall, work from the county road right-of-way will be necessary. Also, the retaining wall must be located outside the road right-of-way so it will be necessary to stake the property line to verify the location.

A detailed construction plan set of the wall should be prepared and submitted with a Washington County Right-of-Way Permit application.

- The existing driveway access on Lake Elmo Avenue should be removed as a condition of approval. The plan to remove the driveway can be included in the permit application noted above.
- The Plat of Halcyon is included in the application package. The final plat should include the additional 25 feet required for CSAH 17/Lake Elmo Avenue. Currently, there is 100 feet of right-of-way (50 feet from the centerline). The Washington County Comprehensive Plan 2030, Right-of-Way requirement is 150 feet (75 feet from the centerline).
- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right of way will not increase as part of the project.
- A copy of the Valley Branch Watershed Permit shall be submitted to our office.

Halcyon  
July 7, 2015  
Page 2

Thank you for the opportunity to comment on this plan. If you have any questions, please contact me at 651-430-4362 or [ann.pung-terwedo@co.washington.mn.us](mailto:ann.pung-terwedo@co.washington.mn.us). For permit applications, please contact Carol Hanson at [Carol.hanson@co.washington.mn.us](mailto:Carol.hanson@co.washington.mn.us).

Sincerely,  
  
Ann Pung-Terwedo  
Senior Planner

C: Carol Hanson, Office Specialist

R/Plat Reviews/City of Lake Elmo/Halcyon 7-7-2015



# **VALLEY BRANCH WATERSHED DISTRICT PERMIT APPLICATION**

TO BE COMPLETED BY VBWD:

PERMIT NUMBER 2015-04  
 PERMIT FEE RECEIVED \$1,000 (\$2,347 still required)  
 DATE RECEIVED December 30, 2014

Return application to  
 John Hanson  
 Barr Engineering Company  
 Engineers for the Valley Branch Watershed District  
 4700 West 77<sup>th</sup> Street  
 Edina, MN 55435-4803



A permit fee shall accompany this permit, unless waived by the Board of Managers.  
 (Governmental Bodies are not required to pay a fee.)

Project Information		Applicant Information	
Name of Project:		Name:	
Purpose of Project:		GLCT PROPERTIES	
H A L C Y O N		Address:	
Project Location (street address, if known; otherwise, major intersection):		1870 RICE ST	
11050 60TH ST N		City, State, Zip:	
City or Township: LAKE ELMO		ST PAUL, MN	
Legal Description (proof of ownership required):		Phone: 651-308-2999	
PID:		Fax:	
Section: Township: Range:		Email:	
Project Timeline: Start Date: 2-1-15		337 Q LACH, NET	
Completion Date: 9-1-15			
Authorized Agent Information		Owner Information (if different than Applicant)	
Name:		Name: LEE ROSSOW	
Business Name:		Address:	
Address:		4416 RIVER RD S	
City, State, Zip:		City, State, Zip:	
		AFTON, MN 55001	
Phone:		Phone: SAME	
Fax:		Fax:	
Email:		Email:	

Once a Valley Branch Watershed District permit has been approved, the permit conditions will be attached to the back of this form.

By signing this permit application, the permit applicant, his/her agent, and owner (hereinafter "Permittee") shall abide by all the conditions set by the Valley Branch Watershed District (VBWD). All work which violates the terms of the permit by reason of presenting a serious threat of soil erosion, sedimentation, or an adverse effect upon water quality or quantity, or violating any rule of the VBWD may result in the VBWD issuing a Stop Work Order which shall immediately cause the work on the project related to the permit to cease and desist. All work on the project shall cease until the permit conditions are met and approved by the VBWD representatives. In the event Permittee contests the Stop Work Order issued by the VBWD, Permittee shall attend a VBWD Board of Managers meeting and discuss the project. Any attorney fees, costs, or other expenses incurred on behalf of the VBWD in enforcing the terms of the permit shall be the sole expense of the permit applicant. Costs shall be payable from the permit applicant's permit fee. If said fees exceed the permit amount, the Permittee shall have ten (10) days from the date of receipt of the invoice from the VBWD to pay for the cost incurred in enforcing the permit, by which to pay the VBWD for said costs. If costs are not paid within the ten (10) days, the VBWD will draw on the permit applicant's surety. The Permittee agrees to be bound by the terms of the final permit and conditions required by the VBWD for approval of the permit. The permit applicant further acknowledges that he/she has the authority to bind the owner of the property and/or any entity performing the work on the property pursuant to the terms of the VBWD permit, and shall be responsible for complying with the terms of the VBWD permit.

**Signatures (Required):**

12-30-2014      Lee Rossow 12-30-14  
 Applicant/Date      Owner (if different than Applicant)/Date      Owner's Authorized Agent/Date



LINCOLN FETCHER • DAVID BUCHECK • DONALD SCHEEL • DALE BORASH • RAY LUCKSINGER


VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

www.vbwd.org

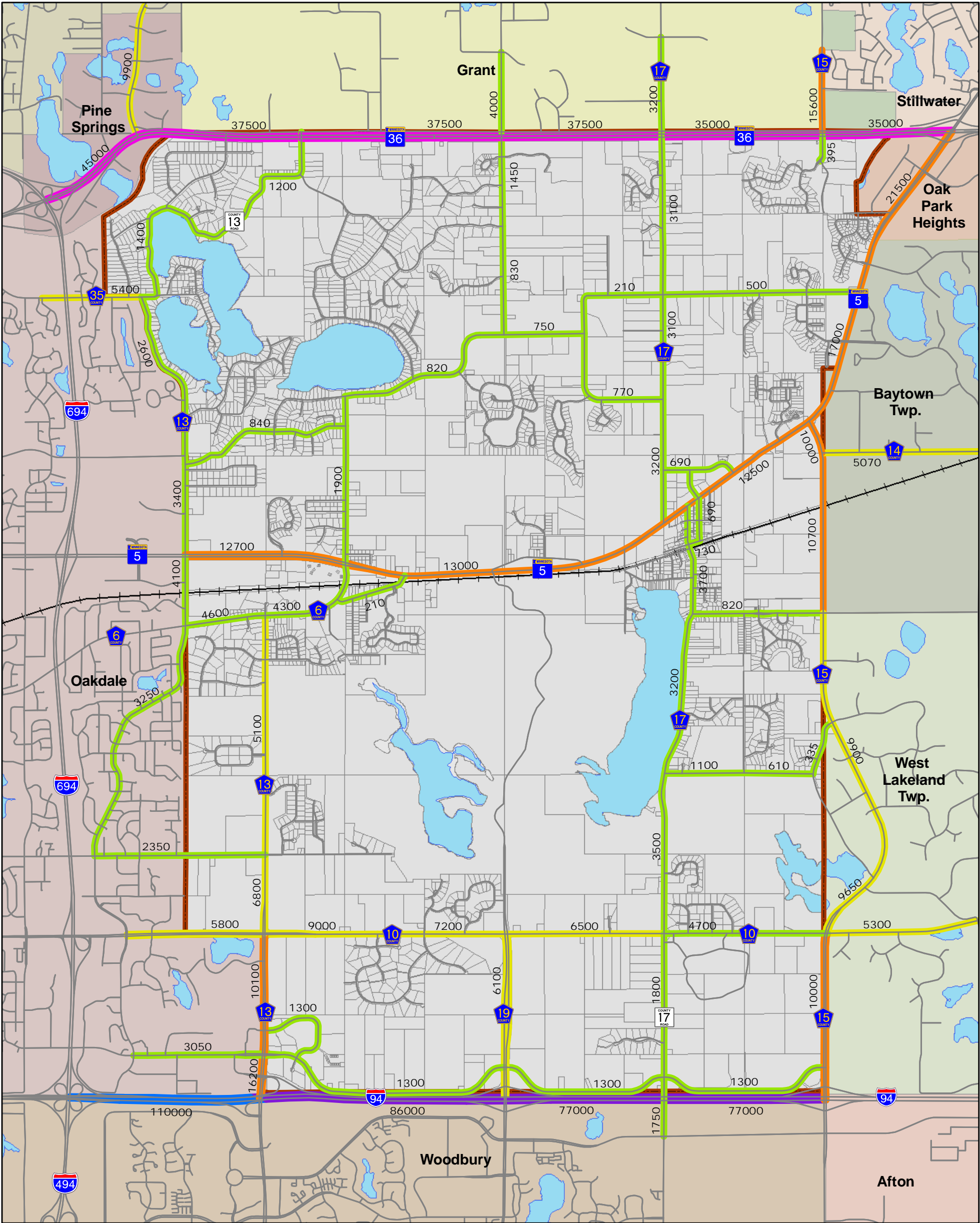
1. Plans shall be revised and/or calculations shall be updated to show the site will conform to VBWD stormwater runoff-rate control standards on the west side.
2. Specifications for the needed soil corrections at the proposed infiltration basin shall be provided for VBWD approval prior to construction. The biofiltration detail on Sheet C8-3 should not allow the use of native soil that is clayey in the planting medium.
3. The plans should be updated to include details of OSA, and the elevations should be consistent with the HydroCAD model for Pond 10P.
4. This permit is not valid until a maintenance agreement in the general format of Appendix B of the VBWD Rules is submitted to and approved by the VBWD Attorney.
5. The required surety and fees shall be submitted prior to construction.
6. This permit is not transferable.
7. This permit is subject to obtaining all other permits required by governmental agencies having jurisdiction (including an NPDES permit).
8. The VBWD Engineer and Inspector shall be notified at least 3 days prior to commencement of work.
9. Erosion controls shall be installed prior to the commencement of grading operations and must be maintained throughout the construction period until turf is established. Additional erosion controls may be required, as directed by the VBWD Inspector or VBWD Engineer.
10. The following additional erosion controls shall be implemented on the site:
  - a. All proposed slopes 3 feet horizontal to 1 foot vertical (3H:1V) should be covered with erosion-control blanket.
  - b. Silt fence should follow existing contours as closely as feasible to limit the potential for gully erosion along the edges.
  - c. Any sediment that collects in storm sewers, ponds, or other water management features shall be removed.
  - d. Street sweeping shall be performed if sediment collects on streets.
11. To prevent soil compaction, the proposed infiltration areas shall be staked off and marked during construction to prevent heavy equipment and traffic from traveling over it. If infiltration facilities are in place during construction activities, sediment and runoff shall be kept away from the facility, using practices such as diversion berms and vegetation around the facility's perimeter. Infiltration facilities shall not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized. The final phase of excavation shall remove all accumulated sediment and be done by light, tracked equipment to avoid compaction of the basin floor. To provide a well-aerated, highly porous surface, the soils of the basin floor shall be loosened to a depth of at least 5 feet to a maximum compaction of 85% standard proctor density prior to planting. The upper 10 inches of soil shall be tilled prior to planting.
12. All disturbed areas shall be vegetated within 14 days of final grading.
13. The applicant is responsible for removal of all temporary erosion-control measures, including silt fence, upon establishment of permanent vegetation at the project site as determined by the VBWD Engineer and/or Inspector.
14. Valley Branch Watershed District shall be granted drainage easements which cover land adjacent to stormwater management facilities, wetlands, and lowlands up to their 100-year flood elevations and all ditches, storm sewers, and maintenance access to the stormwater management facilities.
15. The required drainage easements and access easements shall be recorded with the Washington County Recorder's Office.
16. Return or allowed expiration of any remaining surety and permit closeout is dependent on the permit holder providing proof that all required documents have been recorded (including but not limited to easements) and providing as-built drawings that show that the project was constructed as approved by the Managers and in conformance with the VBWD Rules and Regulations.

