



MAYOR & COUNCIL COMMUNICATION

DATE: July 21, 2015
REGULAR
ITEM # 13

AGENDA ITEM: TH36 and Highlands Trail - Request for Street Light safety improvement
SUBMITTED BY: Jack Griffin, City Engineer
THROUGH: Julie Johnson, City Clerk
REVIEWED BY: Mike Bouthilet, Public Works
Cathy Bendel, Finance Director
Greg Malmquist, Fire Chief
Ryan Stempski, Assistant City Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item..... City Engineer
- Report/Presentation City Engineer
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: Engineering / Public Works.

FISCAL IMPACT: \$2,200.

The installation of a street light at the intersection of TH36 and Highlands Trail would cost approximately \$2,200; \$1,906 to Xcel Energy for the supply and installation of the street light plus public works restoration costs. The street light would be funded through the Infrastructure Reserve Fund.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving the installation of a street light at the intersection of TH36 and Highlands Trail in the amount of \$2,200; \$1,906 to Xcel Energy plus public works restoration costs. The recommended motion for this action is as follows:

“Move to approve the installation of a street light at the intersection of TH36 and Highlands Trail in the amount of \$2,200.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

In March, 2015 staff received a request to install a street light at the intersection of TH36 and Highlands Trail. The request was made by Barbara Thill residing at 8330 59th Street North (see attached correspondence). The request was made to Adam Josephson, MnDOT who forwarded the request to City staff since the installation would be the City's responsibility. The request was made to address a safety concern to assist in identifying the intersection location to allow vehicles sufficient braking distances along TH36.

Both Public Works and the Fire Chief have reviewed the intersection and support the installation request. City staff contacted Xcel Energy and received a proposal to complete the installation should the council choose to order the street light. An installation cost of \$1,906.00 was quoted by Xcel Energy in a proposal dated May 28, 2015. The proposed installation includes a cobra cutoff fixture on a 30 foot direct buried fiberglass pole and includes all underground facilities, wiring and conduit. In addition the City would pay a monthly underground rate of \$18.86 which includes full maintenance for a period of 25 years (see attached proposal).

RECOMMENDATION:

Staff is recommending that the City Council approve the installation of a street light at the intersection of TH36 and Highlands Trail in the amount of \$2,200; \$1,906 to Xcel Energy plus public works restoration. The recommended motion for this action is as follows:

“Move to approve the installation of a street light at the intersection of TH36 and Highlands Trail in the amount of \$2,200.”

ATTACHMENT(S):

1. Xcel Energy outdoor lighting proposal dated May 28, 2015.
2. Email correspondence including resident request and MnDOT response.

May 28, 2015

Focus Engineering Inc.
Attn: Frank Borich
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Mr. Frank Borich:

Xcel Energy Outdoor Lighting is pleased to have an opportunity to submit a proposal for the City of Lake Elmo street light project. Our goal is to provide you with the necessary information to assist you in your decision making process. We are confident we can provide you with a comprehensive package that will meet all your needs.

Please find below styles of product and the estimated project costs. This proposal includes all underground facilities installed using the plowing or boring method for conduit and wire and the installation of each of the following material. If successful in acquiring the identified project, delivery of the specified product could take 4 to 6 weeks:

Hwy 36 & Highlands Street Light Project:

1. The Standard Service upfront installation cost is - \$1,906.00.
The monthly underground rate (A30) 150W High Pressure Sodium per luminaire is - \$18.86.
Install 1-150W HPS cobra cutoff fixture on 30' direct buried fiberglass pole. Install by plow and direct bore approx. 170' of #6 AL DX in 1 ½" conduit.
2. The Pre-Pay Option upfront installation cost is - \$5,197.40.
The monthly pre-pay option rate (A30) 150W High Pressure Sodium per luminaire is - \$6.94.
Install 1-150W HPS cobra cutoff fixture on 30' direct buried fiberglass pole. Install by plow and direct bore approx. 170' of #6 AL DX in 1 ½" conduit.

Restoration is not part of this bid.

Included in the monthly street light rate is full maintenance of the street light system. Maintenance of the street light system covers the pole, fixture, conduit and wiring, as well as facilitation of any locating and damage administration. Operations and Maintenance for the proposed street light system will be for 25 years from the date of installation. If you have any questions regarding the proposal, please feel free to contact me at 651.229.2255.

Sincerely,
Angela Adesoro
Project Coordinator, Xcel Energy



Jack Griffin <jack.griffin@focusengineeringinc.com>

FW: Hwy 36 at Highlands Trail

3 messages

Josephson, Adam (DOT) <adam.josephson@state.mn.us>

Fri, Mar 20, 2015 at 4:00 PM

To: "Jack Griffin (jack.griffin@focusengineeringinc.com)" <jack.griffin@focusengineeringinc.com>

fyi

From: Josephson, Adam (DOT)
Sent: Friday, March 20, 2015 3:59 PM
To: hotdago2@gmail.com
Subject: Hwy 36 at Highlands Trail

A street light at the Highlands Trail / Hwy 36 intersection would have to be installed and maintained by the City of Lake Elmo. I contact the City Engineer (Jack Griffin) about your request. Please contact him directly if you want to pursue further.

Adam Josephson, P.E.

East Area Manager

MnDOT – Metro District

[651/234-7719](tel:6512347719)adam.josephson@state.mn.us

From: Barbra Thill [<mailto:hotdago2@gmail.com>]**Sent:** Monday, March 2, 2015 11:18 AM**To:** Henkel, Timothy (DOT)**Subject:** Hwy 36 Light

I have submitted a question 2 times on email already to the DOT regarding the construction on Hwy 36 this past year and have not got an answer yet. It says they will respond within 3 weeks. I was requesting a street light/highway light at the corner of 36 and Highlands Trail. It is very hared to see at night when approaching the corner to make the turn. Several people have

also said they were almost hit when a car had to suddenly brake to make the turn. I hope an accident doesn't happen before a light can be installed. You would have thought that a light would have been installed at the time of construction. Please if you are not the person to whom I should address this question, please forward this on to the appropriate person.

Thank you for your time and help with this matter. I would really appreciate an answer to this question and if I need to do anything more to get this light, please let me know.

Barb

Barbra Thill <hotdago2@gmail.com>
To: jack.griffin@focusengineeringinc.com

Mon, Mar 23, 2015 at 6:05 AM

Hello Mr. Griffin,

----- Forwarded message -----

From: **Josephson, Adam (DOT)** <adam.josephson@state.mn.us>

Date: Fri, Mar 20, 2015 at 3:58 PM

Subject: Hwy 36 at Highlands Trail

[Quoted text hidden]

Barbra Thill <hotdago2@gmail.com>
To: jack.griffin@focusengineeringinc.com

Mon, Mar 23, 2015 at 6:25 AM

Hello, Ooops, sorry for the message that was just sent. I hit the enter key by mistake. I was given your name by Adam Josephson from the DOT. I, along with several others are concerned about not having a street light on Hwy 36 and Highlands Trail. When the project was completed on Hwy 36 last year, we had assumed they would have installed a light there. It is very hard at night to see exactly where to turn onto Highlands Trail coming off the highway. You have to break rather quickly when approaching the turn especially for the people not familiar with the turn. Honestly, I came pretty close a few times when I was on Highlands Trail waiting to enter the highway when almost got hit from someone who did not slow down to make the turn. Granted, there is sign on 36 saying Highlands Trail is coming, but until it is too late you are on the intersection needing to turn. Please, could someone check the area of concern out (hopefully after dark) to see how important this is for a light. If there is anything I could do to help pursue this light, let me know and I will try my best. If there is someone else I need to be talking to, please provide me with a name or forward this message to them. If signatures from concerned people will help, I will gladly get them for you. I sure hope we do not have to have an accident or two to make this happen. Thank you in advance for your time in checking on this for me. I would really appreciate an answer when you find anything out. Barb Thill

[Quoted text hidden]



MAYOR & COUNCIL COMMUNICATION

DATE: July 21, 2015
REGULAR
ITEM # 14
RESOLUTION 2015-056

AGENDA ITEM: Diedrich Property Townhouses (Lennar) – Preliminary Plat

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Planning Commission
Nick Johnson, City Planner
Jack Griffin, City Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity 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 is recommending approval of a preliminary plat for a new subdivision as requested by Lennar Corporation. The Subdivision Ordinance requires that the City Council review and approval a preliminary plat before an applicant may proceed with the preparation and recording of a final plat. The subdivision request is being made by Lennar for property presently owned by Tammy Diedrich and Gerhard Rieder within the I-94 Corridor planning area.

FISCAL IMPACT: TBD – The City will require that the applicant enter into a developer’s agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements. The developer is expected to pay the Water Availability Charge for the entire development at the time a final plat is approved (currently \$3,000 per unit) similar to other developments that are connecting to the Lake Elmo Avenue water main.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request for approval of a Preliminary Plat from Lennar Corporation for a 46-unit singled family

attached (townhouse) development to be located on slightly over 15 acres of land immediately east of Lake Elmo Avenue and north of the Hunters Crossing development. The proposed development site is located within the City's I-94 corridor planning area, and is in an area guided for public sewer and water services. The preliminary plat has been prepared in response to the City's Comprehensive Plan for the corridor, which guides this site for medium density urban residential development. The Staff report to the Planning Commission concerning this request is attached to this memorandum, and includes a detailed summary of the request in addition to the detailed Staff review and recommendation. The City Council was scheduled to review this request at the 7/7/15 meeting, but consideration was postponed at request of the applicant. The applicant has now requested that consideration be placed back on the agenda

The Planning Commission is recommending approval of the preliminary plat with several conditions of approval. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2015-056 approving the Lennar Diedrich Townhouses preliminary plat with 16 conditions of approval.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The attached staff report to the Planning Commission provides an overview of the request and a list of comments and recommendations from Staff. In order to address the initial set of comments from the City, the developer prepared an updated site plan prior to the Planning Commission meeting that reduced the overall number of units by two and that changed the originally planned private street to a public street meeting City specifications. Although the construction plans have not yet been updated, the Planning Commission's review focused on the updated site plan. The City will still need to review updated construction plans, and all previous review comments from the City Engineer and County Engineer will need to be addressed by the applicant. Since the Planning Commission meeting the developer has updated the landscape plan to provide a better overview of how the site will look when completed.

The Planning Commission considered the preliminary plat at its June 22, 2015 meeting and conducted a public hearing on the applicant's request at this time. No one spoke at the public hearing.

The Planning Commission discussed the request and specifically issues associated with the timing of improvements to 5th Street, the updated site plan, and potential issues associated with the new configuration of lots. The Commission also noted that the developer would need to address an ownership issue in the extreme southwestern portion of the plat. Specifically, Ryland Homes owns a small remnant of land that is sandwiched between 5th Street and the Lennar property. This property is shown as part of the Lennar plat, but it may be excluded from the subdivision based on the developers' comments at the meeting. If this is the case, four of the lots need be adjusted in order to provide adequate rear yard setbacks. This is not a major plat concern, but will need to be addressed as part of a final plat submission. The Commission adopted a finding of fact to document their concerns over this issue.

The Commission further discussed the status of parks in this area and the developer's request to pay a fee in lieu of land dedication. Commissioners adopted a motion to include a finding that there are no City parks within ½ mile of the subdivision site. The Commission also requested one additional condition of approval to clarify that the developer must secure a written agreement from Xcel Energy to perform the planned grading work within the existing power line easement. The conditions of approval as amended by the Planning Commission are incorporated into the draft resolution.

The Planning Commission adopted a motion to recommend approval of the Preliminary Plat with the findings and conditions as noted in the attached Resolution 2015-056. The motion passed unanimously (7-0).

BACKGROUND INFORMATION (SWOT):

- | | |
|----------------------|--|
| Strengths | <ul style="list-style-type: none">• The preliminary plat is consistent with the Comprehensive Plan and specifically the Urban Medium Density Residential land use classification.• The project will connect to the Cottage Grove sewer interceptor via a connection to the gravity line constructed across the project site late last year.• The project will connect to the Lake Elmo Avenue water main recently installed in this area. |
| Weaknesses | <ul style="list-style-type: none">• The two developers adjacent to 5th Street have not yet agreed to build this road as a joint project. |
| Opportunities | <ul style="list-style-type: none">• The development will include 46 REC units and will pay connection fees for sewer and water service. The developer has committed to paying the water available charge for the entire development (\$138,000 based on the current fee schedule) with the first phase of the final plat.• The project will include the construction of the initial segment of 5th Street to the east of Lake Elmo (which must either be constructed as a public project or privately by the developer). |
| Threats | <ul style="list-style-type: none">• None identified. |

RECOMMENDATION: Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the Lennar Diedrich Townhouses preliminary plat with the 16 conditions of approval as documented in the resolution of approval by taking the following action / with the following motion:

“Move to adopt Resolution No. 2015-056 approving the Lennar Diedrich Townhouses preliminary plat with 16 conditions of approval.”

ATTACHMENTS:

1. Resolution No. 2015-056
2. Planning Commission Report (6/22/15)
3. Application Forms
4. Application Narrative and Information
5. Location Map
6. Tree Inventory
7. Review Comments:
 - a. City Engineer
 - b. Washington County
8. Preliminary Plat and Plans (20 sheets)
 - a. Revised Site Plan (Dated 6/19/15)
 - b. Revised Landscape Plan (Dated 6/25/15)
 - c. Cover Sheet
 - d. Legend Sheet
 - e. Existing Conditions
 - f. Preliminary Plat
 - g. Preliminary Site Plan
 - h. Preliminary Utility Plan
 - i. Preliminary Grading Plan
 - j. Erosion Control Plan
 - k. Preliminary Seeding Plan
 - l. Preliminary Street Profiles
 - m. Details
 - n. Landscape Plan
 - o. Tree Preservation Plan

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

RESOLUTION NO. 2015-056

*A RESOLUTION APPROVING A PRELIMINARY PLAT FOR
THE LENNAR DIEDRICH TOWNHOUSES*

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

WHEREAS, Lennar Corporation, 16305 36th Avenue North, Plymouth, MN (Applicant) has submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for the Lennar Diedrich Townhouses subdivision, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on June 22, 2015 to consider the Preliminary Plat request; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council from Community Development Director Kyle Klatt for the July 7, 2015 Council Meeting; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat; and

WHEREAS, the City Council reviewed the Preliminary Plat at its meeting held on July 7, 2014 and made the following findings of fact:

- 1) That the preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the preliminary plat complies with the City's Urban Medium Density Residential zoning district regulations.
- 3) That the preliminary plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the plan revisions as requested by City Staff and consultants.
- 4) That the preliminary plat complies with the City's subdivision ordinance.
- 5) That the preliminary plat is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter dated June 17, 2014.
- 6) That there are no City parks located within ½ mile of the proposed subdivision.

- 7) That the updated development plans indicate that proposed structures on Lots 29-32 are located too close to the property line and that the development plans must be updated to move these structures to the required setbacks prior to the submission of a final plat.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the preliminary plat for the Lennar Diedrich Townhouses subdivision subject to the following conditions:

- 1) The landscape plan and tree preservation plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans.
- 2) The final landscape plan shall incorporate additional plantings where feasible adjacent to the shared property lines with parcel at 11490 Hudson Boulevard.
- 3) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated March 3, 2015. The required improvements shall include, but not be limited to the construction of a northbound right turn lane and southbound center turn lane.
- 4) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 5) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 6) The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance. A cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording.
- 7) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 8) All required modifications to the plans as requested by the City Engineer in a review letter dated June 17, 2015 shall be incorporated into the plans prior to consideration of a final plat.