Approved: \_\_\_\_\_

June 25, 2015

  
\_\_\_\_\_  
Signature Title  
Valley Branch Watershed District

**Note:** The grant of this permit in no way purports to permit acts, which may be prohibited by other governmental agencies.



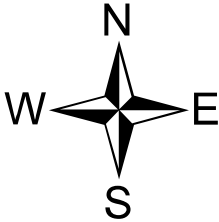
**FIGURE 3:  
EXISTING AADT**

Transportation Plan  
2030 Comprehensive Plan  
City of Lake Elmo, Minnesota



Map date: April 2009  
Prepared by:

**TKDA**  
ENGINEERS • ARCHITECTS • PLANNERS



**LEGEND**

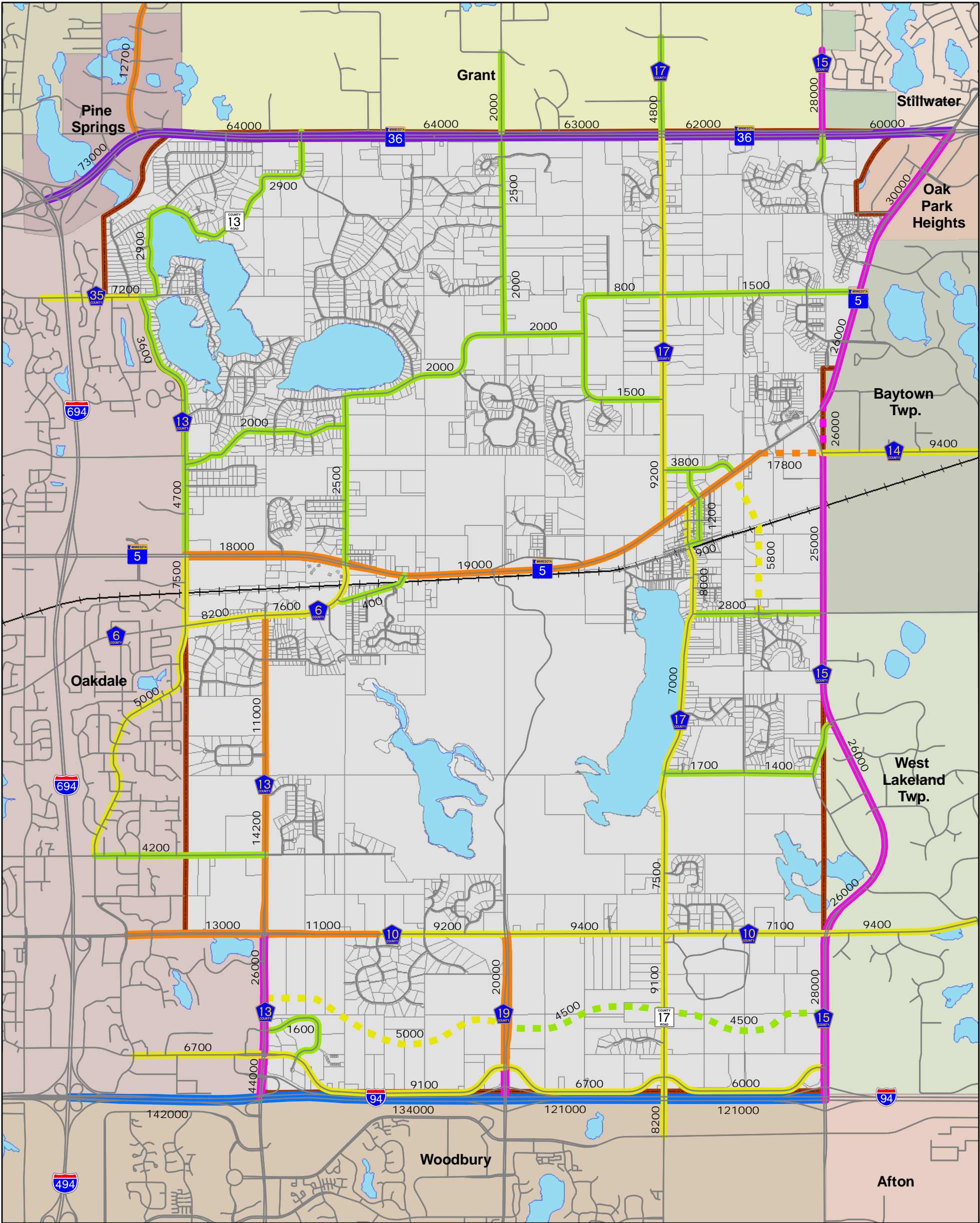
- City Boundary
- Roadways
- Parcels
- Lakes

**EXISTING AADT**

- < 5,000
- 5,000 - 9,999
- 10,000 - 24,999
- 25,000 - 49,999
- 50,000 - 99,999
- 100,000 OR >

LIMITATION OF LIABILITY  
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.





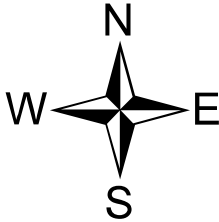
**FIGURE 8:**  
**2030 PROJECTED VOLUMES**  
**IMPROVED SCENARIO**

Transportation Plan  
2030 Comprehensive Plan  
City of Lake Elmo, Minnesota



Map date: April 2009  
Prepared by:

**TKDA**  
ENGINEERS • ARCHITECTS • PLANNERS



**LEGEND**

- City Boundary
- Roadways
- Parcels
- Lakes

**2030 PROJECTED VOLUMES**  
**IMPROVED SCENARIO**

- < 5,000
- 5,000 - 9,999
- 10,000 - 24,999
- 25,000 - 49,999
- 50,000 - 99,999
- 100,000 OR >

Note: Dashed lines represent future roadways not currently in place.

LIMITATION OF LIABILITY  
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.



984

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☒ Periodicals ☐ Literature

☒ Keyword ☐ Title ☐ Author ☐ Topic

## Cemetery proximity and single-family house price.

**Stadium View** /

Luxury Apartments In A Convenient



[Link/Page Citation](#)

1

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### ABSTRACT

In this article, the potential impact of cemeteries on value is addressed empirically using regression analysis on data from 575 transactions of single-family houses in the vicinity of four cemeteries. Consistent with the limited previous research on this topic, when all observations are analyzed simultaneously no price effect is discovered. However, when each cemetery is investigated separately, the results vary. In two cases, cemetery view is not significantly related to price. In a third case, cemetery view is associated with higher prices (equal to 8.8% of mean house price), and in a fourth case, cemetery view is associated with lower prices (equal to 10.1% of mean house price).

\*\*\*\*\*

The real estate literature is replete with papers reporting the influence of externalities on residential property values. Studies appearing in The Appraisal Journal, for example, observe positive price effects given a house's proximity to a golf course, (1) or an ocean, (2) and negative effects for proximity to freight rail lines, (3) a cell phone tower, (4) a ruptured oil pipeline, (5) highway noise barriers, (6) and the residence of a registered sex offender. (7)

It is intuitive that price premiums should apply when an externality adds to an owner's enjoyment of his or her property and that discounts should apply when a property is located close to an externality that poses either a nuisance or potential danger. Not all market participants, however, immediately adopt this view, as indicated by Hansen, Benson, and Hagen (8) who report significant price discounts for houses located close to a major fuel pipeline after, but not before, it exploded.

**Full-Text Online**  
Online library of books, journals, a



The impact of open space property uses on nearby residential property values has been subject to some empirical investigation. The results, in general, are not surprising. Golf courses, parks, and green spaces tend to be positive externalities for surrounding properties, and landfills tend to be negative externalities. Of the various types of open space property uses, cemeteries have been the least studied. A search of the literature reveals only two published studies on this topic and both of these examine the same Portland, Oregon, database to report an insignificant price difference between houses located close to a cemetery and those located farther away. (9)



The purpose of the current study, therefore, is to direct some additional attention to this little-examined subject. In this study, regression analysis is applied to transaction data from 575 single-family houses located in relatively close proximity to four cemeteries in Greene County, Ohio. Grouping cemeteries for analysis, as was done in previous analyses, may mask the impact of a cemetery on the transaction price of nearby houses.

Because some of the advantages and disadvantages associated with close cemetery proximity depend upon whether or not the cemetery is within sight of the subject property, the present study also improves upon the previous research by simultaneously investigating the price effect resulting from both the distance from, and view of, a cemetery. This article describes the characteristics of cemeteries that may impact the value of nearby properties, reviews the pertinent literature, and explains the data and methodology used in the research. The results of the analysis are then presented.

### Cemetery Characteristics That May Influence Value

The effect of proximity to a cemetery on nearby residential property value is uncertain. On the positive side, cemeteries offer a place to walk, jog, exercise, or otherwise enjoy the outdoors safe from speeding traffic. In effect, some people may view a cemetery as a park, and the tombstones as incidental.

A view of a relatively open vista that includes some tombstones may be preferable to one that is limited to the back of the neighbor's garage or house. Further, a person who wishes to regularly visit the final resting place of a loved one may value a house located conveniently close to the loved one's grave. To the extent that any of these advantages apply, purchasers may be willing to pay a premium for a house located in close proximity to a cemetery, and the premium may be enhanced to the degree that market participants believe the future use of the cemetery will not change.

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Historically, there has been considerable reluctance, especially in rural areas, to disturb land used as a cemetery. Therefore, owners of houses in close proximity to such cemeteries can be fairly certain that their properties will not subsequently be squeezed in by additional houses or less desirable property uses. On the other hand, there is no guarantee that the use of cemetery property is fixed. Cemeteries are occasionally relocated and the property put to an alternative use, which residential neighbors may find objectionable. Kay (10) observed that the probability of cemetery relocation may be positively related to the rate at which an area is becoming urbanized.

There are also potential disadvantages associated with close proximity to a cemetery. Cemetery workers, visitors, or trespassers may create noise disturbances. The relatively pleasing vista previously mentioned may be compromised if the cemetery falls into disrepair or if trespassers vandalize it.

Potential physical dangers to people residing in close proximity to a cemetery include poisoning and disease. Spongberg and Becks (11) reported that cemeteries may release hazardous chemicals and metals into surrounding soil and ground water. Possible contaminants include arsenic and mercury, which were used in past embalming practices, or formaldehyde used in current embalming practices; and varnishes, sealers, and preservatives used on wood coffins, or lead, zinc, and copper from metal coffins.

Vezzani (12) asserts that mosquitoes are the most medically important insect vectors of disease. He also concludes that cemeteries are highly suitable habitats for artificial container-breeding mosquitoes due to the great availability of the different resources that they need (i.e., sugar substances, shelter, and water-filled containers).

Finally, there are psychological factors associated with cemeteries that may negatively impact some people. The sight of a grave being dug or an interment service can put a damper on a party being held at a residence with a cemetery view. For some, the sight of a cemetery or of tombstones may be upsetting, and for others, knowing that the cemetery is close may be disconcerting.

Each of these factors may influence potential purchasers who may lower their bids or refuse to make offers on properties with cemetery views. Larsen and Coleman (13) report moderate, but statistically significant selling price effects for residential properties that were classified as psychologically impacted for reasons other than the property's proximity to a cemetery.



Casual examination of cemeteries in the U.S. Midwest results in several observations that are consistent with the notion that cemeteries may negatively impact the value of nearby single-family houses. First, cemeteries tend to be initially situated remotely from residential properties. Second, in recent years when residential development has occurred in close proximity to a cemetery, developers have shown a propensity, where possible, to leave a wooded buffer zone between the cemetery and the residential development. Finally, houses constructed in close proximity to an existing cemetery are rarely, if ever, high-end properties.

Even if the disadvantages enumerated are significant in the transaction process, their impact may not be observable in transaction prices as long as the search for a buyer routinely continues until a buyer is located who does not care about or is ignorant of the physical risks or is not psychologically impacted by the proximity of a cemetery to the subject property. It may, however, take more time to locate such a purchaser and this would be revealed by a significantly longer time on market for houses located in close proximity to a cemetery.

The fact that the only relevant database previously studied did not contain time on market data may help explain why it yielded no significant market effects attributable to cemetery proximity. Also, there are other factors that may have contributed to the previous findings. Unfortunately, time on market is not available in the present database. The addition of a time on market variable would be a valuable addition to any extensions of this research.

## Literature Review

Bolitzer and Netusil (14) employ regression analysis to study how single-family house selling price is influenced by the proximity of the house to a variety of open space property uses, including cemeteries. They analyze transactions that occurred in 1990-1992 in Portland, Oregon. Selling prices of 662 houses located within 1,500 feet of one of fifteen cemeteries are compared to prices of 6,005 houses that are not located within 1,500 feet of any type of open space (e.g., cemetery, golf course, public park). No significant differences in prices attributable to cemetery proximity are discovered.

Lutzenhiser and Netusil (15) analyze the same database and employ basically the same methodology as Bolitzer and Netusil. Again, selling price is found not to differ significantly between houses located on either side of the 1,500-foot demarcation. In addition, a variable to account for cemetery size is included in this model, and house prices are found to be insignificantly related to it.

These studies are noteworthy because they were pioneering efforts, but both suffer from problematic methodological issues. For instance, the 1,500-foot demarcation point appears a bit arbitrary; Bolitzer and Netusil state it "was selected after consulting with park specialists at Metro." (16) It is unclear what expertise metropolitan park specialists possessed concerning setting this kind of criteria. No tests were conducted to determine if price effects are present within 1,500 feet of each cemetery or whether 1,500 feet is an appropriate demarcation point. It is possible that in some cases local price effects do not occur, but for other cases the local price effects exist and are exhausted before 1,500 feet, while for still other properties, local price effects extend farther. The exact solution is unique to each situation and dependent upon factors such as topography, foliage, housing density, and cemetery condition.

Another methodological problem is that neither one of the studies compares properties with a cemetery view to those without a view to investigate whether view might represent a better demarcation point. Also, although the model employed in these studies includes binary variables to control for the area of the city in which a particular house is located, a number of factors not included in the model could compromise the validity of the comparison (e.g., the extent to which other externalities affect properties on both sides of the demarcation line). Further, the data for houses surrounding the fifteen cemeteries is incorporated into a single model, which may have exacerbated the issue if the variables that significantly influence nearby residential property values are not identical for all cemeteries. This possibility is demonstrated in the current study by first estimating a single model that includes all four study areas, and then comparing this result to results obtained by estimating separate models for each cemetery and restricting the analysis to houses located in the same neighborhood.

## Data

This article analyzes transactions of 575 single-family houses in the vicinity of four cemeteries, all located in Greene

County, Ohio. Greene County, located in southwestern Ohio, was established at its present boundaries in 1819. Historically, Greene was an agricultural county, and today it remains predominantly rural. Only 4% of the county's 421 square miles consists of urban areas. Its total population is about 148,000 residents. After World War II, parts of Greene County became a bedroom community for the city of Dayton in adjacent Montgomery County. In more recent years, the county has undergone substantial commercial development.

According to the Greene County Auditor's office, 65 cemeteries are located in the county. Several are small family plots and most of the 65 are located remotely enough that measuring their effect on nearby houses is problematic because there are not many houses close by. This article focuses on four locations where residential development has extended to an active (i.e., burials are still taking place) cemetery border: Bellbrook, Fairborn, Beavercreek, and Xenia. All four study areas were personally inspected to determine whether each property currently has a cemetery view. A definition of variables used in studying the four locations can be found in Table 1.

#### Bellbrook Area

The first study location is situated on 16.9 acres in the northeastern corner of the city of Bellbrook (population 7,009). Residential development reached this cemetery in 1961, when the first of five houses that abut the cemetery was constructed. The last house to abut the cemetery was built in 1965. All houses in the sample were constructed in 1951-2003. There are 157 houses located to the east and southeast and within 1,513 feet of the well-maintained cemetery. The sample is limited to the 122 houses where an arm's-length transaction of an improved lot could be identified. Transactions in this study area occurred in 1958-2008.

There is no buffer zone between the Bellbrook cemetery and the residential development, but trees, houses, and structures in the development block a cemetery view for most houses in the Bellbrook study area. However, 18 of the sample properties do have a full or partial view of this cemetery. It was assumed that the view from each property was the same at the time of each transaction. Data limitations prevent determination of property quality and condition at the time of each transaction, but at the time of the study, it was observed that property quality and condition tended to improve with distance from the cemetery. The Bellbrook area is limited to 1,513 feet by default because the neighborhood ends at that distance.

Property characteristic and transaction information analyzed in this study were obtained from the office of the Greene County Tax Assessor and the office of the Greene County Recorder. Table 2 shows descriptive statistics for houses in the Bellbrook study area. The mean transaction price (PRICE) for these houses is \$97,012. The mean house age at the time of the transaction (AGE) is 27.4 years. The mean living space (SQFT) is 1,408 feet, and the mean parcel size (LOT) is 13,427 square feet.

#### Fairborn Area

The second cemetery in the study is situated on 22.3 acres near the eastern edge of Greene County's second largest city, Fairborn (population 51,390). The residential development is located south of the cemetery. The first house in the development, constructed on the southern boundary of the development, sold in 1996. Development proceeded to the north (toward the cemetery), with all the houses closest to the south side of the cemetery being sold between 2003 and 2006.

Transaction data could not be obtained for 28 houses (these lots were purchased unimproved from the developer), so the sample is restricted to the 244 observations that are arm's-length transactions of improved lots. The Fairborn area is the newest development of the study areas, and the developer dedicated a buffer zone between the development and cemetery that is approximately 200-feet wide (187 feet at the narrowest point) and fairly heavily wooded.

The deciduous trees in the buffer zone eliminate any view of the well-maintained cemetery from all but a few houses for approximately seven months of the year, but when the trees are bare, 46 houses have a full or partial view of the cemetery. There is no discernable difference in the house quality and condition in this study area; all are currently in above-average condition due, in no small part, to their relatively young age.

Table 3 shows that PRICE in this area is the highest of the four study areas. More houses in this area, 85.9%, have a basement (BASE) than the other study areas and all houses in this development have central air conditioning (AIR).

#### Beavercreek Area

The third cemetery investigated is situated on 8.7 acres near the southern edge of Greene County's largest city, Reavercreek (population 40,014). There are 103 houses located to the south and southwest and within 1,215 feet of the cemetery. The study is restricted to the 77 houses for which an arm's-length transaction of an improved lot could be identified.

The oldest house in the sample was built in 1900. All but three houses have been constructed since 1950, with the newest built in 2005. Residential development reached the western and southern border of this cemetery in 1956, when the first two of twelve houses that abut the cemetery were built. Transactions included in the sample occurred in 1962-2008.

There is no buffer zone between the residential development and this well-maintained cemetery, but only 18 of the sample houses have a full or partial view of the cemetery. Similar to the Bellbrook study area, house quality and condition in this area tend to improve with distance from the cemetery. Table 4 shows that the mean lot size in the Beaver creek area is the largest of the four study areas.

#### Xenia Area

The fourth cemetery is situated on 9.9 acres in the southwestern portion of Xenia, the county seat and the county's third-largest city (population 27,557). Two hundred houses, located north and east of the cemetery, are within 1,594 feet of the cemetery. The study is restricted to the 151 houses where an arm's-length transaction of the improved lot could be identified, 28 of which have a full or partial cemetery view.

Similar to the Fairborn study area, there is little difference in house quality within this study area. Almost all the houses in this sample are single-story, tract houses constructed in 1956-1958; none has a basement. Although house quality and condition at the time sale could not be ascertained, almost all houses in this sample were rated average at the time of the study. The oldest house was built in 1951 and the newest in 2000. Transactions included in the sample occurred in 1967-2008.

The maintenance condition of this cemetery can be generously described as moderate/average. There is no buffer zone between the residential development and this cemetery. The nominal transaction prices shown in Tables 2, 5, 4, and 5 are partially a function of the year in which the transactions occurred. Table 5 shows that the Xenia study area involves the lowest-valued houses of the four study areas.

#### Correlation of Variables

Table 6 contains the simple correlation of model variables for all four cemetery areas and shows that most of the explanatory variables are highly correlated with transaction price. There is high correlation among many of the independent variables (e.g., square footage, bathrooms, bedrooms, and basement).

What is surprising is the significant correlation between distance from a cemetery (DISTANCE) and every other variable. The correlations indicate that house size increases with distance from the cemetery. Houses located farther from the cemetery tend to have more garage space, bathrooms, and bedrooms, but lot size tends to decrease with distance from the cemetery.

The correlations also indicate that the farther a house is located from a cemetery in the sample, the greater the probability that the house has air conditioning and a basement. On the other hand, a significant simple correlation between whether a cemetery view is available from the house and the other explanatory variables does not exist.

The appendix section of this article provides the correlation coefficients for the individual study areas.

#### Methodology

In studies of the impact of externalities on real property values, regression analysis is frequently referred to as hedonic regression. This well-known and often-used technique facilitates the effective unbundling of the implicit value attributable to the physical and location-specific characteristics of a property from the sale price.

The methodology in this study has two basic parts. First, the data for all four study areas is combined and the following model is estimated to investigate whether housing prices are influenced by cemetery proximity: (17)

[MATHEMATICAL EXPRESSION NOT REPRODUCIBLE IN ASCII] (1)

where:

PRICE = the transaction price

[alpha] = the intercept

[beta] = the estimators

SALEYR = a variable equal to the year in which the house sold

e = the error term

All the other independent variables are as defined in Table 1.