- 9) The applicant shall update all of the landscaping and construction plans to reflect the updated site plan that includes a public right-of-way within the project area. These updated plan shall be subject to review and approval by the City Engineer.
- 10) Although the updated site plan does not incorporate a private street, any request for flexibility from City regulations and standards must be considered and addressed as part of the final plat submission.
- 11) The final construction plans for the Diedrich Townhouses subdivision shall include, at a minimum, the northern portion of 5th Street if a joint construction project between the applicant and Ryland Homes does not proceed in advance of a final plat submission for the applicant's site.
- 12) The architectural covenants for the homeowner's association shall include provisions that discourage blank garage doors. All garage doors shall incorporate windows or decorative trim to minimize the visual impact of the garage-forward home design.
- 13) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
- 14) The site plan and construction plans shall be revised to include a sidewalk along at least one side of all streets within the subdivision.
- 15) The applicant shall pay a Water Availability Charge consistent with the Lake Elmo Fee Schedule for the entire development prior to the release of the final plat for recording, regardless of project phasing.
- 16) The developer shall secure a written grading agreement from Excel Energy concerning the proposed grading activity underneath an existing power line easement across the property prior to submission of a final plat.

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

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



PLANNING COMMISSION
DATE: 6/22/15
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2015-19

ITEM: Diedrich Property Townhouses (Lennar) – Preliminary Plat and Conditional Use Permit

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Preliminary Plat request from Lennar Corporation for a 46-unit single-family attached (townhouse) development to be located on slightly over 15 acres of land immediately east of Lake Elmo Avenue and north of the Hunters Crossing development. The site is located within the I-94 Corridor Planning Area and is therefore on property that has been guided for public sewer and water services. The application as originally submitted included a request for a Conditional Use Permit to allow the use of a private street to serve the individual townhouse units. The applicant has since updated the proposed site plan and plat to incorporate a public street within the development, which will eliminate the need for a conditional use permit. Staff is recommending approval of the request with conditions as listed in the below report.

GENERAL INFORMATION

Applicant: Lennar Corporation (Paul Tabone); 16305 36th Avenue North, Suite 600, Plymouth MN 55446

Property Owner: Tammy Diedrich and Gerhard Rieder, 7401 Wyndham Way, Woodbury, MN 55125

Location: Part of Section 36 in Lake Elmo, north of I-94, east of Lake Elmo Avenue, and south of the Cimarron Golf Course property. Immediately north of 404 Lake Elmo Avenue North. PID: 36.029.21.32.0002

Request: Application for a preliminary plat related to a 46-unit townhouse subdivision. A request for a conditional use permit is no longer need based on the submission of an updated site plan with a public street.

Existing Land Use and Zoning: Vacant with fairly heavy tree cover. Current Zoning: RT – Rural Transitional; Proposed Zoning: MDR – Medium Density Residential

Surrounding Land Use: North – Cimarron Manufactured Home Park and golf course; East – Trans-City industrial building; West – Rural Residential property and The Forest residential subdivision; South –

	Hunters Crossing single family residential development; also one existing home site adjacent to Lake Elmo Avenue.
<i>Surrounding Zoning:</i>	MDR – Medium Density Residential, RT – Rural Development Transitional; LDR – Low Density Residential
<i>Comprehensive Plan:</i>	Urban Medium Density Residential (4 – 7.5 units per acre)
<i>History:</i>	No history on file with the City. Site has been vacant or used for agricultural purposes for a long period of time. The sketch plan was reviewed by the City in February and March of 2015. Staff did not find any information in the City’s land use files for the site that would impact the proposed subdivision.
<i>Deadline for Action:</i>	Application Complete – 6/3/15 60 Day Deadline – 8/2/15 Extension Letter Mailed – No 120 Day Deadline – 10/1/15
<i>Applicable Regulations:</i>	Chapter 153 – Subdivision Regulations Article 10 – Urban Residential Districts (MDR) §150.270 Storm Water, Erosion, and Sediment Control

REQUEST DETAILS

The City of Lake Elmo has received a request from Lennar Corporation for a preliminary plat for a 46 unit townhouse development tentatively called the Diedrich Property Preliminary Plat. Please note that the original application and all of the construction plans as submitted were for a 48-unit project utilizing a private street. Due to several issues concerning the original configuration of lots and in order to address City, County, and watershed district comments and concerns, the applicant has submitted a revised site plan that now includes a public street and a reduced number of lots. The applicant may still be seeking some variation from City standards in order to plat a public street, and Staff is suggesting that any variations from the City’s zoning and subdivision regulations be addressed at the final plat stage.

The City previously reviewed a sketch plan for the property earlier in the spring of this year, and the current application has been preceded by a Comprehensive Plan amendment that changed the future land use designation of this parcel from HDR – High Density Residential to MDR – Medium Density Residential.

The site under consideration is situated between the Cimarron Golf Course and the Hunters Crossing development north of the planned 5th Street corridor and west of Lake Elmo Avenue. The property is currently vacant, and there is no record of any buildings or structures being constructed on the site. When the City was initially planning the trunk sewer line project to serve the Village Area, the original alignment of the trunk sewer through this property followed the northern and eastern property boundaries. After subsequent discussions with the property owners, this alignment was changed to the southern boundary of the site, within what eventually become the planned right-of-way for 5th Street. The City has acquired easements for both 5th Street and the sewer and water main serving this area that cross the southern property boundary of the applicant’s property. These easements may eventually be vacated since the preliminary plat will formally dedicate the required right-of-way for the road, sewer, water, and other utilities as 5th Street. A similar dedication of the road and utility right-of-way was provided with Hunters Crossing to the South.

The proposed access into the development is now proposed to occur via a new public road immediately across from the entrance to Hunters Crossing (Lavern Avenue North). The City has previously approved the use of private roads to serve the townhouse units with Lennar's Savona subdivision, and the plan as originally drawn out called for a private road to be used to access the proposed townhouses. The road as originally planned would have been located within a 30-foot wide Outlot, however, the City Engineer expressed concern that this outlot was not wide enough to accommodate all necessary infrastructure (both private and public) to serve the development. In order to address these (and other) concerns, the applicant has propose a modified plan that accommodates a public street meeting all City standards. This updated plan has been submitted as a supplement to the original application materials that still include a 30-foot outlot with a private street. Any future plan submissions and reviews will need to address revised review comments from Staff, and specifically, the City Engineer, prior to approval of a final plat.

The overall site plan is generally consistent with sketch plan submitted earlier this year. The two notable exceptions are that the (now revised) preliminary plat reduced the overall number of units from 50 to 46. The developer is proposing to construct a sidewalk along the main entrance into the development in addition to a sidewalk connecting the western cul-de-sac with the planned 5th Street trail. There are no interior sidewalks depicted on the preliminary development plans, and the applicant has stated that they believe that interior sidewalks will not be necessary given the low traffic volumes expected on the interior streets. Staff is recommending that if the project does includes a public street and right-of-way meeting City standards that a sidewalk on one side of all street be included in the final development plans.

One of the reasons that the applicant originally requested the use of a private street is that it would allow them to slightly vary the setbacks of the townhouse units in order to help minimize the visual impact of a row of townhouses all at the same setback. The developer is still looking for ways to add some variation to the setbacks, and will be seeking some minor modifications as part of the final plat submission in order to address this issue.

Consistent with the City's specifications for the 5th Street roadway segment, the applicant has provided for a 100-foot wide right-of-way, which will provide sufficient room for the construction of a parkway with turning lanes, 10-foot bituminous trail, sidewalk, trees, lighting, and other design elements as planned by the City. In this case, the applicant is retaining the existing easement width of 110 feet at the intersection of 5th Street and Lake Elmo Avenue and narrowing the right-of-way down to match the 100 foot right-of-way platting within Hunters Crossing. Both Ryland Homes and Lennar are still working towards a joint project to build 5th Street at one time verses splitting the construction up into northern and southern segments.

The preliminary plat has been developed in response to the City's recently adopted Comprehensive Plan, which identifies all of the applicant's property for urban medium density residential development. The plat incorporates 46 single family attached lots, most of which are designed with widths around 40 feet each. Given the limited access to the site and relatively small nature of the property, the applicant has worked to incorporate some variety into the arrangement of lots as is possible given these restrictions.

Public sanitary sewer service is presently available on the site, which was constructed as part of the Village trunk line project completed late last year. Water was extended to the site as part of the 2014 Lake Elmo Avenue water main project. Like other developments along this line, the developer will be expected to pay the full water availability charges for each planned lot (\$3,000) at the time of the final plat, even if the project is broken up into different stages.

PLANNING AND ZONING ISSUES

The Diedrich Townhouse site is guided for urban medium density development in the City's Comprehensive Plan, and the appropriate zoning for the site will be MDR – Medium Density Residential. The actual rezoning of the property is a necessary step prior to development of this site that will need to be completed prior to approval of the final plat. The overall subdivision plan has therefore been prepared in order to comply with the district standards for the MDR districts in terms of lot size, lot widths, building setbacks, and other design criteria. Within the MDR district, townhouses are allowed that do not meet minimum frontage requirements or that are located along a private street as a conditional use permit.

The planned road serving the townhouse lots extends due north from 5th Street and then splits east and west through the middle of the property to provide access to the townhouses. There are no planned connections to the east, west, or north of the property because these sites have previously been developed or will connect into 5th Street once on either side of the site under consideration. Given the site characteristics and the immediately adjacent land uses (which are all different than single family), the applicant has had to design the site as an isolated island that is impractical to connect to adjacent properties. The streets as originally planned and later updated will meet the City's minimum standards for construction.

The sidewalks within the subdivision are limited to those mentioned in the previous section of this report, and there are no sidewalks planned along the east/west private road. Please note that the plat as originally submitted did not dedicate the amount of right-of-way that has been requested by Washington County. The County has previously requested that the developer dedicate an additional 42 feet of right-of-way along Lake Elmo Avenue, and that this right-of-way width be incorporated into the final plat. The additional right-of-way does impact the location of the planned storm water pond over Outlot A, and this pond and associated grading work will need to be adjusted in order to account for the expanded right-of-way. Updated plans must be reviewed and approved by the City, County, and Watershed District prior to the City's approval of a final plat for this subdivision.

As noted in the preceding section, the developer has submitted an updated site plan that retains the same general layout, and configuration of lots, but changes the proposed private street outlot of 30 feet to a public right-of-way 60 feet in width. The additional right-of-way has been requested by the City Engineer to help ensure that there is adequate room for future maintenance and upkeep of public utilities (sewer, water, and other private utilities) within this subdivision. All final construction plans will need to be updated to reflect the public right-of-way and reconfiguration of lots.

The preliminary site plan included as part of the application materials includes a description of the lot size, dimensions, and all required setbacks for the development. All of the lots meet the City's minimum area requirement of 4,000 for single-family attached lots in a MDR district, with the smallest lot proposed at 5,527 square feet. The site plans further illustrate that throughout the subdivision the lots will average 8,782 square feet, which exceeds the minimum requirements by a fairly wide margin.

The following is a general summary of the subdivision design elements that have proposed as part of the Diedrich Townhouses preliminary plat and plans:

Zoning and Site Information:

- Existing Zoning: RT – Rural Transitional

- Proposed Zoning: MDR – Medium Density Residential
- Total Site Area: 15.11 acres (includes Outlot D of Hunters Crossing)
- Total Residential Units: 48
- Proposed Density (Net): 4 units per acre
- REC Units from Comp Plan: 57 (based on a gross calculation)

Proposed Lot Dimensional Standards:

- Min. Lot Width: 40 ft.
- Lot Depth: 134 ft. (140 ft. typical)
- Lot Area: 4,000 sq. ft. (8,000 typical)
- Front Yard Setback: 25 ft.
- Side Yard Setback: 10 ft.
- Rear Yard Setback: 20 ft.

Proposed Street Standards:

- ROW Width – Local 60 ft. (potentially could be reduced to 50 ft. for a limited access road)
- ROW Width – Minor Collector 110-100 feet
- Street Widths – Local: 28 ft.(per City standard)
- Street Width – Minor Collector Varies – parkway design proposed

The standards listed above are all in compliance with the applicable requirements from the City's zoning and subdivision regulations, including the revised public street and associated right-of-way. Based on Staff's review of the preliminary plat, the applicant has demonstrated compliance with all applicable code requirements at the level of detail that is required for a preliminary plat. The applicant will need to address the review comments from the City and County, and the final plat and final construction plans will specifically need to be updated to reflect the wider public street right-of-way and expanded Lake Elmo Avenue (CSAH 17) right-of-way. Any variations from setbacks and other standards because of the amended road section will need to be addressed with the final plat.

As with any new subdivision the City Code requires that a portion of the plat be set aside for public park use. In this case, the applicant is not proposing to dedicate any land specifically for a public park, and is instead asking to pay a fee in lieu of land dedication. This is not a site or general location that would be suitable for a public park or any specific trail connections; therefore, Staff is supportive of the applicant's request to pay a fee instead of dedicating any public land with the subdivision. The required dedication for the 15.11 acre site would be 1.51 acres, or a cash payment of approximately \$90,000 based on previous appraisals of land in this area.

REVIEW AND ANALYSIS

City Staff has reviewed the proposed preliminary plat, and has forwarded the plans to appropriate reviewing agencies in advance of the Planning Commission meeting. In general, the proposed plat will meet all applicable City requirements for approval, and any deficiencies or additional work that is needed is noted as part of the review record and can be imported in the final plat and final construction plans. The City has received a detailed list of comments from the City Engineer concerning the proposed subdivision; these comments are attached to this report for consideration by the Planning 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 and with the densities that were approved as part of this plan (as recently amended). The net densities for the development fall within the low end of the range allowed for the urban medium density, and depending on the specific amount of land that will be dedicated for 5th Street and Lake Elmo Avenue, this density will be somewhere in the 3.8 to 4.0 units per acre range. Given the site constraints and need to accommodate additional right-of-way within the plat, Staff has found that the proposed density is in keeping the spirit and intent of the Comprehensive Plan for this area. Other aspects of the Comprehensive Plan relate to the Hunter's Crossing subdivision as follows:
 - **Transportation.** The City's transportation plan calls for the construction of a minor collector road that will connect the eastern and western portions of the I-94 Corridor. Staff views this road as a critical piece of the transportation infrastructure that is needed to serve the densities that have been planned for this area. The City's previous acquisition of easements through this area anticipated the future alignment of 5th Street through the southern portion of the applicant's property and the proposed subdivision will officially plat this right-of-way with the final plat. Both Lennar and Ryland are still working towards a joint project to build all of 5th Street between their properties later this summer, and regardless of whether or not a joint project occurs, Lennar will need to build at least its half of 5th Street in order to provide access to the proposed townhouses. Staff will continue to work with both parties to work towards a joint project that addresses the needs of the private developers and the City for access.
 - **Parks.** The City's park plan identifies proposed locations for neighborhood parks based on the anticipated population that should be served by each park. This subdivision is located at the periphery of a park search area for the area east of Lake Elmo Avenue. During its review of the sketch plan for this subdivision, the Park Commission did not recommend the dedication of land within the subdivision for a new park, and instead agreed with the developer's request to submit a cash payment in lieu of land dedication. Staff anticipates that a larger park that could be designed in conjunction with the School District near Oakland Junior High would better serve existing and future residents in this portion of the City.
 - **Water.** Public water service has been extended to this area via the public improvement project that installed a new water main along Lake Elmo Avenue last year. The final construction plans will need to abide by any recommendations of the City Engineer concerning the extension of water service through this site to service other adjacent sites (which will likely not be required given the exiting development on either side of the applicant's site).
 - **Sanitary Sewer.** The developer will be required to connect to the gravity sewer main that has been installed under the 5th Street right-of-way. The utility plans provided by the applicant document this connection.