Based on the results of previous studies, (18) a positive sign is expected on the estimator for SQFT, LOT, GAR, BATH, BED, AIR, and BASE, and a negative sign is expected for AGE. The expected sign for GAS is positive because it was the most affordable form of heat in the area over the study period and should be capitalized in house prices.

Preliminary analysis reveals that three variables designed to detect seasonality in selling prices are highly insignificant and they were dropped from the model. The REG Procedure (19) was used to estimate Equation 1 with the COLLIN option specified. The results of the COLLIN option indicate a moderate amount of multicollinearity is present. (20)

For the second part of the methodology in this article, Equation 1 is estimated separately for each cemetery. The estimate of the Fairborn data does not include AIR or GAS because each of the sample houses in this area has central air conditioning and gas heat. The estimate of the Xenia data does not include GAS or BASE because all houses in this area have gas heat and none has a basement. (21)

## Results

The results of the present study are similar to the two previous cemetery proximity studies when, as was the case in the previous studies, all cemeteries are analyzed with a single estimate. Table 7 shows summarized estimation results of the full model; the data fits the model well.

The F-value is highly significant and the independent variables explain 92.29% of the variation in the dependent variable. Seven of the ten control variables are significant at the 99% confidence level. Focusing on the two variables of interest, the estimators for both VIEW and DISTANCE are highly insignificant, indicating that neither a cemetery view nor distance from a cemetery has a significant effect on nearby house price.

To investigate the possibility that the results may vary by cemetery, this study estimates Equation 1 separately for each area. The results for the Fairborn cemetery area are consistent with the full model results. Table 8 shows the summarized estimation results for the Fairborn cemetery area; the data fits the model well, the F-value is highly significant. The adjusted [R.sup.2] indicates that the model explains 78.14% of the variation in the dependent variable.

This figure is low compared to the [R.sup.2] reported for the full model, but recall that AIR and GAS have been dropped from this model because they are constants. Five of the eight control variables are significant at the 99% confidence level. Regarding the variables of interest, the estimators for both VIEW and DISTANCE are highly insignificant in this estimation, indicating that no price effect can be attributed to cemetery proximity.

A different result occurs when the analysis is limited to the Xenia cemetery area. Examination of the results, which are summarized in Table 9, shows that the data fits the model fairly well; the F-value is highly significant, and the model explains 70.11% of the variation in the dependent variable.

This is the lowest adjusted [R.sup.2] of any of the estimates, but this estimate does not include BASE or GAS because each is constant. Only one of the control variables is significant at the 99% confidence level; two more are significant at the 90% level, and the sign of the estimator for each of these variables is in the anticipated direction.

Recall that almost all the houses in this sample are nearly identical tract houses. It is interesting, therefore, that the estimation indicates only four factors are significantly related to house price: date when the house sold, age of the

house when the sale occurred, garage size, and whether the house has a cemetery view.

The estimator for VIEW is negative and significant at the 90% confidence level and indicates that houses with a cemetery view in this area sold, on average, at a discount of \$6,291.89 compared to those without a cemetery view. For the mean-priced house in this sample, this represents a discount of 10.1% (\$6,291.89/\$62,531.30). The variable DISTANCE is not significant in this estimate.

Table 10, where the estimation results for the Beavercreek cemetery area are presented, shows that the data fits the model well. The F-value is highly significant, and the adjusted [R.sup.2] indicates that the model explains 90.71% of the variation in the dependent variable. Four of the ten control variables are significant at the 99% confidence level, and three are significant at the 95% level. Focusing on the variables of interest, VIEW is insignificant, indicating no price effect can be attributed to this variable, but DISTANCE is significant at the 90% level.

The positive estimator for DISTANCE indicates that transaction price in this area increased by \$29.58, on average, for each additional foot the lot is removed from the cemetery. This result should occur if market participants systematically deem the negative factors associated with close cemetery proximity to dominate the positive factors, but this may not be the case here and there may be an alternative explanation.

Recall that casual observation indicated that property quality and condition in this study area improved with distance from the cemetery, so DISTANCE may actually be serving as a proxy for quality and condition. If this explanation is correct, there is a cemetery proximity effect associated with distance, but it is occurring not because market participants judged the disadvantages of close proximity to the cemetery to outweigh the advantages; it occurred because the original homeowners and/ or developers/builders constructed better-quality houses farther from, rather than closer to, the cemetery.

Table 11, where the estimation results of Equation 1 for the Bellbrook cemetery area are summarized, reveals that the data fits the model well. The F-value of 124.4 is highly significant and the adjusted [R.sup.2] indicates that the model explains 92.45% of the variation in the dependent variable.

Four of the ten property characteristic variables are significant at the 99% confidence level and four are significant at the 95% level. The sign of each of the significant explanatory variables is in the expected direction, and each appears reasonable in amount. Both of the variables of interest are significant: VIEW at the 90% confidence level, and DISTANCE at the 95% level.

The results indicate that buyers in this area value the park-like view. A cemetery view added \$8,521.46 on average to the transaction price for houses with a cemetery view. For the mean priced house in this sample, this represents a premium of 8.8% (\$8,521.46/\$97,012.30).

The estimator for DISTANCE indicates that residential property values increased by \$8.10 for each foot the lot was removed from the cemetery. As was the case for the Beavercreek cemetery area, casual observation indicates that property quality and condition in this study area improve with distance from the cemetery; here again it is believed that DISTANCE is acting as a proxy for house quality and condition and the effect is occurring because the original homeowners and/or developers/builders constructed better quality houses farther from rather than closer to the cemetery.

## Conclusion

The characteristics of cemeteries that may influence value are presented in this article and suggest that the influence of a particular cemetery on nearby residential properties is uncertain. To empirically test this issue, data from 575 sale transactions of houses in relatively close proximity to one of four cemeteries is subjected to regression analysis.

In five iterations, transaction price is regressed against a battery of property characteristic variables to control for price differences. Transaction price is also regressed against two variables of interest, DISTANCE, specified as the shortest straight-line distance between the cemetery and the lot on which the subject house is located; and VIEW, specified as the ability to view the cemetery from the subject property.

When all observations are tested in a single model, the results are consistent with the limited previous studies on this topic--no significant price effect attributable to cemetery proximity is discovered. When each cemetery is tested individually, however, the results vary. For two cemeteries, no price effect can be attributed to VIEW. For a third cemetery, the estimator for VIEW is a negative \$6,291.89, but for a fourth cemetery, the estimator for VIEW is a

positive \$8,521.46. For the mean priced house in each sample, the former represents a 10.1% discount and the latter represents an 8.8% premium.

The sign of the estimator in each of these two instances is intuitively appealing because the positive estimator is associated with a well-maintained cemetery, and the negative estimator is associated with a less well-maintained cemetery. The fact that the results vary by cemetery suggest the possibility that previous studies might have arrived at different conclusions if they had not grouped all cemeteries into a single model. The fact that VIEW is significant in two of the four samples investigated here suggests that previous models may have used the wrong criteria in testing for market effects due to cemetery proximity; VIEW may be more important than DISTANCE.

DISTANCE is insignificant in two of the four study areas. In both of these cases, almost all sample houses are constructed within a relatively compact Lime frame and house quality and condition do not vary within the study area. In the other two samples, house construction took place over a protracted period of time and it is observed that property quality and condition tend to improve with distance from the cemetery.

In these two cases, the estimator for DISTANCE is a positive \$8.10 per foot in one case and \$29.58 per foot in the other. The interpretations of these findings is that DISTANCE is actually serving as a proxy for house quality and condition in these two cases. This suggests that the effect occurred not because market participants judged the disadvantages of close proximity to outweigh the advantages, but because the original homeowners and/or developers/builders constructed better quality houses farther from rather than closer to the cemetery.

Cemetery proximity should not be ignored by residential appraisers in arriving at a value estimate. It is possible cemetery proximity will have no significant impact on nearby residential property values, but as the present study indicates, it may. It is recommended, therefore, that appraisers test their local area to determine if cemetery proximity market effects are present.

Unfortunately, data restrictions prevented the testing for another important market effect--time on market. Time on market is more likely to be influenced by cemetery proximity than price. Extensions of this research, therefore, could examine not only whether the results reported here apply in other markets, but also whether cemetery proximity impacts time on market.

#### Appendix 1 Correlation Coefficients, Bellbrook Cemetery Area

	SQFT	LOT	AGE	GAR	BATH	BED	AIR
PRICE	.6178 <.0001	.2025 .0253	.0435 .6345	.2391 .0080	.5543 <.0001	.3430 .0001	.2152 .0173
SQFT		.2461 .0063	.4490 <.0001	.2019 .0257	.6604 <.0001	.5693 <.0001	.1973 .0294
LOT			.1509 .0971	.1023 .2623	.2059 .0229	.1103 .2264	.0593 .3465
AGE				.0617 .4994	.3369 .0001	.2343 .0094	.0593 .5167
GAR					.1426 .1172	.0246 .7875	.0842 .3566
BATH						.3688 <.0001	.2749 .0022
BED							.2042 .0240
AIR							
GAS							
BASE							
SALEYR							
VIEW							
	GAS	BASE	SALEYR	VIEW	DISTANCE		
PRICE	.0105 .9089	.4717 <.0001	.7429 <.0001	.2245 .0129	.09185 .3143		
SQFT	.1194	.4804	.1286	.1397	.0053		





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July 13, 2015

MAYOR  
John Keis

COUNCIL  
Rick Montour  
Michael McGraw  
Tom Fischer  
Christian Torkelson

ADMINISTRATOR  
Joel R. Hanson

Mayor & City Council  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RE: Lee Rossow

Dear Mayor Pearson and Members of the City Council:

Mr. Lee Rossow asked me to write a letter of reference for him relative to his pursuit of establishing a cemetery in your community. I have known Mr. Rossow for over 20 years in my capacity as Little Canada's City Administrator. He owns multiple industrial properties in our city and we have worked with him on a number of issues. He also owns Centerline Charter Corporation (formerly Comfort Bus Company) that was located in our community until he was able to construct a new facility in Maplewood.

In my dealings with Mr. Rossow, I have found him to be a person of high integrity and very reasonable to deal with. He understands local government processes and appreciates the job elected officials face in balancing interests. Lee has been a person you can rely on. If he says he will do something, he will. He has been a leader in dealing with other property owners in one of your industrial areas. He has been instrumental in helping others to understand the City's position on certain matters. All in all, Lee Rossow is a person I have tremendous trust and confidence in and I can assure you he will be a business person your community will enjoy dealing with.

Should you have further comments or questions regarding Mr. Rossow that you think I can assist you with, please feel free to give me a call at 651-766-4040.

Sincerely,



Joel R. Hanson  
City Administrator

## Kyle Klatt

---

**From:** Dave.Bakken@wellsfargo.com  
**Sent:** Tuesday, September 08, 2015 11:19 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** Halcyon Approval Support

To interested parties:

I am writing in support of the Halcyon Cemetery project proposed by Lee Rossow.

I have been aware of the project from its early days, I know the honorable motivations of the project owner and believe the cemetery would be very beneficial to your community and surrounding communities. I have also known the owner of this project for nearly thirty years and would attest to his integrity.

Please consider taking actions would allow this project to move forward.

Dave

David C. Bakken  
Senior Vice President  
Wells Fargo Insurance Services USA, Inc.  
Direct 952-242-3095  
Fax 877-402-7485  
dave.bakken@wellsfargo.com

## Kyle Klatt

---

**From:** Earl H. Cohen <ECohen@hjlawfirm.com>  
**Sent:** Tuesday, September 08, 2015 10:15 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** HALCYON APPROVAL SUPPORT

Ladies and gentlemen:

I have been involved with the subject property for many years, going back to the previous owners and have watched how the surrounding area of your community has grown, having grown up in St. Paul with a family business on the east side of the community.

I have reviewed the plans for the cemetery, it's buildings and grounds and cannot think of a better use in Lake Elmo. I visited several cemeteries this past weekend visiting family and friends who have departed. Several of these were in residential areas just like the area chosen for the Halcyon cemetery. In each case, each of the cemeteries brought a sense of peace and tranquility to otherwise hectic areas.

While not a resident of your community, I do urge its approval.

**Earl H. Cohen**  
**Attorney at Law**  
Direct dial: (952) 460-9242  
[ecohen@hjlawfirm.com](mailto:ecohen@hjlawfirm.com)



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## Kyle Klatt

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**From:** Lyth Hartz <lhartz@mwsservices.org>  
**Sent:** Tuesday, September 08, 2015 1:56 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt  
**Subject:** HALCYON APPROVAL SUPPORT

To whom it may concern,

I am writing to support the approval of the Halcyon Cemetery project being proposed by Lee Rossow.

I have worked with Mr. Rossow and his family for the past 20 years or so, as he and his family's bus Company provide quality bussing services to our clients who are adults with disabilities. I have always found Lee and his family to be easy to work with over these many years. Lee and his family fix problems, they don't create them.

A few months ago, Mr. Rossow shared with me and some of my leadership team his vision for the Halcyon Cemetery that he is planning to create. I thought that the plan looked like it would be a lovely place to memorialize loved ones who have passed. It appears to me that Mr. Rossow has cleared the many hurdles that these kinds of developments need to pass and I believe that this development will be of benefit to the Lake Elmo area and to the eastern parts of the Twin Cities. It appears to be a lovely peaceful place from what I have seen in the drawings and in listening to Mr. Rossow explain his vision.

Therefore, I want to show my support for this project.

Sincerely,

Lyth J. Hartz, President  
Midwest Special Services, Inc.  
900 Ocean Street  
Saint Paul, MN 55106  
(651) 793-4123 Direct

[www.mwsservices.org](http://www.mwsservices.org)

We See Possibility.

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## Kyle Klatt

---

**From:** William Hooper <billhooper2005@yahoo.com>  
**Sent:** Tuesday, September 08, 2015 2:14 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** HALCYON APPROVAL SUPPORT

I am writing to express my full support for the Halcyon Cemetery proposal.

It clearly fits the needs for our city and surrounding communities.

Regards,

Bill Hooper  
8820 27th Street Ct N  
Lake Elmo, MN



## Kyle Klatt

---

**From:** Wagner, Jane <Jane.Wagner@biworldwide.com>  
**Sent:** Tuesday, September 08, 2015 2:23 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; 'annejsmith@msn.com'; Kyle Klatt; '337@lach.net'  
**Subject:** HALCYON APPROVAL SUPPORT

Dear City Council Members,

A cemetery in Lake Elmo is a positive attribute to have in a small community, especially a suburb of St. Paul. I am writing to support the Halcyon Cemetery and to encourage you to approve the last item to make this a reality for the town, Plat Approval!

Keeping loved ones, who have passed, close by living relatives and friends is ideal. It provides the living opportunity to morn, visit frequently, and be close to their home. This is a great benefit for those who aren't able to drive or drive long distances- youth and young at heart. ☺

Approving Halcyon would set precedent in communities like Lake Elmo.

Thank you for your consideration!

JANE WAGNER  
Team Leader | Customer Support and Administrative Services  
d 320.453.1664  
**BI WORLDWIDE**  
Australia | Canada | China | India | LATAM | UK | US  
[www.biworldwide.com](http://www.biworldwide.com)

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## Kyle Klatt

---

**From:** Jessica Jagoe  
**Sent:** Tuesday, September 08, 2015 3:14 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; 'annejsmith@msn.com'; Kyle Klatt  
**Cc:** 337@lach.net  
**Subject:** Halcyon Approval Support

Mayor & City Council Members:

I am sending this email as a reference for Mr. Lee Rossow as you consider the development of Halcyon Cemetery in your community. I have had the opportunity to work with Mr. Rossow for 15+ years while serving as the Code Enforcement Officer for the City of Little Canada. Mr. Rossow owns multiple properties in our industrial park area. This industrial park over the years has drawn a number of code enforcement concerns with rental tenants and outdoor storage. However, Mr. Rossow has been one owner that I have come to count on for keeping his property well maintained and frequently monitoring his tenants without the need for city staff involvement. If ever something has come up, Lee is quick to respond and resolve any concerns that staff may have. I have confidence that Mr. Rossow will uphold the same commitment to the upkeep of his property and values of your community as he does in ours.

If you have any questions, please feel free to contact me.

Sincerely,  
Jessica Jagoe  
Code Enforcement Officer  
City of Little Canada

## Kyle Klatt

---

**From:** Kerry Hooper <hoopk2012@yahoo.com>  
**Sent:** Tuesday, September 08, 2015 3:27 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** Halcyon Approval Support

I support the Halcyon Cemetery proposal

Kerry Hooper  
8820 27th Street Ct N  
Lake Elmo

resident of Lake Elmo for 33 years

**Kyle Klatt**

---

**From:** DarleneRossow <darlenerossow@comcast.net>  
**Sent:** Tuesday, September 08, 2015 3:34 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt  
**Cc:** Lee Rossow  
**Subject:** Fwd: Halcyon Approval Support

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Members of Lake Elmo City Council,

I am requesting your support and approval of the Halcyon Cemetery project for Lake Elmo.

As you are aware the Planning Commission has approved it 6-0.

The Valley Branch Watershed approved it unanimously.

The City Staff has recommended it for approval.

Please do the next required step, timely, which is Plat approval.

The Halcyon Cemetery will be a beautiful positive addition to Lake Elmo.

Thank you,

Darlene Wagner Rossow

## Kyle Klatt

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**From:** Mike Klein <mike@isofinishing.com>  
**Sent:** Tuesday, September 08, 2015 5:20 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** HALCYON APPROVAL SUPPORT

To whom it may concern,

I have known Lee Rossow professionally for over 10 years. He's always been very detail oriented in every aspect of his personal life as well and in his business setting.

I've worked with him as he was the general contractor on his own new buildings. He is methodical, calculated and doesn't quit until things are perfect.

His new project will undoubtedly carry the same passion for perfection as well as the added burden of paying tribute to those closest to him.

When completed, Halcyon will be a welcoming and tranquil setting for families from many of the surrounding communities. It will be an accessible alternative to many other cemeteries and it will truly be an enduring legacy.

Sincerely,

Mike Klein



[www.isofinishing.com](http://www.isofinishing.com)

Mike Klein  
Operations Manager

50 South Medina Street  
Loretto, MN 55357

P 763.273.1052  
C 612.747.5452  
F 763.493.2990  
Toll Free 844.623.7998  
[mike@isofinishing.com](mailto:mike@isofinishing.com)



## Kyle Klatt

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**From:** Dennis Conlin <dnr.conlin@gmail.com>  
**Sent:** Tuesday, September 08, 2015 7:27 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; Lee Rossow  
**Subject:** Proposed Cemetery

To Lake Elmo City Council ~

Cemeteries are a permitted use in RR, and unfortunately there is a public need for them. Lake Elmo Ave is built to handle the minimal increase in traffic resulting from funerals. And while there is neighborhood opposition, where was the opposition when current RR zoning uses were reviewed and public meetings held?

I urge you to act responsibly and proceed with plat approval as there is no justifiable reason to deny or further delay the project.

Rita Conlin (past resident and city council member)  
10710 88th St. N.  
Stillwater, MN 55082

## Kyle Klatt

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**From:** Diane Wolf <dw07sep09@outlook.com>  
**Sent:** Wednesday, September 09, 2015 7:51 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; >; Kyle Klatt; Lee Rossow  
**Subject:** Halcylon Cemetery

Greetings:

I was born and raised in the Twin Cities area. I moved away but I am now trying to return home and make plans for the inevitable. I have followed what is happening in Lake Elmo regarding the Halcylon Cemetery.

**Please consider approval of this project.** It appears to be a professional, top notch project. I have been involved in my current City Council and can understand the pressures you encounter. That being said, this project will be something your community can be proud of.

It will also help your community financially when family and friends use the services provided by Halcylon Cemetery.

Thank you for your consideration. Remember the "Not in my back yard" mentality, is not always true.

D. G. Wolf

## Kyle Klatt

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**From:** Larry Anthony <lcanthony1@gmail.com>  
**Sent:** Wednesday, September 09, 2015 8:16 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** HALCYON approval support

I would like to provide my support for the Halcyon cemetery project and urge approval by the Lake Elmo City Council. Development of this project would support many surrounding communities and has the support of the planning commission and city staff. I encourage you to support the approval of the Halycon project.

Thank you  
Larry Anthony

## Kyle Klatt

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**From:** jaclmyer@hssd.k12.wi.us  
**Sent:** Wednesday, September 09, 2015 10:21 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net

Please support the approval of the Halcyon Cemetery. It will help our community and our citizens. Thank you for your consideration.

*Jaclyn Beattie*

Language Arts & Drama Teacher  
Assistant Director Fall Play/Spring Musical  
Bay Port High School  
920.662.7106  
[jaclbeat@hssd.k12.wi.us](mailto:jaclbeat@hssd.k12.wi.us)

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## Kyle Klatt

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**From:** Barbara <beezohughes@frontier.com>  
**Sent:** Wednesday, September 09, 2015 10:54 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Kyle Klatt; 337@lach.net; Jill Lundgren  
**Subject:** Please support

Please support the approval of the Halcyon Cemetery. It will help the community and the citizens. As a non-denominational cemetery, all people will have an option.

Thank you for your consideration.

B Hughes

Sent from my iPad



## Kyle Klatt

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**From:** James Weiss <mijweiss@yahoo.com>  
**Sent:** Wednesday, September 09, 2015 12:37 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** HALCYON APPROVAL SUPPORT

Dear Council Members,

Please approve the Halcyon Cemetery as I'm planning on being interred there.