- **Phasing.** The Lennar townhouse subdivision is located within the Stage 2 phasing area for the I-94 Corridor. The City's Comprehensive Plan allows the City to consider accelerating development stages when adequate public services are available. In this case, the sewer and water projects already completed help this project meet this threshold. The developer will also be required to pay all water availability charges for the project at the time of platting regardless of project staging.
- **Zoning.** The proposed zoning for the site is MDR – Low Density Residential and the subdivision has been designed to comply with all applicable requirements of this zoning district.
- **Subdivision Requirements.** The City's Subdivision Ordinance includes a fairly lengthy list of standards that must be met by all new subdivisions, and include requirements for blocks, lots, easements, erosion and sediment control, drainage systems, monuments, sanitary sewer and water facilities, streets, and other aspects of the plans. The majority of these requirements have been addressed as part of the City Engineer's comments (which are detailed in the Engineer's comment letter) or have been reviewed as part of Staff's ongoing communications with the applicant regarding the project. The elimination of the private street will help the project comply with several of the concerns previously expressed by the City Engineer and other Staff.
- **Infrastructure.** The developer will be required to construct all streets, sewer, water, storm water ponds, and other infrastructure necessary to serve the development.
- **Landscaping.** The applicant has provided a landscape plan for the development that is intended to comply with the City's requirements for number, size and spacing of trees along the public streets. This plan should be reviewed by the City's consulting landscape architect prior to the submission of a final plat. The applicant has also submitted a tree inventory that documents the type and size of all trees on the property and all those that will be impacted by construction to determine compliance with the City's tree preservation and protection plan as described below.
- **Tree Preservation and Protection.** The City recently adopted a tree preservation and protection ordinance, and the applicant has prepared a tree inventory and tree preservation plan for the site. Overall, there are 1,387 caliper inches of trees on the subject property, and all of these trees will be removed in order to build the subdivision as planned. This means the developer will need to mitigate for 485 caliper inches (the amount that exceeds the allowed 30% removal) in accordance with the ordinance replacement schedule. The species and mix of replacement plantings should be also be reviewed by the City's consulting landscape architect.
- **Green Belt/Buffer/Screening.** There are no planned green belts or buffers on or around the site under consideration. The proposed landscape plan incorporates plantings along all edges of the property and within the internal outlots.
- **Streets and Transportation.** The proposed street system, as revised, has been designed to comply with all applicable subdivision requirements and City engineering standards. The developer must also commit to the construction of at least the northern portion of 5th Street in

order for the project to move forward as a final plat. The timing of this road will be somewhat dependent on whether or not Ryland and Lennar are able to come to an agreement to build 5th Street as a joint project. The final construction plans should reflect how 5th Street will be built, and must include the northern portion if a joint project does not move forward. The City has received and reviewed a complete set of construction plans for 5th Street as part of the Hunters Crossing development.

- **County Comments.** Comments received from Washington County during the concept plan review, which focus on needed improvements to Lake Elmo Avenue (CSAH 17) to serve the development, are included in an attached letter from the County's Senior Planner dated March 3, 2015. Staff is recommending that compliance with the County's comments be added as a condition of approval for the plat.
- **Trails.** The Planning Commission comments during the sketch plan review encouraged the developer to incorporate a trail connection between 5th Street and the eastern cul-de-sac. The developer has indicated that given the tight constraints on the site (even with the elimination of four units) that there is not sufficient room to provide for this trail connection. Staff would also like to note that the overall distance from the cul-de-sac to 5th Street is not a large distance even without a direct trail connection.
- **Street Names.** Staff has forwarded its recommendation for street names to Lennar, and these names should be included on the final plat documents.
- **Adjacent Parcels.** The proposed landscape plan includes additional plantings between the proposed townhouses and the industrial facility to the east. The landscape plan will need to be updated to reflect the revised site plan, and in particular, the plan should continue to provide for screening between the eastern-most townhouses and the adjacent industrial land.
- **City Engineer Review.** The City Engineer has provided the Planning Department with a detailed comment letter as a summary of his preliminary plat review. Staff has incorporated the more significant issues identified by the Engineer as part of the recommended conditions of approval, and has also included a general condition that all issues identified by the City Engineer must be addressed by the applicant prior to approval of a final plat for any portion of the Diedrich townhouses. With the general site plan revisions that have been proposed by the applicant, the construction plans will need to be updated to reflect this revisions. Any additional comments or concerns from the City Engineer that arise from the plan updates will need to be addressed as part of a final plat submission.
- **Watershed District.** The project area lies within the Valley Branch Watershed District and the developer will need to secure permits from the watershed district in order to proceed with the development as planned. One of the recommended conditions of approval is that the applicant receive plan approval from the watershed district prior to submission of a final plat for the subdivision.
- **Storm Water Management.** In order to accommodate the County's requirement for additional right-of-way along Lake Elmo Avenue, the developer has had to readjust the size and configuration of the planned storm water basin over Outlot A. The County will not allow any portion of the storm water facility to be located within its right-of-way; therefore, the

plans will need to be updated to reconfigure and adjust the location and size of this pond. These updated plans will be subject to review by the City Engineer and Valley Branch Watershed District. The developer is also requesting to use the proposed pond as part of a water re-use system through lawn irrigation. The City Engineer is seeking additional details concerning this system prior to making any recommendations concerning the viability of the system as proposed.

- ***Washington County Review.*** County Staff has previously provided review comments to the City concerning the sketch plan for the Diedrich townhouses subdivision to the City in a letter dated March 5, 2015. The most significant of the County's concerns is that the applicant will need to make improvements to the County road system in order to provide the necessary access to the subdivision. As a condition of approval, Staff has noted that the applicant will be responsible for including all improvements to TH17 as required by the County as part of the construction plans for the development. In addition, the County has noted that the required right-of-way dedication for Lake Elmo Avenue should be 92 feet as opposed to the 90 feet shown. This request does impact the proposed storm water plan as noted above.

Based on the above Staff report and analysis, Staff is recommending approval of the preliminary plat with several 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 landscape plan and tree preservation plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans.
- 2) The final landscape plan shall incorporate additional plantings where feasible adjacent to the shared property lines with parcel at 11490 Hudson Boulevard.
- 3) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated March 3, 2015. The required improvements shall include, but not be limited to the construction of a northbound right turn lane and southbound center turn lane.
- 4) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 5) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 6) The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in

the City's Subdivision Ordinance. A cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording.

- 7) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 8) All required modifications to the plans as requested by the City Engineer in a review letter dated June 17, 2015 shall be incorporated into the plans prior to consideration of a final plat.
- 9) The applicant shall update all of the landscaping and construction plans to reflect the updated site plan that includes a public right-of-way within the project area. These updated plan shall be subject to review and approval by the City Engineer.
- 10) Although the updated site plan does not incorporate a private street, any request for flexibility from City regulations and standards must be considered and addressed as part of the final plat submission.
- 11) The final construction plans for the Diedrich Townhouses subdivision shall include, at a minimum, the northern portion of 5th Street if a joint construction project between the applicant and Ryland Homes does not proceed in advance of a final plat submission for the applicant's site.
- 12) The architectural covenants for the homeowner's association shall include provisions that discourage blank garage doors. All garage doors shall incorporate windows or decorative trim to minimize the visual impact of the garage-forward home design.
- 13) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
- 14) The site plan and construction plans shall be revised to include a sidewalk along at least one side of all streets within the subdivision.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Lennar/Diedrich Townhouses preliminary plat:

- That the preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the preliminary plat complies with the City's Urban Medium Density Residential zoning district regulations.

- That the preliminary plat complies with all other applicable zoning requirements, including the City’s landscaping, storm water, sediment and erosion control and other ordinances with the plan revisions as requested by City Staff and consultants
- That the preliminary plat complies with the City’s subdivision ordinance.
- That the preliminary plat is consistent with the City’s engineering standards provided the plans are updated to address the City Engineer’s comments documented in a letter dated June 17, 2014.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the Lennar/Diedrich preliminary plat with the 14 conditions of approval as listed in the Staff report. Suggested motion:

“Move to recommend approval of the Lennar/Diedrich preliminary plat with the 14 conditions of approval as drafted by Staff”

ATTACHMENTS:

1. Application Forms
2. Application Narrative and Information
3. Location Map
4. Tree Inventory
5. Review Comments:
 - a. City Engineer
 - b. Washington County
6. Preliminary Plat and Plans (20 sheets)
 - a. Revised Site Plan (Dated 6/19/15)
 - b. Cover Sheet
 - c. Legend Sheet
 - d. Existing Conditions
 - e. Preliminary Plat
 - f. Preliminary Site Plan
 - g. Preliminary Utility Plan
 - h. Preliminary Grading Plan
 - i. Erosion Control Plan
 - j. Preliminary Seeding Plan
 - k. Preliminary Street Profiles
 - l. Details
 - m. Landscape Plan
 - n. Tree Preservation Plan

ORDER OF BUSINESS:

- IntroductionPlanning Staff

- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Date Received: 4/29/15
Received By: [Signature]
LU File #: 2015-19



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

PRELIMINARY PLAT APPLICATION

Applicant: PAUL TABONE - LENNAR CORPORATION
Address: 16305 36th AVE NORTH, PLYMOUTH MN 55446
Phone #: 952-249-3086
Email Address: PAUL.TABONE@LENNAR.COM

Fee Owner: _____
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): LOCATED ALONG
LAKE ELMO AVENUE - PIN # 36-029-21-32-002 -
REFER TO PRELIMINARY PLAT.

General information of proposed subdivision: 48 TOWN HOMES WITH
ASSOCIATED IMPROVEMENTS - REFER TO PRE-PLAT PLANS
& COVER LETTER.

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: Paul J. Tabone Date: 4/29/2015
Signature of Fee Owner: [Signature] Date: 4/29/2015
Tammy Diehl 4/29/2015

Date Received: _____
Received By: _____
Permit #: _____



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

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan

Applicant: SALE - PAUL TABONE - LENNAR CORPORATION
Address: _____
Phone #: _____
Email Address: _____

Fee Owner: _____
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): SALE

Detailed Reason for Request: REFER TO ATTACHED COVER MEMO -
CUP FOR PRIVATE STREETS FOR TWIN HOME COMMUNITY

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

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: Paul J. Tabone Date: 4/29/2015

Signature of fee owner: Tammy Dieckel Date: 4/29/2015



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 Gerhard Rieder - Tammy Diederich
(Please Print)

Street address/legal description of subject property _____

Tammy Diederich Signature 4/29/15 Date
Tammy Diederich 4/29/15

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 PAUL J. TABONE Date 4/29/2015

Name of applicant Paul J. Tabone Phone 952-249-3086
(Please Print)

Name and address of Contact (if other than applicant) _____



Mr. Kyle Klatt
Community Development Director
City of Lake Elmo, MN

Dear Kyle:

Lennar Corporation is pleased to submit the preliminary plat application for a twin home community located on the Diedrich property (PIN 36.029.21.32.0002) along Lake Elmo Avenue. The proposed preliminary plat is in substantial conformance with the sketch plat for the property that was reviewed by the City during February. There are some modifications we wish to acknowledge with this submittal.

In finalizing the design and layout, it was determined that homes were too close when private walks were added; private sidewalks were overlapping each other, especially when homes were located around the curves of both cul-de-sacs that were shown in the sketch plat. The wider public rights of way were overdesigned, and also resulted in tight spacing around each cul-de-sac. Additionally, units 38-23 all had fronts located along the same setback line, resulting in a stretch of homes that had no variation in placement. To remedy these issues and open up the design a bit more, 2 units were eliminated to allow more space between the twin homes, resulting in a total of 48 units. The easterly cul-de-sac has also been modified into a loop road with an outlot in a center island. This allowed us to space out the layout of the homes while providing an open space area for residents. Side setbacks have also been modified to a minimum of 7.5 feet.

Because the entire interior street system is now set up as a private street, and side setbacks have been slightly modified to achieve a better fit between units, we are requesting that a CUP be processed as a master plan of development for this site primarily for the private roads, as was done in the townhome area for Savona. It should be noted that the width of the paved area is still 28' back to back; only the right of way has been reduced. The remainder of the site meets the minimum design requirements for the MDR District, with the exception of the modified setback, which can be governed by a CUP. The transition of the interior streets from public to private roads results in the opportunity for a HOA to maintain the streets, and the MDR District Density of 4 to 7 dwelling units per acre can still be achieved when right of way and pond areas are excluded.

16305 36th Avenue N, Suite 600 • Plymouth, MN 55446

LENNAR.COM

Enclosed you will find the following project documents:

- 5 sets of full-size plans, 1 digital set, 10 reductions size 11x17
- Signed and dated application & escrow deposit check
- Current title commitment
- Mailing labels – 750' radius
- Vacation Exhibit for a portion of 5th Street

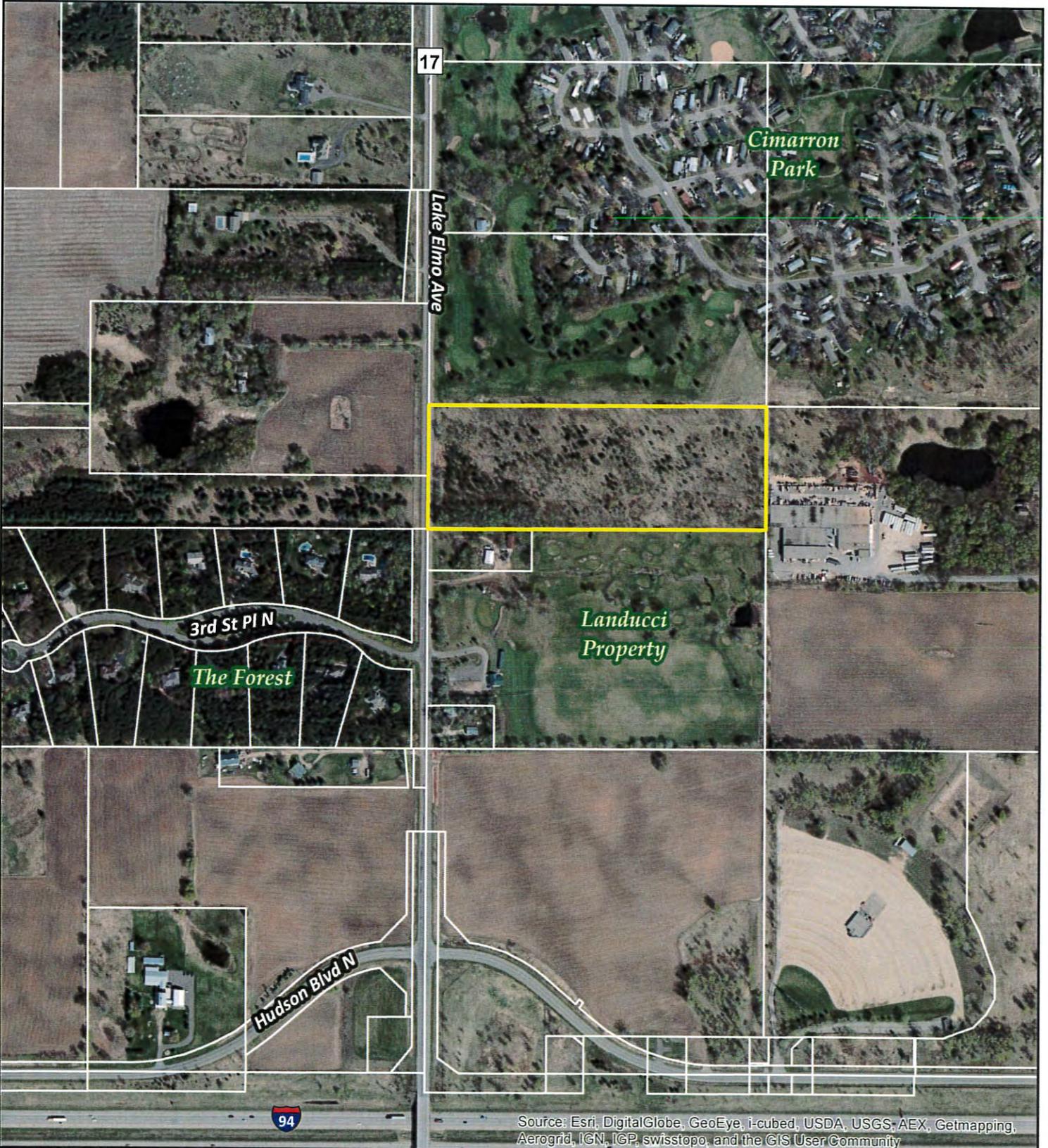
We are confident that this layout enhances the site design from what was initially presented in the sketch plat, and are excited about a new prospective community in the City of Lake Elmo.