Thank you,

J. Weiss

## Kyle Klatt

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**From:** tom.burr@spps.org  
**Sent:** Thursday, September 10, 2015 6:30 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** HALCYON APPROVAL SUPPORT

To Lake Elmo City Council,

I believe the proposed Halcyon Cemetery would be an added benefit to the community of Lake Elmo. Mr. Rossow's plan is well thought out and developed.

Thank you for your time.

Tom Burr  
Transportation Director  
Saint Paul Public Schools  
(New Address)  
261 Chester St  
St. Paul, MN 55107  
651-744-8104 Office  
612-270-0667 Cell  
651-265-0910 Fax  
tom.burr@spps.org

## Kyle Klatt

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**From:** Jeff Rossow <jeffr3824@gmail.com>  
**Sent:** Thursday, September 10, 2015 11:01 AM  
**To:** Mike Pearson; Justin Bloyer; jflilfet@lakeelmo.org; Jill Lundgren; annejsmith@msn.com; Kyle Klatt  
**Subject:** Halcyon Cemetery

Dear Council Members,

Please approve the Halcyon Cemetery as I'm planning on being interred there.

Thank you,

Jeff Rossow

## Kyle Klatt

---

**From:** Vicki Vandell <vickijvandell@gmail.com>  
**Sent:** Thursday, September 10, 2015 11:16 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** Halcyon Cemetery Approval

Dear Lake Elmo City Council,

I am writing a note to you to show support for the Halcyon Cemetery project. When I got the opportunity to meet Mr. Rossow, he told me about his wife's passing and how he is building this cemetery as a place of rest for her and his parents. He is a very passionate person who would like to complete this project so he can find peace.

This is a great project that will be a good addition to the City. It is a permitted use and does not require zoning or variance approval. The City and county have asked Mr. Rossow to plat the property. He has agreed and jumped through all of the hoops, fees, extensions, etc. that have been asked of him. I really hope that you can allow the cemetery project to move forward in a timely manner.

Thank you,

Vicki VanDell

## Kyle Klatt

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**From:** John Malmberg <john.malmberg@fa-bank.net>  
**Sent:** Thursday, September 10, 2015 5:02 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt  
**Cc:** 337@lach.net  
**Subject:** Support for HALYCON

I am a resident of Lake Elmo and fully support Lee Rossow's construction of a cemetery on land that he owns. I have spoken with Lee about the plans for the property and feel that it would be an attractive addition to the community and one which is needed as the current baby boom generation ages. I have also know Lee for fifteen years and know that if he is involved, it will be classy, be done right and will be maintained properly.

I heartily endorse his project.

John Malmberg

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**John Malmberg**

President / CEO



First American Bank N.A.  
2424 Monetary Blvd. - Suite 107  
Hudson, WI 54016

John.Malmberg@fa-bank.net

715-381-8330 | Main  
715-377-5310 | Direct  
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## Kyle Klatt

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**From:** Rochelle D Jacobs <annemorelakehouse@gmail.com>  
**Sent:** Friday, September 11, 2015 10:11 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; Kyle Klatt  
**Cc:** annejsmith@msn.com  
**Subject:** I am writing to support the Halcyon Cemetery

Dear City Council Members,

I am writing to express my full support for the Halcyon Cemetery proposal. It clearly fits the needs for our city and surrounding communities.

Almost a year ago was when I first learned about the proposed Cemetery at the corner of 50th and Lake Elmo ave. The project seems to be one of a kind and very impressive. Sadly, I can't visit my loved ones in their final resting places often due to the distance from my home and this would provide a local place for people to visit their loved ones regularly. I have lived in this area for all of my life (almost 40 years) and drive on Lake Elmo Ave daily. Most of the homes on that street are not of high value, with the exception of the Gonyea Development. I feel this would be a beautiful addition to Lake Elmo and that main thoroughfare. Being a 20 year Real Estate professional, I can tell you that a project like this will not only increase property values, but it will bring increased tax revenue to the area. The people visiting will shop and eat in town, they will visit regularly. It will be a huge benefit to the City of Lake Elmo and surrounding Areas.

I have shown my support on the Facebook group page <https://www.facebook.com/groups/SUPPORTHALCYON/> along with many other people that have joined the page in support.

This project has a lot of supporters and *just because a few opponents create some stir, does not mean they are not the majority!*

Please approve the Proposed Halcyon Cemetery.

Thank you,  
Rochelle Jacobs  
651-724-5381  
LONG TME LOCAL RESIDENT!

## Kyle Klatt

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**From:** Deborah Malmberg Smith <deb.malmberg@gmail.com>  
**Sent:** Friday, September 11, 2015 4:13 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** Halcyon Cemetery approval support

Greetings,

I support the approval of the Halcyon Cemetery project. I believe Lee Rossow will ensure the project is completed to his high standards and that the property will be well-maintained. He is a good man and will be a good neighbor to the surrounding properties.

Thank you,  
Deborah M Smith

## Kyle Klatt

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**From:** John McNamara <johnrmcnamara1946@gmail.com>  
**Sent:** Saturday, September 12, 2015 9:30 AM  
**To:** Kyle Klatt  
**Subject:** Halcyon Approval Support

We would like to voice our support of Lee Rossow and his proposal. We have known Lee for over 50 years and know him to be a very successful businessman. Lee plans every aspect of his undertakings. He's informed, he takes his work seriously and does not get easily sidetracked. He is very good at solving problems and making things better. We are sure Lee did a thorough study of every aspect of this project before deciding to go through with it. Please decide in favor of the Halcyon proposal.

Susan and Jack McNamara

## Kyle Klatt

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**From:** Daniel Heffron <heffroncpi@mac.com>  
**Sent:** Saturday, September 12, 2015 9:36 AM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** Halcyon Cemetery

Dear Lake Elmo City Council Members:

I am writing in support of the Halcyon Cemetery project and ask that you give it Plat approval. I feel this cemetery is a much desired addition to the city of Lake Elmo and the surrounding area. It gives families a place to lay their loved ones to rest in a place that is not only beautifully designed but in a location which is nearby, allowing them an opportunity to visit more frequently. I wish my family members were so close. I see all positives and no negatives to this addition to the city. Please give Halcyon Cemetery Plat approval.

Thank you, Dan Heffron

## Kyle Klatt

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**From:** Tom Van Sloun <tom@hoglundbus.com>  
**Sent:** Sunday, September 13, 2015 2:28 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** Halcyon Approval Support

To all concerned citizens,

I would like to offer you a few of my impressions on the Halcyon Cemetery proposal.

Society has an ongoing need for new cemeteries. When considering future development, certainly among the top questions are; where would be the best places to locate them, and what is the proposed scope of the plans.

There are always concerned neighbors who fear the unknown consequences of a new development, or just simply prefer the status quo and vote for no change. A reasonable concern for any neighbor is how will any new development affect my property values. I believe a well planned cemetery at this location on 50th street would not adversely affect any of the neighbors property values. The site at 50th and Co Rd 17 does not appear to present any new potential traffic problems.

I have known Lee Rossow for 30 years and can tell you he is focused and driven to do all of his projects the right way. To help put some concerned citizens at ease, you could take the opportunity to view a couple of Lee's past projects by viewing the School bus facility and office which he has built on Rice St. in St. Paul, or view the major addition he made to his house on the St. Croix river. Both projects are extremely well done with great attention to many details.

I feel Mr. Rossow's latest project is a benefit to society and a definite worthwhile cause.

Sincerely,

Tom Van Sloun  
3590 Mississippi Dr.  
Coon Rapids, Mn 55433



## Kyle Klatt

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**From:** Mark Busta <mark@goodoldboat.com>  
**Sent:** Sunday, September 13, 2015 5:56 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; annejsmith@msn.com; Kyle Klatt; Rossow Lee & Geni  
**Subject:** HALCYON APPROVAL SUPPORT  
**Categories:** Red Category

As a past member of the Parks Commission in Lake Elmo and a resident for 34 years and having been involved in trying to maintain the status-quo on development for all those years, the fact is we lost to the whims of the Metropolitan Council some time ago. We can now choose the kinds of development that make the most sense for the present and future of Lake Elmo. The Halcyon project would be an excellent fit for development that would have very little impact on a quiet neighborhood and city services. It would also protect 10 acres as basically open space that could never be subdivided and developed as high density housing should zoning changes or more spurious direction from the Metropolitan Council occur in the future.

Please vote YES on Halcyon, its a win-win.

Mark Busta – Circulation / Merchandise Director

**GOOD OLD BOAT** Magazine

8810 27<sup>th</sup> Street Ct N, Lake Elmo MN 55042

Office 701-952-9433 Fax 701-952-9434

Home Office 651-770-8810

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Good old boats , 'ya gotta love 'em

## Kyle Klatt

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**From:** barb busta <barbbusta@aim.com>  
**Sent:** Sunday, September 13, 2015 6:01 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** Halcyon Approval Support

Please vote yes on Halcyon. It would be a great benefit for Lake Elmo.

## Kyle Klatt

---

**From:** Sonja Muellerleile <[smuellerleile@ci.hutchinson.mn.us](mailto:smuellerleile@ci.hutchinson.mn.us)>  
**Sent:** Monday, September 14, 2015 12:45 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; [annejsmith@msn.com](mailto:annejsmith@msn.com); Kyle Klatt; [337@lach.net](mailto:337@lach.net)  
**Subject:** HALCYON APPROVAL SUPPORT  
**Importance:** High

*Sonja R. Muellerleile*  
*Oakland Cemetery Coordinator*  
*City of Hutchinson*

*1400 Adams St SE*  
*Hutchinson, MN 55350*  
*Direct – 320-234-2583*  
*E-mail – [smuellerleile@ci.hutchinson.mn.us](mailto:smuellerleile@ci.hutchinson.mn.us)*  
*Fax – 320-234-55644*  
*Web – [www.ci.hutchinson.mn.us/cemetery](http://www.ci.hutchinson.mn.us/cemetery)*

## Kyle Klatt

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**From:** sanders725@aol.com  
**Sent:** Monday, September 14, 2015 1:47 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Subject:** HALCYON APPROVAL SUPPORT

Lake Elmo City Council,

I am submitting this email in support of the proposed Halcyon project.

I believe the Halcyon project will be beneficial to the Lake Elmo community for the following reasons:

1. The project will preserve the history of Lake Elmo through its people and its families.
2. The project will preserve the rural character of Lake Elmo through its green and tranquil landscape.
3. The project provides a valuable community service as a place of dignity, peace and remembrance for the friends and families of loved ones buried there.
4. The project is well planned and viable. It is privately financed, a permitted use, and meets all City, County and Special District requirements with no variances.

Thank you for your consideration.

Bill and Jan Sanders

## Kyle Klatt

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**From:** bdischinger <bdischinger@minnesotacoaches.com>  
**Sent:** Monday, September 14, 2015 3:57 PM  
**To:** Kyle Klatt  
**Cc:** bdischinger  
**Subject:** HALCYONCEMETERY PROJECT

To Lake Elmo City Council members:

I write on behalf and support of the Halcyon Cemetery that has been proposed (approved by the Planning Commission and the Valley Branch Watershed District, and recommended for approval by City Staff). Virtually any project requiring the approvals of all these bodies, with final approval by the Council, is going to have its supporters and detractors. And in all cases, the decision should be made based on what is best and for the good of the community as a whole. Moving ahead on this project is just such a project – it is good for the whole. Yes, all voices should be heard. However, if it is truly not good for the detractors, it is probably not good for the community. But, if it is truly good for the community, the detractors opposition is probably not truly valid – rather, the opposition is likely rooted in personal and/or individually vested interest.

This is a project truly good for the whole community, including the extended neighboring communities. And I would encourage the Council to approve it as soon as it is practical to do so.

Thank you for your consideration.

Respectfully,

Bruce H. Dischinger

2141 N. Avon St.

Roseville, MN 55113



## Kyle Klatt

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**From:** John Van Valkenburg <jvanvalkenburg@gertenvanv.com>  
**Sent:** Monday, September 14, 2015 5:14 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Kyle Klatt; 337@lach.net  
**Cc:** John Van Valkenburg  
**Subject:** HALCYON APPROVAL SUPPORT

I am writing in support of Lee Rossow's efforts to build a cemetery in Lake Elmo. I have worked with Mr. Rossow for a number of years and his businesses are of the highest caliber and quality. He dedicates the time and financial resources needed to organize and complete a first rate project. I believe this cemetery will be the same. Mr. Rossow has spent many years developing this concept for a cemetery. I believe it is a well-planned cemetery and will be an asset to the community and preserve green spaces. There is a need for a cemetery in Washington County which this project will fill. Except for an occasional burial I cannot imagine significant traffic in any way. There are many far more intrusive and dense building developments that would have significantly less appeal to the city and neighbors. This project will protect and enhance the rural nature of the area.

Halcyon is very personal to Mr. Rossow as he intends to bury his family here and I believe he is dedicated to its extraordinary quality and appeal. Please approve this project. Thank you.

John P. Van Valkenburg  
Gerten & Van Valkenburg Law Office  
303 E. Little Canada Rd.  
Little Canada, Mn. 55117  
Phone: 651-484-7000  
Fax: 651-484-6174

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## HALCYON APPROVAL SUPPORT

Dear Sir or Madam,

I am writing this in support of the Halcyon Cemetery proposal you have before you by Mr. Lee Rossow. I understand there is some hesitation within the community to implement this project and I just wanted to add my own vote for the following reasons to name a few:

1. The cemetery is promising to encompass services and provisions for people of all faith traditions. As a chaplain in a long term care facility, I know firsthand how important people feel about inclusiveness of their own spiritual practices and sensitivity to those needs. Even those without such a practice want that value to be appreciated.

2. Recognizing this endeavor is the first to be built in many years, it promises to include the most up to date and modern amenities.

3. I know Lee Rossow and his business sense - he will be most accommodating to work with and respectful of all the rules and regulations. I believe the majority of approvals have been given; this demonstrates it is a priority for him in meeting the goals of this space for the needs of others.

As a society we have a tendency to ignore what people experience as mourners and grieverers during a time that is most difficult, yet avoided because of its very nature. With programs such as palliative care and hospice that is now changing but we have to present to all people of society, a willingness to encompass all aspects of life's journey and that includes a final resting place. I hope you will vote affirmatively for this proposal.

Sincerely,

Trish Flannigan

**Kyle Klatt**

---

**From:** David Misukanis <djmisukanis@gmail.com>  
**Sent:** Wednesday, September 23, 2015 12:12 PM  
**To:** Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; Kyle Klatt; annejsmith@msn.com  
**Cc:** 337@lach.net  
**Subject:** Halcyon cemetery approval

Dear Sir or Madam,

I am writing this in support of the Halcyon Cemetery proposal you have before you by Mr. Lee Rossow. I understand there may be community concerns regarding the project and would like to share my feedback in support of it.

As an individual that has lived nearby and within the city of Lake Elmo over the last 25 years, I believe the Halcyon project is one that will proudly serve the needs of the community

I do not believe there are any negative ramifications of the environment with this project such as pollution, noise, ground water. Its location will have little to no impact on the immediate community around it. The vast majority of any traffic would be occurring during normal business hours with very light traffic in the form of visitation before sunset.

I have known Lee Rossow for many years. He always has been respectful of all rules, regulations and concerns with those impacted by projects and businesses he has managed. I am highly confident he would continue in those ways as he works with the community to establish the Halcyon Cemetery.

Please include my recommendations to move forward with the project as you go through the approval process

Sincerely,

David Misukanis

Larson asked about the need to include the discussion about the sidewalks within the loop roads. Williams noted a lack of support for this recommendation.

M/S/P: Dodson/Larson, move to recommend approval of the Preliminary PUD Plan with the conditions outlined in the staff report and added by the Planning Commission based on the findings of fact as amended, **Vote: 5-2, motion carried**, with Haggard and Lundgren voting no.

M/S/P: Haggard/Lundgren, motion that the Park Commission prioritize Stonegate Park, including the Inwood development portion, in light of the overall development plans for the area around this park. **Vote: 7-0, Motion carried unanimously.**

M/S/P: Dodson/Larson motion to recommend that when HOA's are established, before homeowners move into development, that the City makes sure that a bank account and accounting system is set up to ensure that HOA is viable. **Vote: 7-0, Motion carried unanimously.**

Williams asked for a friendly amendment to clarify that developer's agreement include this provision.

#### **Business Item: Sketch Plan - Halcyon Cemetery**

Johnson presented an overview of a sketch plan review related to a proposed cemetery that would be located at Lake Elmo Avenue and 50<sup>th</sup> Street. He noted that a sketch plan has been submitted to the City because a cemetery must be processed as a plat. Staff reviewed the site for land use and zoning. Public utilities, private utilities, access, landscaping and tree preservation, screening and fencing, park dedication, and the subdivision review process.

Johnson noted that the City has received a letter with questions from the property owner adjacent to the proposed cemetery. This letter was distributed to the Planning Commission.

Williams asked why the application is coming forward as a plat since the boundaries are not changing. The applicant stated that they would address this question.

Dodson questioned how the existing house would be used. Johnson stated that the applicant intends to convert the house into a caretakers residence.

Lee Rossow, 11050 50<sup>th</sup> Street North, addressed the Commission and offered a response to the questions from the adjacent property owner. He noted that: there will be a gate restricting access to the site, there will be lights but they will adjust to lower levels at night, fencing will be used around the perimeter of the property, with wrought iron



along Lake Elmo Avenue and 50<sup>th</sup> Street North and chain link around the other boundaries, once approved as a cemetery the site can never be used for any other use. There are no dangers for soil contamination since concrete vaults are now used for all burials.

Mr. Rossow explained the rationale for the creation of a new cemetery and noted that the cemetery would be catering to the needs for modern burials.

Bill Sanders, Loukes Associates, Landscape Architect, explained that he has 25 years of experience with cemetery design. He reviewed the proposed plans for the property, and discussed access to the site, parking, use of the building, and other site design considerations. He stated that all bodies would be placed in concrete vaults and would not pose any risk for soil contamination.

Dodson asked for clarification for the ownership of each burial lot. Sanders indicated that the owner will be required to file a plat with the County, but any persons that wish to be buried on the site would purchase a right to be buried in the cemetery. State law requires that a portion of any burial fees be placed into a long-care perpetual maintenance fund for the cemetery. He noted that the tax exempt status takes effect upon filing of a final plat for the property. It was noted that the cemetery will be private and non-denominational, and that Halcyon would not be providing any funeral home services. The overall plan includes space for approximately 1,200 burials.

Williams expressed concern with the access spacing for the proposed driveway and with the overall storm water management plans for the site.

The Commission asked general questions concerning the function and operation of the facility.

## **Updates and Concerns**

### *Council Updates*

None

### *Staff Updates*

1. Upcoming Meetings
  - a. December 8, 2014
  - b.
2. Possible 6:30 meeting start time for next year.
3. Possible Planning Commission Retreat.

### *Commission Concerns*

**LAKE ELMO CITY COUNCIL MINUTES**  
**DECEMBER 2, 2014**

**ITEM 16: HALCYON CEMETERY SKETCH PLAN REVIEW**

Community Development Director Klatt presented overview of the cemetery proposal.

Mayor Pearson asked about the park dedication fee. Staff would recommend 4% to be consistent with rural residential development. Council Member Reeves asked if non-denominational cemeteries are still eligible for non-profit status. It was clarified that they are.

**Lee Rossow**, 11050 59<sup>th</sup> St., applicant, spoke about the proposal. **Project Architect Bill Sanders** described the proposal in detail. It was noted that there will be no soil contamination due to the type of vaults proposed.

How it would be expanded in future was explored. It will be funded for 10 years and there is currently enough capacity to provide space for several hundred years. The cemetery will be governed as part of a trust. The Council discussed including a possible service fee and park dedication fees. Council Member Smith stated she finds the proposal intriguing.

***Council Members Smith and Bloyer left meeting at 10:20pm.***

Mayor Pearson called for the mentioned issues to be addressed when the proposal comes back. Council Member Nelson suggested the City look at the zoning code vis-à-vis cemeteries for the future. Community Development Director Klatt agreed with the suggestion that this land use should be looked at. He said he would add it to the Planning Commission plan of work.

***NO FORMAL ACTION REQUESTED.***



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of July 13, 2015**

Chairman Dodson called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Dodson, Dorschner, Williams, Fields, Larson, and Kreimer

**COMMISSIONERS ABSENT:** Griffin and Haggard

**STAFF PRESENT:** City Planner Johnson & Planning Program Assistant Ziertman

**Approve Agenda:**

The agenda was accepted as presented.

**Approve Minutes: June 22, 2015**

M/S/P: Williams/Kriemer, move to approve minutes as presented, ***Vote: 6-0, motion carried unanimously.***

**Public Hearing: Preliminary Plat and Final Plat – Cemetery**

Johnson started his presentation summarizing the final plat request for a cemetery at 11050 50<sup>th</sup> Street. The staff is recommending approval subject to 8 conditions. The site is surrounded by other rural residential properties. This property is currently zoned rural residential and is used as a single family home. According to the Lake Elmo Zoning Code, cemeteries are considered a permitted use in the AG & RR zones. The Valley Branch reviewed this application and approved a permit.

The access for the site would come in off of 50<sup>th</sup> street. This site would be served with City water, and a new septic system would need to be constructed. As far as the platting goes, there will be an additional amount of road right of way of 25 feet needed on Lake Elmo Avenue. Along 50<sup>th</sup> street, an additional 5 feet of right of way will be required by the City.

The engineer comments include the required additional right of way for 50<sup>th</sup> Street. In addition, the private stormwater management system must be privately owned and operated, and a maintenance agreement is required with the City. There were also some construction plan revisions identified by the Engineer.

Washington County comments include the additional right of way on Lake Elmo Ave. and the need for a county right of way permit to remove the existing driveway and conduct grading in the right-of-way.