Please contact me with any questions, and I look forward to working with you.

Sincerely,

A handwritten signature in blue ink that reads "Paul J. Tabone". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul J. Tabone
Land Entitlement Mgr
Lennar Minnesota

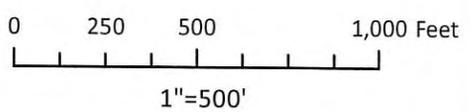


Location Map: Diedrich Property (PIN: 36.029.21.32.0002)



Data Source: Washington County, MN
10-22-2013

 Diedrich Property



Diedrich Property Tree Inventory

Lake Elmo, Minnesota

April 29, 2015

LENNAR®

Tree Inventory by:

Ken Arndt
Forest Ecologist/Wetland Specialist
Midwest Natural Resources, Inc.
1032 West Seventh St. #150
St. Paul, MN 55102
(651)-788-0641

Tree Preservation Plans provided by:

PI **NEER** *engineering*

2422 Enterprise Drive
Mendota Heights, MN 55120
651-681-1914

#	Tree Tag #	Size (DBH ")	Common Name	Scientific Name	Notes	Total Remove	Conifer Remove	Common Remove
1	1701	12/10	Siberian Elm	<i>Ulmus pumila</i>	offsite			
2	1702	15	Honey Locust	<i>Gleditsia triacanthos</i>	offsite			
3	1703	15	Siberian Elm	<i>Ulmus pumila</i>	offsite			
4	1704	16/10	Siberian Elm	<i>Ulmus pumila</i>	offsite			
5	1705	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
6	1706	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
7	1707	9	Red Pine	<i>Pinus resinosa</i>		9	9	
8	1708	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
9	1709	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
10	1710	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
11	1711	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
12	1712	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
13	1713	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
14	1714	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
15	1715	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
16	1716	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
17	1717	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
18	1718	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
19	1719	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
20	1720	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
21	1721	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
22	1722	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
23	1723	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
24	1724	8	Red Pine	<i>Pinus resinosa</i>		8	8	
25	1725	8	Red Pine	<i>Pinus resinosa</i>		8	8	
26	1726	12	Quaking Aspen	<i>Populus tremuloides</i>		12		12
27	1727	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
28	1728	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
29	1729	12	Scotch Pine	<i>Pinus sylvestris</i>	heavy sapsucker damage along trunk			
30	1730	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
31	1731	11	Scotch Pine	<i>Pinus sylvestris</i>	heavy sapsucker damage along trunk			
32	1732	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
33	1733	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
34	1734	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
35	1735	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
36	1736	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
37	1737	9	Red Pine	<i>Pinus resinosa</i>		9	9	
38	1738	9	Red Pine	<i>Pinus resinosa</i>		9	9	
39	1739	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
40	1740	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
41	1741	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
42	1742	10	Scotch Pine	<i>Pinus sylvestris</i>		10	10	
43	1743	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
44	1744	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
45	1745	9	Scotch Pine	<i>Pinus sylvestris</i>	heavy sapsucker damage along trunk			
46	1746	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
47	1747	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
48	1748	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
49	1749	8	Red Pine	<i>Pinus resinosa</i>		8	8	
50	1750	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
51	1751	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
52	1752	8	Red Pine	<i>Pinus resinosa</i>		8	8	
53	1753	8	Red Pine	<i>Pinus resinosa</i>		8	8	
54	1754	10	Red Pine	<i>Pinus resinosa</i>		10	10	
55	1755	10	Red Pine	<i>Pinus resinosa</i>		10	10	
56	1756	8	Red Pine	<i>Pinus resinosa</i>		8	8	

#	Tree Tag #	Size (DBH ")	Common Name	Scientific Name	Notes	Total Remove	Conifer Remove	Common Remove
57	1757	8	Red Pine	<i>Pinus resinosa</i>		8	8	
58	1758	13	Scotch Pine	<i>Pinus sylvestris</i>	heavy sapsucker damage along trunk			
59	1759	8/6	Red Pine	<i>Pinus resinosa</i>		14	14	
60	1760	10	Red Pine	<i>Pinus resinosa</i>		10	10	
61	1761	10	Jack Pine	<i>Pinus banksiana</i>		10	10	
62	1762	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
63	1763	10	Red Pine	<i>Pinus resinosa</i>		10	10	
64	1764	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
65	1765	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
66	1766	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
67	1767	9	Red Pine	<i>Pinus resinosa</i>		9	9	
68	1768	8	Jack Pine	<i>Pinus banksiana</i>		8	8	
69	1769	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
70	1770	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
71	1771	10	Scotch Pine	<i>Pinus sylvestris</i>		10	10	
72	1772	8	Red Pine	<i>Pinus resinosa</i>		8	8	
73	1773	9	Red Pine	<i>Pinus resinosa</i>		9	9	
74	1774	8	Red Pine	<i>Pinus resinosa</i>		8	8	
75	1775	8	Red Pine	<i>Pinus resinosa</i>		8	8	
76	1776	8/6/6	Red Pine	<i>Pinus resinosa</i>		20	20	
77	1777	8	Red Pine	<i>Pinus resinosa</i>		8	8	
78	1778	8	Red Pine	<i>Pinus resinosa</i>		8	8	
79	1779	8	Red Pine	<i>Pinus resinosa</i>		8	8	
80	1780	8	Red Pine	<i>Pinus resinosa</i>		8	8	
81	1781	9	Red Pine	<i>Pinus resinosa</i>		9	9	
82	1782	9	Red Pine	<i>Pinus resinosa</i>		9	9	
83	1783	8	Red Pine	<i>Pinus resinosa</i>		8	8	
84	1784	9	Red Pine	<i>Pinus resinosa</i>		9	9	
85	1785	8/7	Red Pine	<i>Pinus resinosa</i>		15	15	
86	1786	12	Scotch Pine	<i>Pinus sylvestris</i>	toppled but alive			
87	1787	9	Red Pine	<i>Pinus resinosa</i>		9	9	
88	1788	8	Red Pine	<i>Pinus resinosa</i>		8	8	
89	1789	8	Red Pine	<i>Pinus resinosa</i>		8	8	
90	1790	9	Red Pine	<i>Pinus resinosa</i>		9	9	
91	1791	8	Red Pine	<i>Pinus resinosa</i>		8	8	
92	1792	8	Red Pine	<i>Pinus resinosa</i>		8	8	
93	1793	8	Red Pine	<i>Pinus resinosa</i>		8	8	
94	1794	8	Red Pine	<i>Pinus resinosa</i>		8	8	
95	1795	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
96	1796	9/8	Scotch Pine	<i>Pinus sylvestris</i>		17	17	
97	1797	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
98	1798	12	Cottonwood	<i>Populus deltoides</i>		12		12
99	1799	8	Red Pine	<i>Pinus resinosa</i>		8	8	
100	1800	8	Red Pine	<i>Pinus resinosa</i>		8	8	
101	1801	9	Red Pine	<i>Pinus resinosa</i>		9	9	
102	1802	9	Red Pine	<i>Pinus resinosa</i>		9	9	
103	1803	8/7	Red Pine	<i>Pinus resinosa</i>		15	15	
104	1804	9	Red Pine	<i>Pinus resinosa</i>		9	9	
105	1805	9/7	Red Pine	<i>Pinus resinosa</i>		16	16	
106	1806	12	Siberian Elm	<i>Ulmus pumila</i>		12		12
107	1807	13	Box Elder	<i>Acer negundo</i>		13		13
108	1808	8	Red Pine	<i>Pinus resinosa</i>		8	8	
109	1809	9	Red Pine	<i>Pinus resinosa</i>		9	9	
110	1810	8	Red Pine	<i>Pinus resinosa</i>		8	8	
111	1811	9	Red Pine	<i>Pinus resinosa</i>		9	9	
112	1812	8	Red Pine	<i>Pinus resinosa</i>		8	8	

#	Tree Tag #	Size (DBH ")	Common Name	Scientific Name	Notes	Total Remove	Conifer Remove	Common Remove
113	1813	8	Red Pine	<i>Pinus resinosa</i>		8	8	
114	1814	8	Red Pine	<i>Pinus resinosa</i>		8	8	
115	1815	8	Red Pine	<i>Pinus resinosa</i>		8	8	
116	1816	8	Red Pine	<i>Pinus resinosa</i>		8	8	
117	1817	9	Red Pine	<i>Pinus resinosa</i>		9	9	
118	1818	15	Siberian Elm	<i>Ulmus pumila</i>		15		15
119	1819	20	Siberian Elm	<i>Ulmus pumila</i>		20		20
120	1820	12	Siberian Elm	<i>Ulmus pumila</i>		12		12
121	1821	14	Siberian Elm	<i>Ulmus pumila</i>		14		14
122	1822	12	Siberian Elm	<i>Ulmus pumila</i>	offsite			
123	1823	13	Siberian Elm	<i>Ulmus pumila</i>	offsite			
124	1824	8	Red Pine	<i>Pinus resinosa</i>		8	8	
125	1825	8	Red Pine	<i>Pinus resinosa</i>		8	8	
126	1826	8	Red Pine	<i>Pinus resinosa</i>		8	8	
127	1827	8/8	Red Pine	<i>Pinus resinosa</i>		16	16	
128	1828	8/6	Red Pine	<i>Pinus resinosa</i>		14	14	
129	1829	8	Red Pine	<i>Pinus resinosa</i>		8	8	
130	1830	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
131	1831	8	Red Pine	<i>Pinus resinosa</i>		8	8	
132	1832	9	Red Pine	<i>Pinus resinosa</i>		9	9	
133	1833	10	Red Pine	<i>Pinus resinosa</i>		10	10	
134	1834	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
135	1835	9	Red Pine	<i>Pinus resinosa</i>		9	9	
136	1836	8	Red Pine	<i>Pinus resinosa</i>		8	8	
137	1837	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
138	1838	8/8/8	Scotch Pine	<i>Pinus sylvestris</i>		24	24	
139	1839	8/8	Red Pine	<i>Pinus resinosa</i>		16	16	
140	1840	9/9	Scotch Pine	<i>Pinus sylvestris</i>		18	18	
141	1841	8	Red Pine	<i>Pinus resinosa</i>		8	8	
142	1842	8	Red Pine	<i>Pinus resinosa</i>		8	8	
143	1843	9	Scotch Pine	<i>Pinus sylvestris</i>		9	9	
144	1844	8	Red Pine	<i>Pinus resinosa</i>		8	8	
145	1845	9/8	Red Pine	<i>Pinus resinosa</i>		17	17	
146	1846	9	Red Pine	<i>Pinus resinosa</i>		9	9	
147	1847	8	Red Pine	<i>Pinus resinosa</i>		8	8	
148	1848	8	Red Pine	<i>Pinus resinosa</i>		8	8	
149	1849	14	Siberian Elm	<i>Ulmus pumila</i>		14		14
150	1850	8/6	Red Pine	<i>Pinus resinosa</i>		14	14	
151	1851	8/6	Red Pine	<i>Pinus resinosa</i>		14	14	
152	1852	9	Jack Pine	<i>Pinus banksiana</i>		9	9	
153	1853	8	Red Pine	<i>Pinus resinosa</i>		8	8	
154	1854	8	Scotch Pine	<i>Pinus sylvestris</i>		8	8	
155	1855	8	White Spruce	<i>Picea alba</i>		8	8	
156	1856	8	White Spruce	<i>Picea alba</i>		8	8	
Totals:						1387	1263	124

Total Inches:	1387
Allowable removal: 30%	416.1
Total Removal:	1387
Removal over threshold:	970.9
Mitigation for conifers: 50%	485.45
486" required mitigation	

Trees that are topped or have heavy sapsucker damage are not included in totals

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: June 17, 2015

To: Kyle Klatt, Planning Director
From: Jack Griffin, P.E., City Engineer

Re: Diedrich Property – Preliminary Plan Review

An engineering review has been completed for the Preliminary Plat submittal for the Diedrich Property. The submittal consisted of the following documentation prepared by Pioneer Engineering:

- Diedrich Property Preliminary Plan Set, Sheets 1-14, L1 and T1, dated June 17, 2015.
- Stormwater Management Plan dated June 3, 2015.

STATUS/FINDINGS: Engineering has prepared the following review comments:

PRELIMINARY PLAT

- Outlot A is proposed as City owned to accommodate the storm water pond with an HOA owned and operated water re-use irrigation system. See comments below under Stormwater Management.
- Outlot B is proposed as HOA owned to accommodate a "Private Street". See comments below under residential streets.
- The applicant must submit to the City written correspondence from the County indicating that adequate CSAH 17 R/W is being dedicated as part of this Plat. If additional R/W is required by the County the Plat must be revised and resubmitted.
- The plat must be revised to include the Xcel Energy Transmission Easement along the north property line.
- Permanent grading and drainage easements are required to implement the improvements as proposed. These easements must be obtained prior to grading activities and prior to the City accepting an application for final plat.

All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website and dated February 2015.

GRADING PLAN, STORMWATER MANAGEMENT AND STORM SEWER SYSTEM

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules and regulations. Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual available on the City website. A finalized storm water management plan must be approved by the City and the VBWD permit must be obtained prior to grading activities.
- The Stormwater Management Plan incorporates storm water re-use through lawn irrigation. The re-use system is necessary for the applicant's plan to meet State and Watershed permit requirements for water quality treatment (volume control). Outlot A is proposed as City owned to accommodate the storm water

pond. The water re-use irrigation system is proposed to be HOA operated and maintained on City property. Details of this plan are limited in the application. The following considerations should be noted.

- Stormwater re-use, when implemented correctly can be an effective method to reduce reliance of potable water use while reducing storm water discharges. It would help to reduce peak demands on the potable water system that typically occurs during the summer irrigation and landscape watering season. These benefits make storm water re-use worth consideration.
- However, the City has no design standards or guidelines for implementation and currently has no experience with storm water reuse operations.
- The two most notable concerns for storm water reuse includes the pollutants in the storm water (addressing treatment needs) and designing a system that provides a properly balanced hydraulic system (sizing the storage, and balancing the drawdown to the projected use in a variable climate).
- Pollutants in the storm water reuse system may be a concern for three basic reasons: 1) the health risks associated with human contact; 2) the impact on the environment given the various uses (i.e. bacteria or chlorides from salts); 3) issues for the system equipment and operational impacts.
- Preliminary Plat should be conditioned upon the following:
 - The developer must sign an operation and maintenance agreement for the storm water reuse system in a form acceptable to the City Attorney. The agreement must indemnify and hold harmless the City from any and all activities related to the developer and HOA's operation of this system.
 - The storm water pond must be designed with a hydraulic capacity acceptable to the City Engineer that ensures adequate flood protection without accounting for any water reuse from the system.
 - The storm water pond must be designed and constructed in accordance with the City Engineering Design Standards.
 - A detailed design of the irrigation system together with a detailed operations and maintenance plan must be submitted prior to any grading or construction activity on the site.
- Per City requirements, all storm water facilities, including infiltration basins, must be placed in Outlots deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads.
 - The pond grading must be revised to add a 10-foot maintenance bench around the entire pond, per the standard pond detail.
 - The maintenance access road must be revised to access the pond from 5th Street North, not CSAH 17.
- Overland emergency overflows or outlets will be required as part of the site plan and must be located within drainage easements, must be in Bold Type on the plans, and must provide 1 foot of vertical separation to the low opening of any building structure. Lot information details must include the lowest opening in addition to the lowest floor elevation.
- The ultimate discharge rate and location is an important consideration to avoid negative impacts to downstream properties. The storm water management plan indicates the pond outfall pipe to discharge to the northerly property. The plan as proposed cannot be implemented without permanent drainage and utility easements from the adjacent property. Permission should be provided to the City prior to accepting a final plat application or allowing grading activities.
- Significant grading is proposed along the northerly property to accommodate many of the proposed building pads. Without written permission to permanently alter grades on the adjacent property, the site would require a redesign. Property owner permission or easements should be provided to the City prior to accepting a final plat application or allowing grading activities.
- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3.0 feet.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width.
- The maximum allowable curb run along streets without catch basins is 350 feet. Catch basins should be added along Street B, easterly cul-de-sac to maintain maximum curb run of 350 ft.
- Sump manholes are required prior to all discharge points, located at the last manhole or catch basin prior to leaving a paved area. All sump manholes must be 4-foot deep.

MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer service is readily available within the 5th Street R/W located adjacent to the plat.
- The applicant is responsible to extend the municipal sanitary sewer to the development to serve the proposed properties.
- No trunk sewer oversizing is anticipated. The area can be served without a lift station.
- Sanitary sewer must be realigned to better maintain street centerline alignment.
- The sanitary sewer is proposed to be placed within Outlot B to be HOA owned and maintained as a private street. The Outlot width must be a minimum of 40 feet with a 5 foot drainage and utility easement along each side of the street for the corridor to be acceptable for the placement of publicly owned and maintained utilities.

MUNICIPAL WATER SUPPLY

- Municipal water service is readily available within the 5th Street R/W located adjacent to the plat.
- The applicant is responsible to extend municipal water into the development to serve the proposed properties.
- Two connection points to the existing City system should be required.
- No trunk watermain oversizing is anticipated for this development.
- Additional hydrants and system valves will be required as part of the final design.
- Watermain must be realigned to maintain 10-foot separation from the sanitary sewer once the sanitary sewer is realigned as previously noted.
- The watermain is proposed to be placed within Outlot B to be HOA owned and maintained as a private street. The Outlot width must be a minimum of 40 feet with a 5 foot drainage and utility easement along each side of the street for the corridor to be acceptable for the placement of publicly owned and maintained utilities.

TRANSPORTATION IMPROVEMENTS

- Access to the development must be from 5th Street as shown, directly across from the Hunters Crossing access roadway.
- The applicant will be responsible to construct the north half of 5th Street from CSAH 17 to the east plat edge of the Hunters Crossing development. This improvement must be completed at the developer's cost.
- The plat must dedicate the existing 5th Street roadway easement as City R/W. The plan indicates the minimum 100 foot R/W as required. A ten (10) foot utility easement must be provided along the north side of the 5th Street R/W.
- The proposed 2-lane collector parkway street (5th Street) design and geometrics must meet all Municipal State Aid design standards for urban streets (8820.9936) for ADT > 10,000; 40 mph design speed; and must be consistent with the detailed parkway cross section installed throughout the remaining corridor segments and as outlined in the 5th Street Collector Design Guidelines as prepared by City staff.
- Right and left turn lanes must be incorporated along 5th Street North per the City design standards to maintain mobility along the Parkway since there is only one travel lane in each direction.
- Additional streetscape amenities are required along 5th Street consistent with the remaining corridor segments. 5th Street Amenities include a north side off-road bituminous trail, minimum 10 foot width with 5 foot clear zone; a south side concrete sidewalk, minimum 6 foot width with 2 foot clear zone; landscaping elements including a center landscape median; and street lighting.
- The applicant will also be partially responsible for the improvements required by Washington County at the intersection of 5th Street and CSAH 17.

RESIDENTIAL STREETS

- Street A must include a 50 foot tangent per City standards at the intersection with 5th Street before initiating the proposed horizontal curve.
- Street B, east cul-de-sac geometrics must be revised to eliminate turns greater than 90-degrees.

- It is preferable that Public Streets be constructed to serve this development and designed to meet the City's Engineering Design Standards including R/W width, street width and cul-de-sac radii.
- If the streets remain HOA Privately owned, the following recommendations apply:
 - The street/boulevard section must be widened to allow for adequate ownership and maintenance by the City for the public utilities (watermain, sanitary sewer and storm sewer).
 - The street Outlot should be a minimum width of 40 feet (14 feet pavement + 6 foot boulevard) with 5-foot minimum utility easement on each side. This will enable any future construction activity to remain 100% within the Street Outlot plus the utility easement. No additional encroachment on the properties/sidewalks should be necessary during future construction.
 - The typical section should be updated to include storm sewer and should show the small utilities, demonstrating the 3-foot separation between gas and joint trench.
- Street A vertical alignment should be revised to provide a $K = 37$ minimum at STA 0+71.00.



Public Works Department

Donald J. Theisen, P.E.
Director

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

March 3, 2015

Kyle Klatt
Community Development Director
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on the concept plan for the Diedrich property by Lennar Homes, City of Lake Elmo

Dear Mr. Klatt:

Thank you for providing the county with the concept plan for the Lennar subdivision on the Diedrich property, in Section 36, Township 29N, Range 21W along County Road (CR) 17B/Lake Elmo Avenue in the City of Lake Elmo. The project consists of 50 attached single family residential dwelling units on 12 acres of land. Based on the plan provided, we have the following comments:

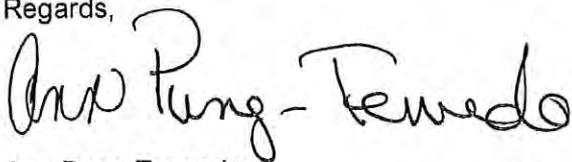
- There is currently 50 feet of right-of-way from the center line of County Road (CR) 17B therefore, an additional 42 feet should be dedicated on the plat which should include the existing home site south of 5th Street.
- According to the *Trip Generation Manual, 7th Addition ITE, 2003*, this development will generate 478 Average Vehicle Trips (AVT) per day.
- In the future, there will be a traffic signal at the intersection of CR 17B and 5th Street and since 5th Street will be a collector roadway, a center left turn lane should be provided on 5th Street for access to the development.
- Access control must be dedicated to Washington County along the CSAH 17/Lake Elmo Avenue frontage. This should be denoted on the final plat.
- Improvements to County Road (CR) 17B will be completed at the new 5th Street section. Washington County is working with the City of Lake Elmo on the planned improvements. The cost of these improvements will be the responsibility of the city.
- 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.

March 3, 2015
Diedrich Property
Concept Plan

- All stormwater ponds should be located outside the county right-of-way.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds. County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.
- Any grading within County right of way will require a Washington County Right of Way Permit.
- All utility connections for the development require Washington County Right of Way permits. Typically, these are the responsibility of the utility companies.

Thank you for the opportunity to comment on this concept plan. If you have any questions, please contact me at 651-430-4362 or ann.pung-terwedo@co.washington.mn.us

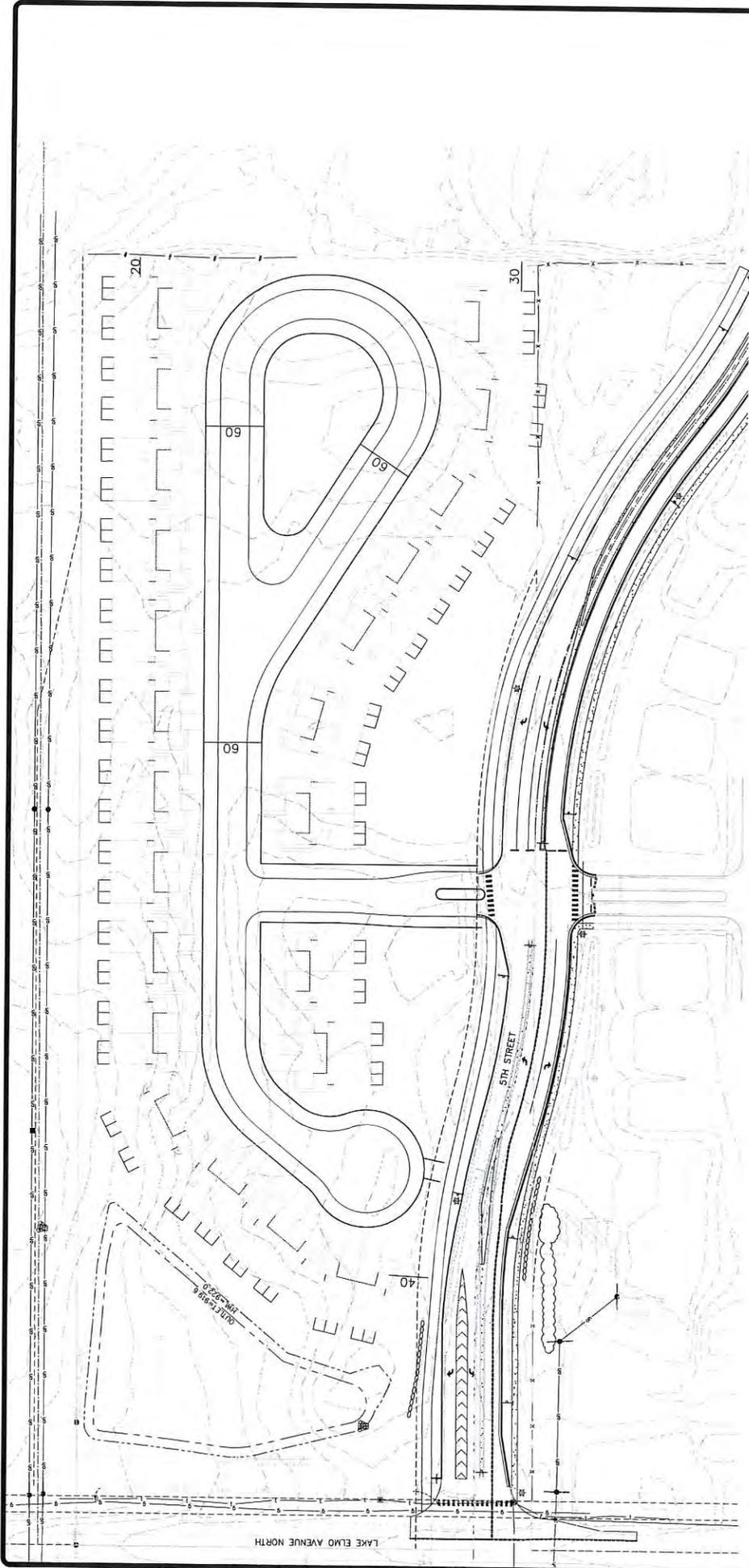
Regards,



Ann Pung-Terwedo
Senior Planner

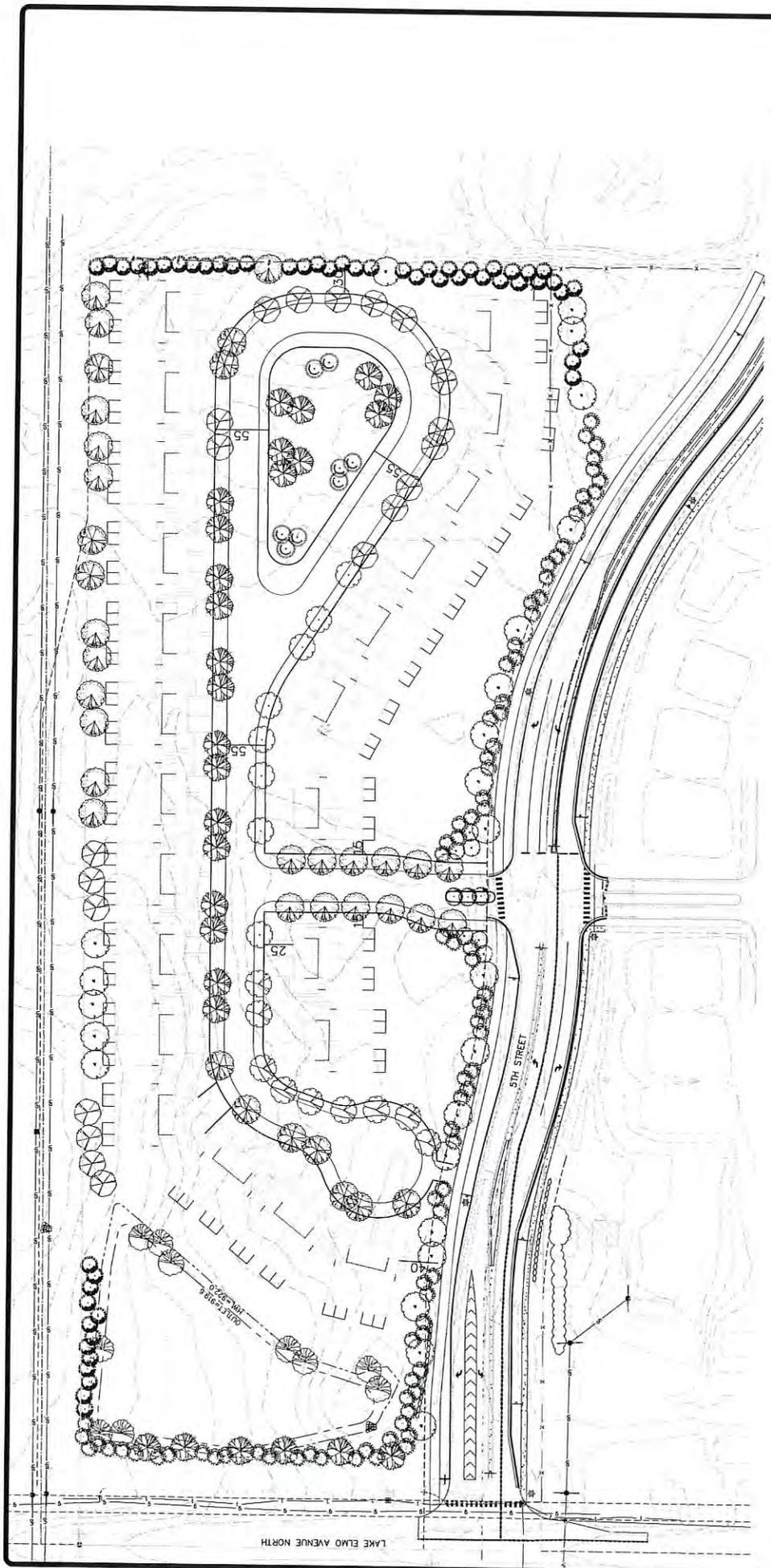
Cc: Carol Hanson, Office Specialist

R/Plat Reviews/City of lake Elmo/Diedrich property

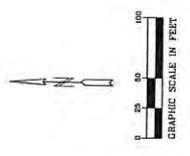


SITE DATA
 PROJECT AREA: ±12 ACRES (EXCLUDING 5TH STREET AND 17 ROW)
 GUIDE PLAN: URBAN MEDIUM DENSITY (4.7-7 UNITS/ACRE NET)
 BULK STANDARDS
 REAR SETBACK: 25'
 FRONT SETBACK: 25'
 SIDE SETBACK: 15' BETWEEN BUILDINGS, 15' SIDE CORNER
 SETBACK ALONG 5TH STREET: 50'
 PROPOSED UNITS: 46