The review comments of the Fire Chief include the need for a proposed hydrant location, fire suppression equipment, proper turning radii and emergency vehicle movements, and height of proposed entrance canopy on the structure to allow for emergency vehicles.

Concerns that staff heard from surrounding property owners regarding the application are increased traffic, effect on property values and permanent care of the cemetery.

Dorschner asked what this lot could be developed at. Johnson stated that it is a 10 acre minimum, so it is at the maximum residential use.

Williams asked about the crematory. The City's definition includes the ability to have a crematory. Williams asked if that mean that at a future date this use could be added. Johnson stated that yes they could if the current definition of cemeteries did not change.

Kriemer asked about the areas planned for future phases on the plan, specifically asking about setbacks. Johnson stated that beyond the 5 foot setback, there is no other setbacks in place. Kreimer asked if the fence was on the property line. Johnson stated fences can be put on the property line.

Dodson asked who enforces the private drainage. Johnson stated that the City falls under the MS4 program and the property owner is required to submit annual reports.

Fields asked how much this property currently pays in taxes. Johnson stated that once this property becomes a cemetery, it becomes tax exempt.

Lee Rossow, applicant, stated that there would be normal hours of operation, 7 days a week. Rossow stated it is a low impact use and takes a long time to ramp up. There is a permanent trust fund for maintenance that is statutorily required.

Williams asked if Rossow would enter into an agreement not to build a crematorium on this site. Rossow stated that putting one on the site would be almost impossible. He stated he would be willing to sign a document saying he would not do so.

Dodson asked where the future gravesites would stop. Rossow stated that he would be surprised if they reached 1000 gravesites in 30 years, so they left that future site a little vague so it could be re-evaluated in the future. Dodson asked how the transfer of ownership worked from generation to generation. Rossow stated that presently there is

an association planned with 3 committed members. After about 8 years, he plans to go to a non-profit with a board of 8, which should sustain itself.

Kreimer asked about how many burials are shown right now. Rossow stated that there is close to 2000 shown and when it is built out it is around 4500.

Public Hearing opened at 7:45pm

Jean Madrinich, 11420 50<sup>th</sup> Street N, she stated that when the well house went in, they had a lot of problems with the floodplains and she is wondering how this will be addressed. Rossow stated that the VBWD stated that no one can be buried below the 100 year flood plain. Madrinich is also very concerned with the traffic on the road and there is another property that wants to do a commercial endeavor. She was also wondering about signage. Rossow stated that there would be an identifying sign that will probably be made out of granite.

Deb Krieger, 4552 Lake Elmo Ave, she is wondering about the parkland dedication. She believes that if it is RR there should be a 4% park land dedication. Johnson noted that the subdivision ordinance calls for land dedication for residential subdivisions, whereas the proposed project is a public/civic use under the City's Zoning Code. She is also wondering about the board and the trust fund. Rossow stated that they will follow the state statute. Krieger asked if a fence is required around a cemetery. Johnson stated that our code does not require it or exclude it. Krieger stated that she would like to see no fencing. She is worried about the traffic, especially with a funeral procession. She is wondering about setbacks. 50-80% of deaths are cremations and she is wondering where those will happen. She reiterated the need for a permanent care fund and following state statutes as they relate to cemeteries.

Dodson asked Rossow how they handle winter burials. Rossow stated that there is equipment that is used to prepare the ground. He stated that the bodies would be stored in a mausoleum until the ground is thawed. Rossow stated that a fence is a must for security and to deter vandalism.

Janet Thompson, 11491 50<sup>th</sup> Street, stated that she believes this use to be a large commercial venue placed within their residential area. They purchased their property in a rural area, not to be placed next to mausoleums.

Rebecca Tenpas, 11330 50<sup>th</sup> Street, ask the Planning Commission to think about the rural areas and what people think about for that type of environment. She thinks this commercial venue does not fit in with the rural character. She is concerned about the traffic. 50<sup>th</sup> street has become a very busy road. The surrounding uses around this are all single family homes and this should be a single family home as well.

Rich Day, property owner on 50<sup>th</sup> Street, is wondering if there is an environment impact statement with this request. The storm water from the Rossow property runs to his property to the south. He wanted to ensure that this project would not increase the water flow to his property. Johnson noted that the Valley Branch Watershed District did review the proposed storm water facilities and found them to be in compliance with watershed rules. State requirements do not allow post development water volume and velocity to increase from the existing condition. Johnson also stated that the proposed use would likely not meet the threshold for an environmental assessment worksheet, but the City has the discretion to require one.

Jeffrey Saffle, 11180 50<sup>th</sup> Street, noted that they have an easement that runs to the east of this property. He is concerned about the LED lights and would like assurance that this will conform to the dark sky ordinance. Rossow stated that the only LED lights would be in the parking lot. At night they will go down to almost off when the day is over and they will all have hoods on them.

Saxe Roberts, 11165 50<sup>th</sup> Street, did research about property values and the results are mixed or inconclusive as staff suggested. However, some people just don't like cemeteries. They put a significant investment into their property and feel that it will affect the value. He is also concerned about the traffic and especially with funeral processions.

The City received no written or electronic correspondence.

Public Hearing closed at 8:25 pm

Williams heard 4 major concerns. Traffic, property values, commercial in residential and storm water. VBWD is the custodian of storm water. They are the experts, so if they issued the permit, it must be on track.

Dorschner stated that usually the funeral processions are during business hours and not during rush or peak travel hours.

Kreimer would like to add a tree transplant warranty, he would like to see trees planted around the property line, add something regarding the crematorium and would like to stipulate that the trust fund be governed by the Minnesota cemetery association.

Dodson feels that this should be split between preliminary plat and final plat with more detailed plans. Johnson stated that applications that proposed to proceed with preliminary and final plat concurrently are accepted when there is little to no public infrastructure. In addition, the scope or size of the plat also determines if the process can be expedited.



Williams is wondering if a condition could be added that if any design changes occur to the main structure, that it complies with the Cities design standards.

M/S/P: Fields/Dorschner, Move to add a condition that development of a crematorium is excluded from use on this property. Motion withdrawn

M/S/P: Williams/Fields, move that any future expansion of the site, including plans to install a crematorium, must be reviewed and approved by the City, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Kreimer, move to add condition that the Cities dark sky ordinance will be followed, **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move that any alterations to existing building conform to the City's design standards. **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move that draft finding number 5 read "That the Halcyon Cemetery Final Plat is consistent with the City's engineering standards, except where noted, provided the plans are updated to address the City Engineer's comments documented in a letter dated July 8, 2015 and the Fire Chiefs letter dated July 7, 2015. **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, move to add draft finding number 6 that the applicant has committed to a permanent trust fund according to state statute. **Vote: 6-0, motion carried unanimously.**

M/S/P: Kreimer/Larson, move that if trees that are transplanted die within two years, they will be replaced, **Vote: 6-0, motion carried unanimously.**

M/S/P: Kreimer/Williams: Landscape plan shall be amended to add plantings along the Eastern and Northern property lines consistent with screening requirements specified in 154.258.F of the City Code, **Vote: 6-0, motion carried unanimously.**

M/S/P: Fields/Dodson Move that any annual financial reporting regarding the permanent care trust fund that is sent to state or federal authorities also be submitted to the City. Withdrawn

M/S/P: Dorschner/Williams, move that minutes from annual meetings, including the annual financial reporting, be submitted to the City. **Vote: 6-0, motion carried unanimously.**

M/S/P: Williams/Dorschner, Move to recommend approval of the Halcyon Cemetery Preliminary & Final Plat with the conditions of approval as drafted by Staff and amended

by the Planning Commission and based on the findings of fact listed in the Staff Report and amended by the Planning Commission **Vote: 6-0, motion carried unanimously.**

**17. HALCYON CEMETERY PRELIMINARY AND FINAL PLAT**

Community Development Director Klatt reviewed the request for approval of a preliminary and final plat for a cemetery located at 11050 50<sup>th</sup> Street North and reported on the six conditions on the Planning Commission recommendation for approval.

The applicant, Mr. Lee Rossow addressed the Council and provided background information on the project. Mr. Rossow explained the proposed site improvements and anticipated operations of the cemetery and conversion of the existing single family home to offices, caretaker living quarters, and a facility to hold gatherings and services.

Susan Dunn, 11018 Upper 33<sup>rd</sup> Street N., asked when cemeteries were added to the Comp Plan and stated they were not allowed under the old Ordinance. Dunn added that there was a pet crematorium in the City in the past and it was a problem. Dunn also commented on the tax exempt status of cemeteries.

Kristy Roberts, 11165 50<sup>th</sup> Street N., stated she purchased her home two and an half years ago because she wanted to be in a rural residential area with her six children and never imagined a commercial property across the street. Ms. Roberts expressed concern over property values if this application is approved.

Saxe Roberts, 11165 50<sup>th</sup> Street N., stated that the rural residential intended use is for single family homes on a large lots and questioned how a commercial parking lot is allowed in that zone. Mr. Roberts expressed concern over the operation of the cemetery and the lack of park dedication funds from this development.

Rebecca Tenpas, 11330 50<sup>th</sup> Street N., stated her opposition to the application due to it being a commercial venue, noting that it may fit the rules but not the neighborhood.

James Tenpas, 11330 50<sup>th</sup> Street N., stated that the City needs to protect its rural residential residents and not allow this additional traffic on 50<sup>th</sup> Street. Mr. Tenpas stressed that this is a permanent decision.

Sadie Tenpas, 11330 50<sup>th</sup> Street N., voiced opposition to the project, stating that there are environmental and aesthetic consequences, harm to property values, and commercial use in rural residential zone. Ms. Tenpas also expressed concern over long term maintenance and upkeep of the property.

Janet Thompson, 11491 50<sup>th</sup> Street N., stated that the zoning allows this type of use but it does not fit with the neighborhood. Ms. Thompson also stated she is opposed to a business like this that will attract vandals.

Richard Hesse, 5235 Kirkwood Ave., read an email he sent to the Councilmembers and stated that no business should be allowed at this site and stated many concerns regarding the proposal.

Deb Krueger, 4452 Lake Elmo Ave., questioned if the Planning Commissioners did their research or were familiar with City codes. Ms. Krueger expressed concern over the care fund at the State of Minnesota and asked the Council to table the request to allow for further research.

Community Development Director Klatt read an email from Jean Madrinich, 11240 50<sup>th</sup> Street, expressing opposition to the project.

Councilmember Bloyer asked City Attorney Snyder and Community Development Director Klatt for guidance, as he felt the City Council was not comfortable with the proposal. Councilmember Fliflet asked for further definition of "cemetery" and Councilmember Lundgren requested further definition of "funeral home."

LAKE ELMO CITY COUNCIL MINUTES

July 21, 2015

*Councilmember Smith moved TO TABLE THE REQUEST FOR FURTHER CITY REVIEW.  
Councilmember Fliflet seconded the motion. MOTION PASSED 5 – 0.*