		242 Enterprise Drive Medina Heights, MN 55120 (651) 681-1814 www.pioneereng.com		Project: _____ Date: _____ Designer: _____ Checker: _____		SITE PLAN 4		LENA CP 1609 SUTCLIFF AVENUE SUITE 600 PLYMOUTH, MINNESOTA 55448		DIEDRICH PROPERTY LAKE ELMO, MINNESOTA		LI OF 1	
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SITE DATA
PROJECT AREA: ±12 ACRES (EXCLUDING 5TH STREET AND 17 ROW)
GUIDE PLAN: URBAN MEDIUM DENSITY (4.7-7 UNITS/ACRE NET)
BULK STANDARDS
 REAR SETBACK: 25'
 FRONT SETBACK: 25'
 SIDE SETBACK: 19' BETWEEN BUILDINGS, 15' SIDE CORNER
 SETBACK ALONG 5TH STREET: 40'
PROPOSED UNITS: 46



PIONEER engineering
 CONSULTING ENGINEERS ARCHITECTS LANDSCAPE ARCHITECTS
 10000 UNIVERSITY AVENUE SUITE 500
 METCALFE HEIGHTS, MN 55120
 TEL: (612) 458-1000
 WWW.PIONEERENGINEERING.COM

Project: LAKE ELMO AVENUE NORTH AND 5TH STREET Site: LAKE ELMO AVENUE NORTH AND 5TH STREET
 Designer: PIONEER ENGINEERING Date: 10/20/11
 Checker: PIONEER ENGINEERING Date: 10/20/11

SITE PLAN 5

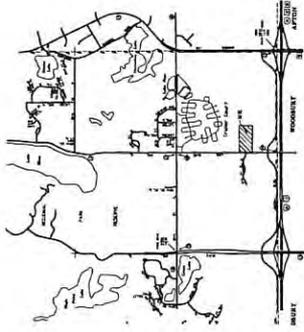
LENNAR
 1605 SOUTH AVENUE SUITE 600
 FARGO, ND 58103-1500

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA

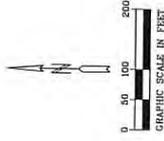
L1 of 1

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DIEDRICH PROPERTY PRELIMINARY PLAT LAKE ELMO, MINNESOTA



LOCATION MAP



SHEET INDEX

1. COVER SHEET
2. LEGEND SHEET
3. EXISTING CONDITIONS
4. PRELIMINARY PLAT
5. PRELIMINARY SITE PLAN
- 6-7. PRELIMINARY UTILITY PLAN
8. PRELIMINARY GRADING PLAN
9. EROSION CONTROL PLAN
10. PRELIMINARY SEEDING PLAN
11. PRELIMINARY STREET PROFILES
- 12-14. DETAILS

- L1. LANDSCAPE PLAN
- T1. TREE PRESERVATION PLAN

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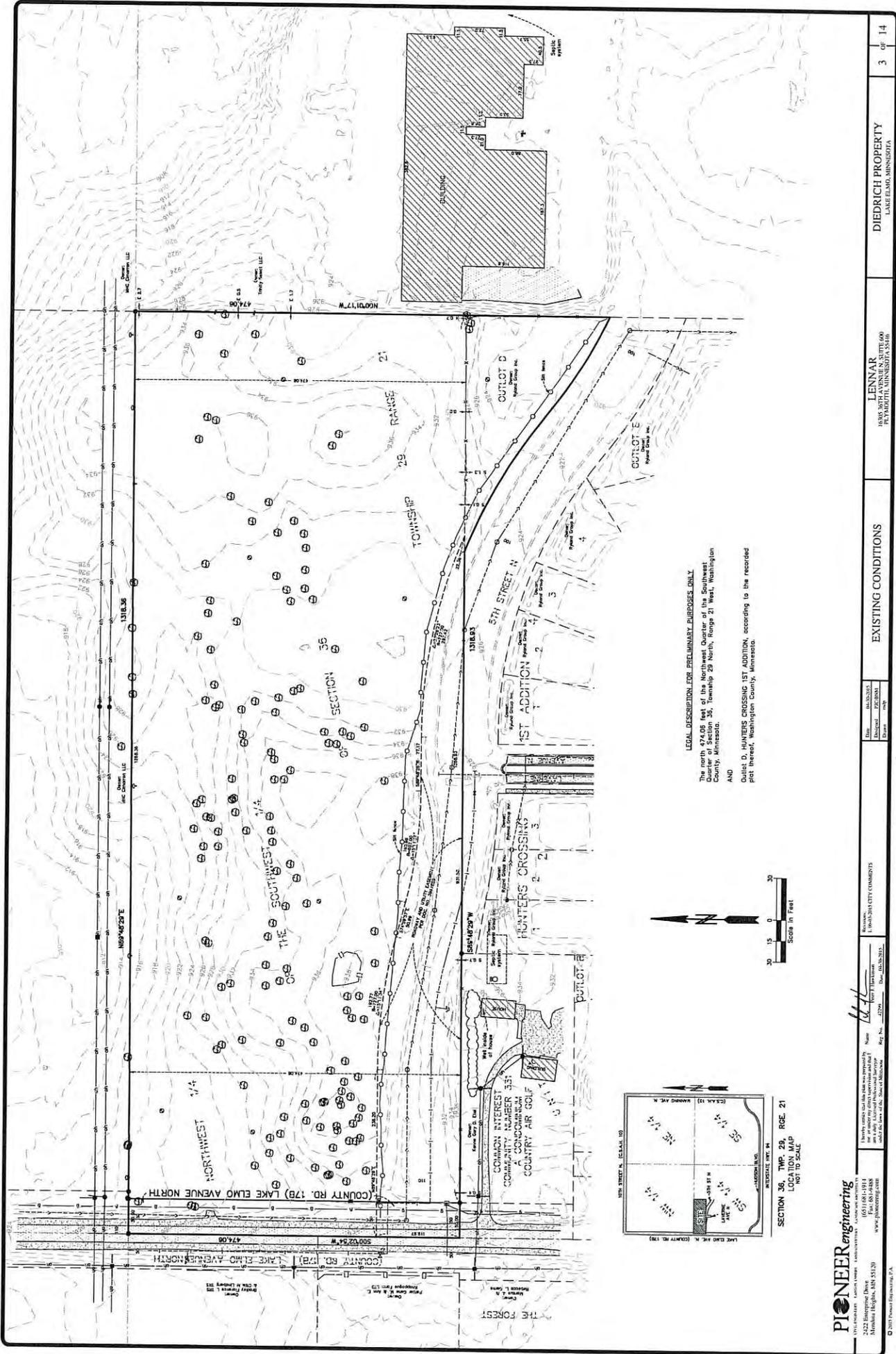
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DATE: 04/20/11
 DRAWN BY: J. COOPER
 CHECKED BY: J. COOPER
 PROJECT: DIEDRICH PROPERTY
 SHEET: 1 OF 14

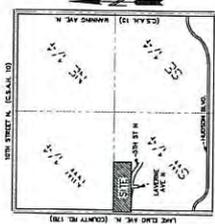
LENNAR
 16,905 SOTTLA AVENUE, SUITE 600
 FLYING DUTCHMAN, MINNESOTA 55416

BENSHI MARK
 144707 E 23RD AC
 ELEV: 943.87 (1983 ddum)
 MARKSHI@GMAIL.COM

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA



LEGAL DESCRIPTION FOR PRELIMINARY PURPOSES ONLY
 The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota;
 AND
 DULLE D. HUNTERS CROSSING 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.



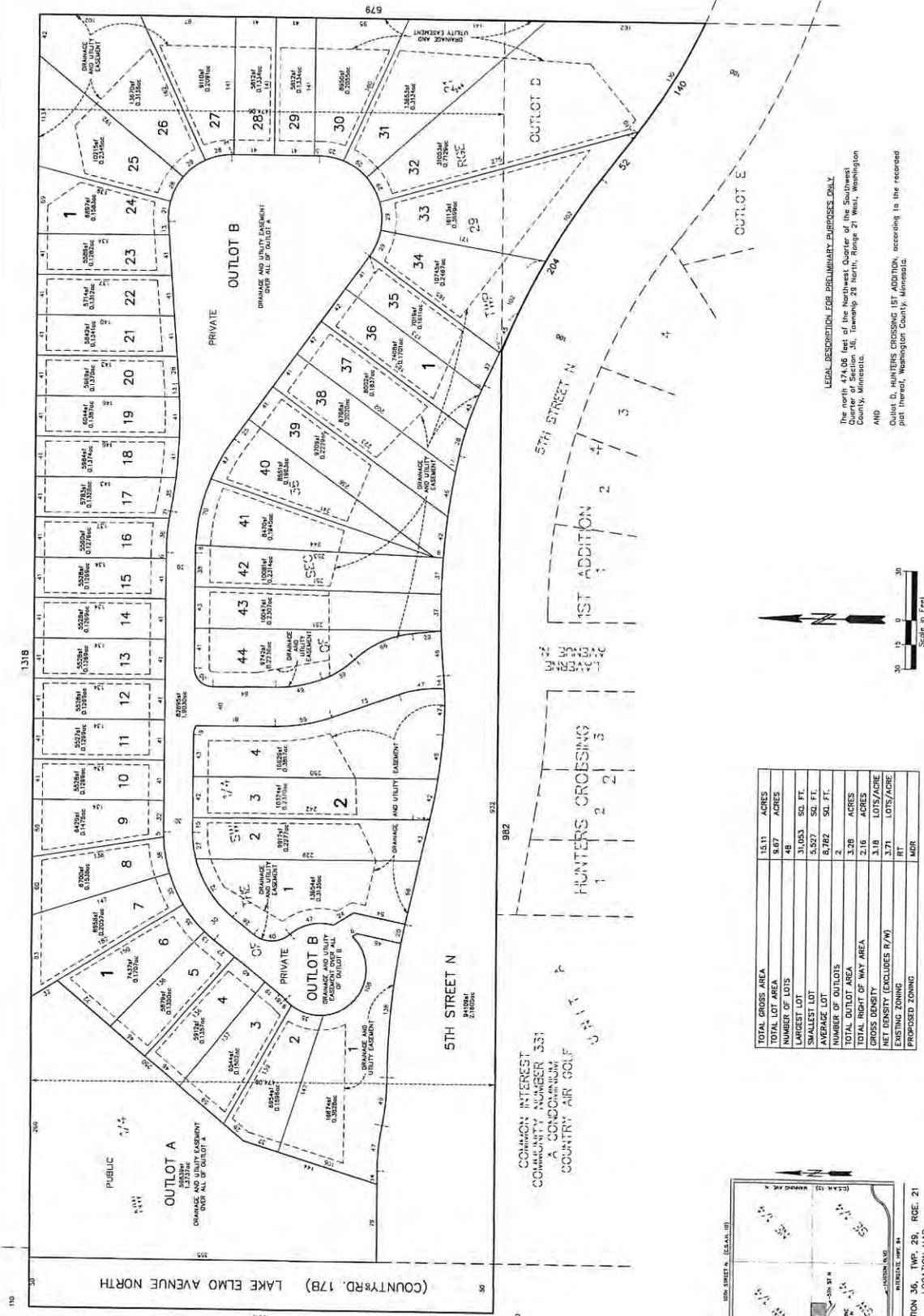
PIONEER engineering
 2422 Enterprise Drive
 Mendota Heights, MN 55120
 www.pioneereng.com

DATE: 10/28/2015
 DRAWN: J. BROWN
 CHECKED: [Signature]
 PROJECT: 170222
 CLIENT: LAKELAND CITY COMMISSIONERS

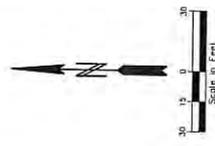
EXISTING CONDITIONS

LENNAR
 16365 16TH AVENUE N, SUITE 600
 PLYMOUTH, MINNESOTA 55466

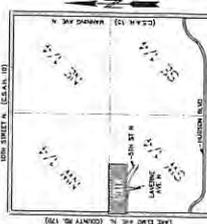
DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA



LEGAL DESCRIPTION FOR PRELIMINARY PURPOSE ONLY
 The north 474.06 feet of the Northwest Quarter of the Southwest
 Quarter, Section 36, Township 29 North, Range 21 West, Washington
 County, Minnesota.
 AND
 Outlot B, HUNTERS CROSSING 1ST ADDITION, according to the recorded
 plat thereof, Washington County, Minnesota.



TOTAL GROSS AREA	15.11	ACRES
TOTAL LOT AREA	9.67	ACRES
NUMBER OF LOTS	48	
SMALLEST LOT	31,083	SQ. FT.
AVERAGE LOT	5,527	SQ. FT.
NUMBER OF OUTLOTS	2	
TOTAL OUTLOT AREA	2.28	ACRES
TOTAL RIGHT OF WAY AREA	1.16	ACRES
GROSS DENSITY	3.71	LOTS/ACRE
NET DENSITY (EXCLUDES R/W)	RT	LOTS/ACRE
EXISTING ZONING	RT	
PROPOSED ZONING	MOR	



SECTION 36, TWP. 29, RGE. 21
 LOCATION MAP
 NET TO SCALE

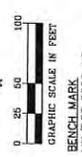
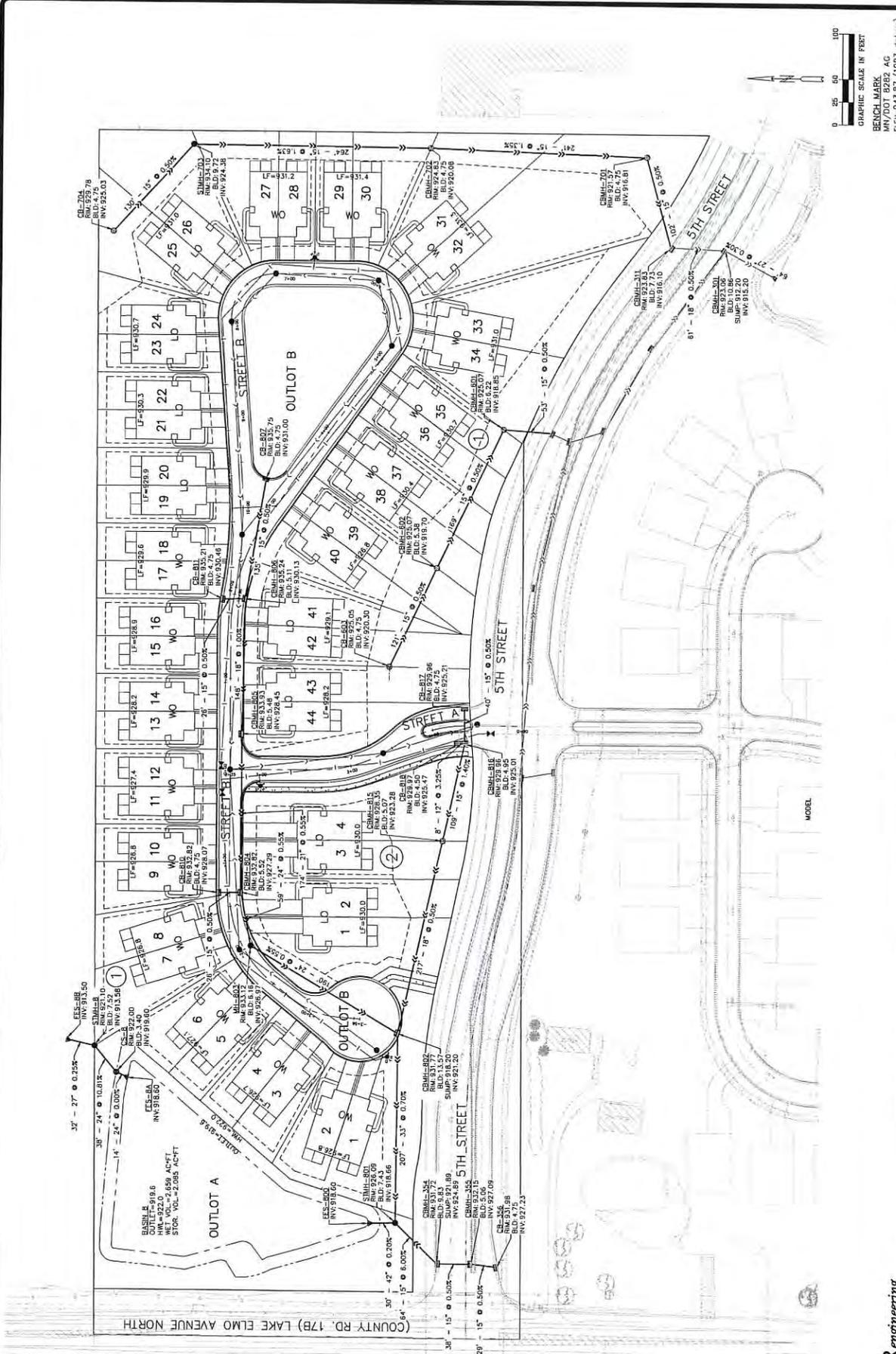
PIONEER engineering
 1700 UNIVERSITY AVENUE, SUITE 1000
 MINNEAPOLIS, MINNESOTA 55412
 TEL: 612-338-4488
 WWW.PIONEERENGINEERING.COM

DATE: 01/22/2014
 DRAWN: J. HANSEN
 CHECKED: J. HANSEN
 PROJECT: 1318

PRELIMINARY PLAT

LENNAR
 16005 30TH AVENUE, SUITE 600
 PLYMOUTH, MINNESOTA 55446

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA



BENCH MARK
 MN/DOOT 9282 AG
 ELEV=943.67 (1983 datum)
 05/01/1983 HED/STB

DIEDRICH PROPERTY
 LAKE ILWACO, MINNESOTA

LENVAR
 1638 S. WASHINGTON ST. SUITE 609
 TWIN FALLS, IDAHO 83401-3546

STORM SEWER

DATE: 04/20/11
 DRAWN: P/STB
 CHECKED: BJA

PROJECT: 10th STREET CITY COMMENTS

DATE: 04/20/11
 DRAWN: P/STB
 CHECKED: BJA

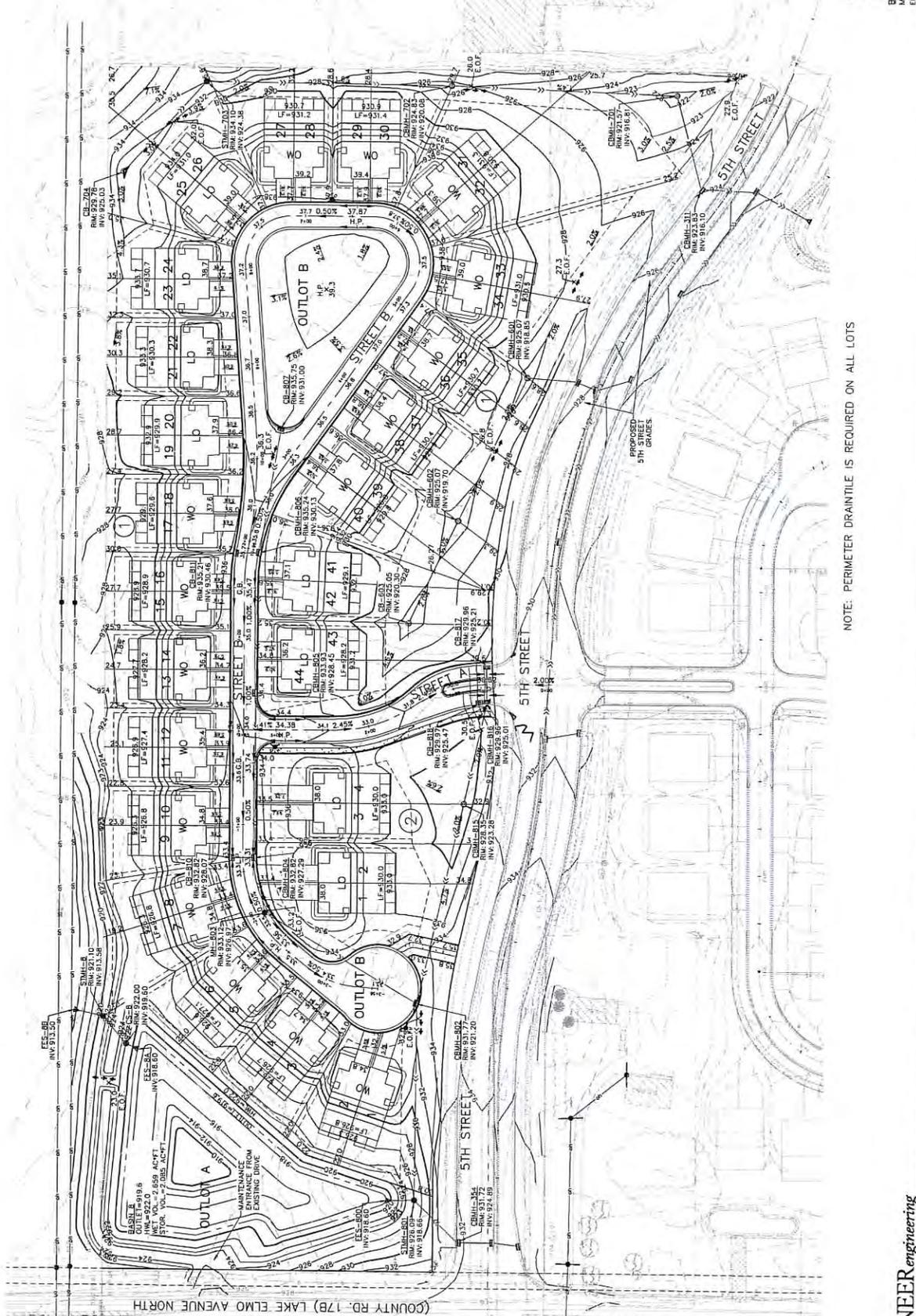
DATE: 04/20/11
 DRAWN: P/STB
 CHECKED: BJA

DATE: 04/20/11
 DRAWN: P/STB
 CHECKED: BJA

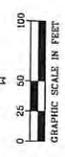
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 www.pioneereng.com

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7 of 14



NOTE: PERIMETER DRAINTILE IS REQUIRED ON ALL LOTS



BENCH MARK
 MN/DOT B282 AC
 ELEV=943.67 (1983 datum)

(COUNTY RD. 17B) LAKE ELMO AVENUE NORTH

PIONEER engineering
 11333 Highway 100, Suite 100
 Mendota Heights, MN 55120
 (612) 834-1014
 Fax: (612) 834-1018
 www.pioneereng.com

Project: 17B-17B CITY COMMENTS
 Date: 01-20-2011
 Author: Paul J. Sauer
 Date: 01-20-2011
 Check: [Name]
 Date: 01-20-2011

DIEDRICH PROPERTY
 LAKE ELMO, MINNESOTA

LENNAR
 15000
 15000
 15000

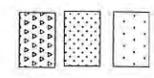
GRADING PLAN

8 OF 14



GRAPHIC SCALE IN FEET
 0 25 50 100
 BENCH MARK
 MVDOT 0282 AG
 ELEVATION 87.1 (1983 datum)

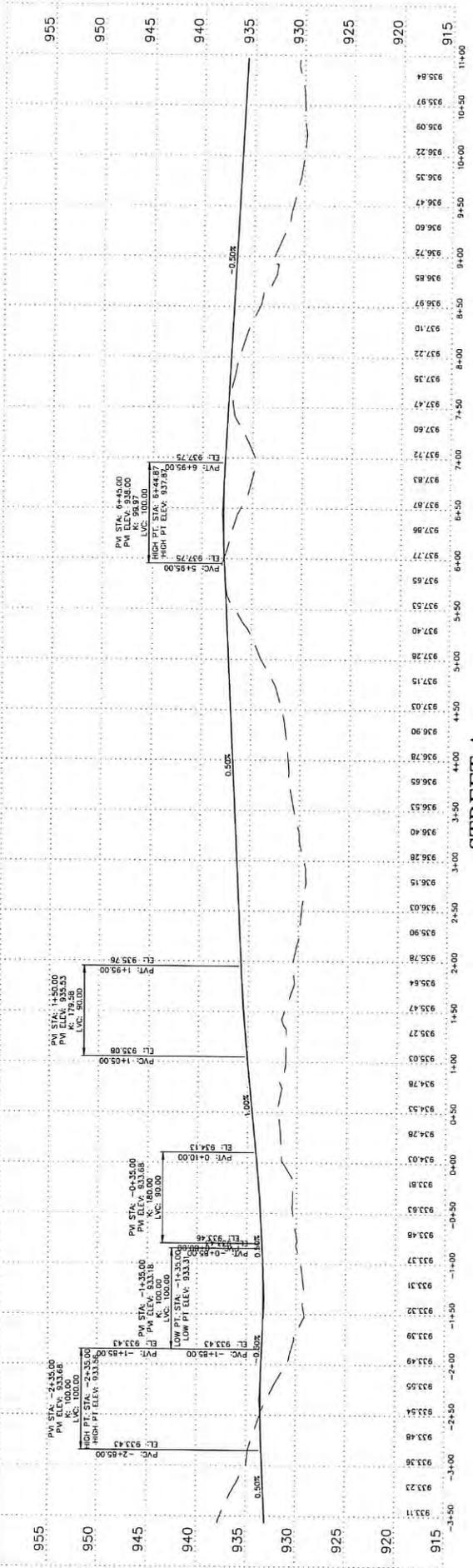
SEEDING NOTES:
 TEMPORARY SEED AND PERMANENT TURF RESTORATION SHALL BE DONE IN ACCORDANCE TO MNDOT 2575 A, 3076.
 MULCH SHALL BE MNDOT TYPE 3 @ 2 TONS PER ACRE OR APPROVED EQUAL AND DISK ANCHORED IN PLACE OR APPROVED EQUAL. DISK ANCHORING SHALL BE DONE IN ALL DISTURBED AREAS.
 DISTURBED AREAS SHALL BE SEEDING WITH MN STATE SEED MIX 33-282 OR EQUIVALENT. SEE GRADING DETAIL NOTES FOR MORE STORMWATER MANAGEMENT DETAILS.
 DISTURBED UPLAND AREA AROUND STORMWATER TREATMENT AREAS TO BE SEEDING WITH MN STATE SEED MIX 35-621 OR EQUIVALENT.
 DISTURBED AREAS TO RECEIVE PERMANENT TURF RESTORATION, MN SEED MIX 25-121 AT 75 POUNDS PER ACRE.
 TEMPORARY SEED TO BE MN SEED MIX 22-111 OR APPROVED EQUAL @ 40 LBS. PER ACRE.



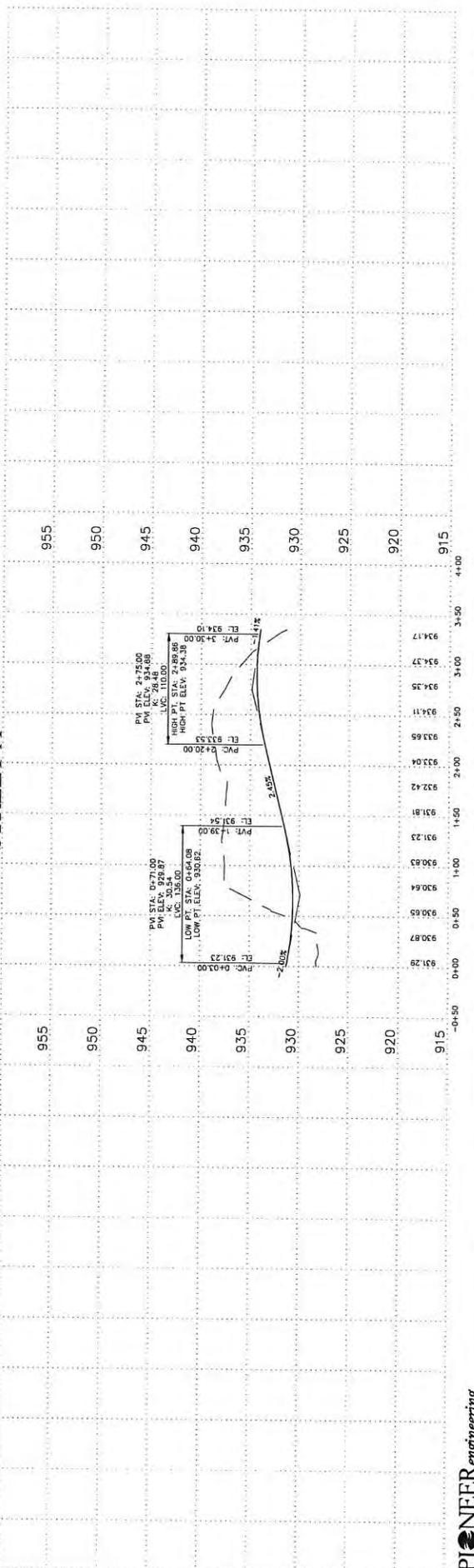
(COUNTY RD. 17B) LAKE ELMO AVENUE NORTH

PIONEER engineering
 2122 Bluffs Drive
 Mendota Heights, MN 55120
 (651) 681-7914
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STREET B



STREET A

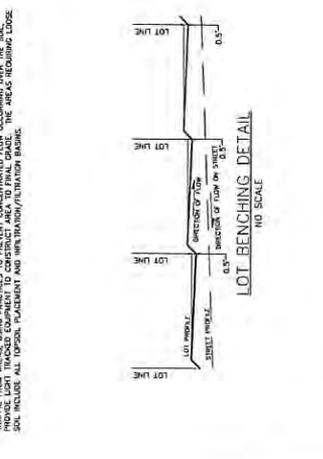
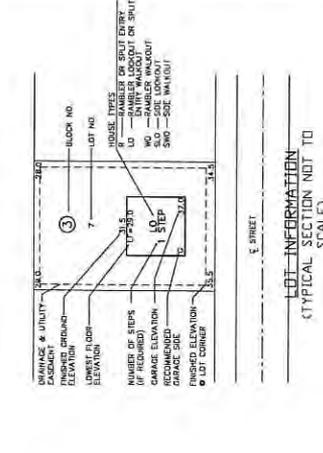
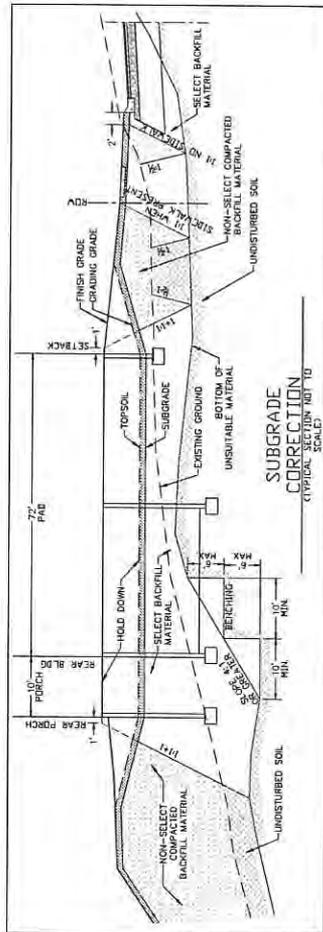
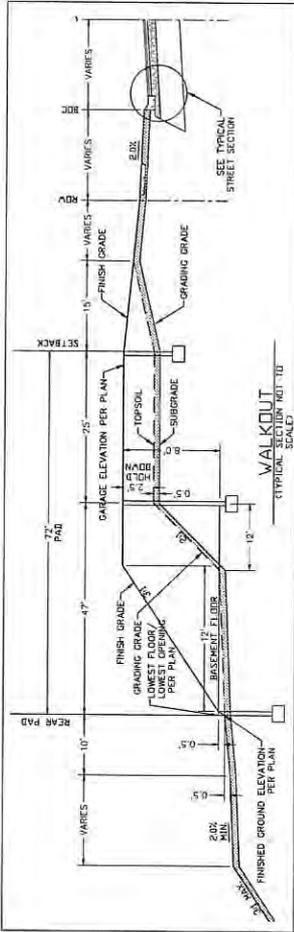
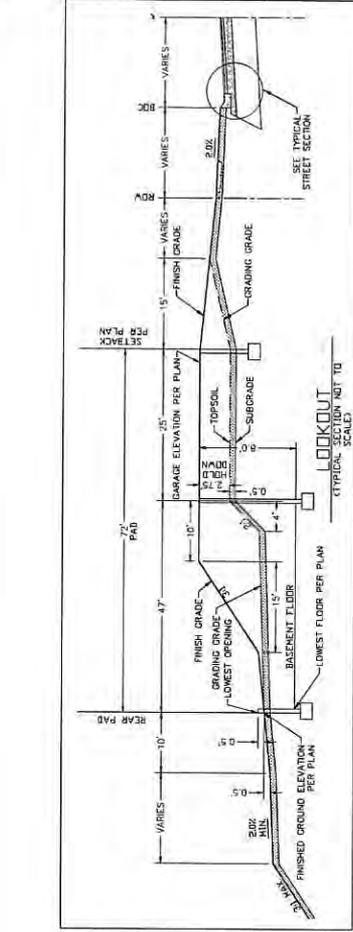


- GRADING LEGEND**
1. INSTALL ROCK CONSTRUCTION ENTRANCE
 2. STOP-TURNING, SHOULDER, AND STABILIZE IN BEAN FOR FUTURE SPREADING
 3. ONE-CURVE FULL, SEPARATE BASIN, DESIGN TO THE VEGETATION OF ACHIEVING SPREADING
 4. ONE-CURVE FULL, SEPARATE BASIN, DESIGN TO THE VEGETATION OF ACHIEVING SPREADING
 5. ONE-CURVE FULL, SEPARATE BASIN, DESIGN TO THE VEGETATION OF ACHIEVING SPREADING
 6. ONE-CURVE FULL, SEPARATE BASIN, DESIGN TO THE VEGETATION OF ACHIEVING SPREADING
 7. ONE-CURVE FULL, SEPARATE BASIN, DESIGN TO THE VEGETATION OF ACHIEVING SPREADING
 8. ONE-CURVE FULL, SEPARATE BASIN, DESIGN TO THE VEGETATION OF ACHIEVING SPREADING
 9. ONE-CURVE FULL, SEPARATE BASIN, DESIGN TO THE VEGETATION OF ACHIEVING SPREADING
 10. ONE-CURVE FULL, SEPARATE BASIN, DESIGN TO THE VEGETATION OF ACHIEVING SPREADING

- GENERAL NOTES**
1. THE STORM WATER POLLUTION PREVENTION MANAGER SHALL BE A PERSON TRAINED, KNOWLEDGEABLE AND EXPERIENCED WITH THE CONCEPTS OF EROSION PREVENTION AND SEDIMENT CONTROL. THIS PERSON SHALL OBTAIN APPROVAL FROM THE EROSION PREVENTION AND SEDIMENT CONTROL AGENCY BEFORE ANY CONSTRUCTION BEGINS.
 2. CONTRACTORS TO OBTAIN ALL REQUIREMENTS OF THE MINNESOTA POLLUTION CONTROL AGENCY, AND TO COMPLETE THE EROSION PREVENTION PLAN WITHIN THE TIME REQUIRED BY THE PERMIT AGENCY.
 3. A COPY OF THESE PLANS MUST BE ON THE JOB SITE THROUGHOUT CONSTRUCTION.
 4. CONTRACTORS SHALL MAINTAIN THE EROSION PREVENTION AND SEDIMENT CONTROL PLAN THROUGHOUT CONSTRUCTION.
 5. ALL EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
 6. THE BAP'S SHOW ON THE PLANS ARE THE MINIMUM REQUIREMENTS FOR THE INTEGRATED SITE CONDITIONS AS CONSTRUCTION PROGRESSES, AND UNLESS OTHERWISE SPECIFIED, THE RESPONSIBILITY OF THE CONTRACTOR IS TO MAINTAIN THE INTEGRATED SITE CONDITIONS THROUGHOUT CONSTRUCTION.
 7. ALL TREES NOT LISTED FOR REMOVAL SHALL BE PROTECTED. DO NOT OPERATE EQUIPMENT WITHIN THE Drip Line, Root Zone or within the Protection Zone Area.
 8. AFTER FEASIBLE, PRESERVE THE EXISTING TREES, BRUSH AND OTHER VEGETATION TO HELP STABILIZE SOIL.
 9. OPERATE BRANCH EQUIPMENT (DOZER) UP AND DOWN EXPOSED SOIL SLOPES ON FINAL PASSES. LEAVES BRANCHES PERPENDICULAR TO THE SLOPE. DO NOT BACK. LEAVE A SURFACE RAMP TO THE TOP OF THE SLOPE.
 10. TEMPORARY SEED SHALL BE SOWN IN ACCORDANCE TO MOISTURE AND SOIL TEMPERATURE. SEED SHALL BE SOWN AT 20-40 LBS PER ACRE OR APPROVED LOCAL AGENCY. SEED SHALL BE SOWN IN PLACE OF APPROVED SOIL, INSTALLED TO MAINTAIN SOIL CONTENT OF THE SURFACE. TYPE 1 FERTILIZER 10-10-20 @ 200 LBS PER ACRE.
 11. PERMANENT TROPICAL RESTORATION SHALL BE DONE IN ACCORDANCE WITH MOISTURE AND SOIL TEMPERATURE. SEED SHALL BE SOWN AT 20-40 LBS PER ACRE OR APPROVED LOCAL AGENCY. SEED SHALL BE SOWN IN PLACE OF APPROVED SOIL, INSTALLED TO MAINTAIN SOIL CONTENT OF THE SURFACE. TYPE 1 FERTILIZER 10-10-20 @ 200 LBS PER ACRE.
 12. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH MOISTURE AND SOIL TEMPERATURE. SEED SHALL BE SOWN AT 20-40 LBS PER ACRE OR APPROVED LOCAL AGENCY. SEED SHALL BE SOWN IN PLACE OF APPROVED SOIL, INSTALLED TO MAINTAIN SOIL CONTENT OF THE SURFACE. TYPE 1 FERTILIZER 10-10-20 @ 200 LBS PER ACRE.
 13. IF EROSION CONTROL MEASURES ARE REQUIRED, THE CONTRACTOR SHALL APPLY THEM FROM A TRUCK TRUCK TO THE CONSTRUCTION AREA.
 14. WITHIN 7 DAYS OF COMPLETION OF THE SITE GRADING OPERATIONS, THE ENTIRE SITE (EXCEPT ROADWAYS) SHALL BE SEED AND MULCHED AND SALT FENCE SHALL BE INSTALLED AROUND ALL FENCES.
 15. WITHIN 120 DAYS AFTER FINAL SITE STABILIZATION IS COMPLETED, THE CONTRACTOR SHALL PROVIDE A REPORT TO THE PERMITTING AGENCY.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

- CONSTRUCTION ACTIVITY REQUIREMENTS**
1. EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
 2. TEMPORARY STABILIZATION MUST BE INSTALLED IMMEDIATELY WHENEVER ANY CONSTRUCTION ACTIVITY HAS COMPLETED AND THE EXISTING SURFACE IS EXPOSED TO THE ELEMENTS OF WEATHER.
 3. ALL CONSTRUCTION ACTIVITY SHALL BE COMPLETED WITHIN THE TIME FRAME SPECIFIED IN THE PERMIT.
 4. ALL CONSTRUCTION ACTIVITY SHALL BE COMPLETED WITHIN THE TIME FRAME SPECIFIED IN THE PERMIT.
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 10. ALL CONSTRUCTION ACTIVITY SHALL BE COMPLETED WITHIN THE TIME FRAME SPECIFIED IN THE PERMIT.

- SEMI-ANNUAL CONTROL REQUIREMENTS**
1. EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 2. EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
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 8. EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 9. EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
 10. EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.



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 Morrisville, MN 55120
 651.661-1014
 www.pioneereng.com

LENNAR
 1600 30TH AVENUE N. SUITE 600
 ST. CLOUD, MN 56301

DIEDRICH PROPERTY
 LAND DEVELOPMENT

GRADING DETAILS

12 OF 14



& COUNCIL COMMUNICATION

DATE: July 21, 2015
REGULAR
ITEM #16
ORDINANCE 08-121
RESOLUTION 2015-045

AGENDA ITEM: Zoning Text Amendment – Commercial Wedding Ceremony Venue Ordinance

SUBMITTED BY: Nick Johnson, City Planner

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Kyle Klatt, Community Development Director
Planning Commission

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity 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 is recommending approval of a zoning text amendment to expand the opportunities to conduct Commercial Wedding Ceremony Venues within the community.

FISCAL IMPACT: None – The City’s review of the requested Zoning Text Amendment is reimbursed through the submitted application fee.

SUMMARY AND ACTION REQUESTED: The City has received a request from Danielle Hecker, 11658 50th Street North, to amend the City’s Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City’s RR – Rural Residential zoning districts. The City Council discussed the matter at their June 2, 2015 meeting, and requested that additional opportunities for public engagement be provided. The Planning Commission and Staff are recommending approval of the requested amendment with further

restrictions on the application of the ordinance as noted on June 2nd. The motion to take the recommended action on the request is as follows:

“Move to adopt Ordinance 08-121, amending the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City’s RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200”

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following motion:

“Move to adopt Resolution 2015-045, authorizing summary publication of Ordinance 08-121.”

BACKGROUND INFORMATION/STAFF REPORT: The City of Lake Elmo has received a petition from Danielle Hecker, 11658 50th Street North, to amend the City’s Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City’s RR – Rural Residential zoning districts. The City Code presently restricts such uses to the A – Agriculture and RT – Rural Transitional Districts. The City Council reviewed this request at the 6/2/15 meeting. The City Council postponed consideration of the Zoning Text Amendment to seek additional public feedback, as well as a map of potential sites the proposed ordinance would activate.

To follow up on this discussion, staff has attached a map that identifies the Rural Residential parcels that would be able to be utilized as wedding venues. There are 6 such parcels in the community. The map can be found in Attachment #4. In addition, the City has received additional feedback about the proposal to amend the wedding venue ordinance. The feedback is collected and attached to this report in Attachment #5.

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

Strengths: The Planning Commission found that the ordinance amendment would help preserve historic agricultural buildings within the City.

The ordinance expands upon the existing ordinance that allows additional opportunities for use of agricultural properties that may no longer be viable as farmland.

Weaknesses: The ordinance would allow the expansion of a more commercial-type of activity into rural residential areas.

Wedding ceremony venues will generate additional traffic at peak times immediately prior to and after each event. The venues could potentially generate other negative impacts that need to be managed on the site (noise, trash, parking, etc.).

Opportunities: The potential for re-use of historic buildings that would otherwise have limited use.

Threats: Wedding venues by their nature will result in the gathering of larger numbers of people at one location, which can result in some impacts to surrounding properties. The ordinance establishes standards in order to contain or limit any negative impacts.

RECOMMENDATION: Based on the aforementioned, the Planning Commission and staff are recommending that the City Council approve the proposed amendment to the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200 with the additional restrictions as documented in the attached Ordinance 08-121. The recommended motion to take action on the request is as follows:

“Move to adopt Ordinance 08-121, amending the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200”

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following motion:

“Move to adopt Resolution 2015-045, authorizing summary publication of Ordinance 08-121.”

ATTACHMENTS:

1. Staff Report dated June 2, 2015
2. Ordinance 08-121
3. Resolution 2015-047
4. Map of Possible Rural Residential Wedding Venue Locations
5. Additional Public Feedback Since 6/2/15 Meeting



MAYOR & COUNCIL COMMUNICATION

DATE: June 2, 2015
REGULAR
ITEM # 7

AGENDA ITEM: Zoning Text Amendment – Commercial Wedding Ceremony Venue Ordinance

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Nick M. Johnson, City Planner
Planning Commission

SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):

- Introduction of ItemCommunity 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 is recommending approval of a zoning text amendment to expand the opportunities to conduct Commercial Wedding Ceremony Venues within the community.

FISCAL IMPACT: None – The City’s review of the requested Zoning Text Amendment is reimbursed through the submitted application fee.

SUMMARY AND ACTION REQUESTED: The City has received a request from Danielle Hecker, 11658 50th Street North, to amend the City’s Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City’s RR – Rural Residential zoning districts. The City Code presently restricts such uses to the A – Agriculture and RT – Rural Transitional Districts. The applicant is also asking to increase the maximum number of guests allowed at each event from 150 to 200. After reviewing the request and conducting a public hearing on this matter, the Planning Commission and Staff are recommending approval of the requested amendment with further restrictions on the application of the ordinance as noted below. The motion to take the recommended action on the request is as follows:

“Move to adopt Ordinance 08-121, amending the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City’s RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200”

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following motion:

“Move to adopt Resolution No. 2015-45, authorizing summary publication of Ordinance 08-121.”

BACKGROUND INFORMATION/STAFF REPORT: The City of Lake Elmo has received a petition from Danielle Hecker, 11658 50th Street North, to amend the City’s Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City’s RR – Rural Residential zoning districts. The City Code presently restricts such uses to the A – Agriculture and RT – Rural Transitional Districts. The applicant is also asking to increase the maximum number of guests allowed at each event from 150 to 200. The Planning Commission conducted a public hearing on the request consistent with the review requirements for ordinance amendments. The applicant currently resides at the above address, and should the zoning amendment be approved by the City, intends to submit an applicant for an interim use permit in accordance with the Commercial Wedding Ceremony Ordinance to operate such a use from this property.

The attached report to the Planning Commission contains additional information concerning the request, in addition to the Staff recommendation to the Commission. Staff recommended approval of the request with additional restrictions concerning sites within RR zoning districts that would be suitable for such uses.

PLANNING COMMISSION REPORT: The Planning Commission reviewed the applicant’s request at a public hearing on May 27, 2015. The Commission heard testimony concerning the zoning amendment from two neighboring property owners as documented in the draft minutes from the meeting, and also received written comments from three additional individuals (these comments are attached to this memorandum). The City has also received one more email concerning the request since the Planning Commission meeting, and this email has also been copied for consideration by the Council. In general, the comments that have been received express the following concerns about the request:

- The increased traffic on 50th Street from the applicant’s site.
- The safety of pedestrians, bicyclists, and other non-motorized commuters along 50th Street due to an increase in traffic and narrow travel lanes on the road.
- The lack of a trail along the western portion of 50th Street for pedestrians and bicyclists.
- The potential queuing of vehicles at Highway 5 and Highway 17 after events.

- That the proposed commercial use is not consistent with a residential area and is not consistent with the City's Comprehensive Plan.
- The ability of 50th Street to handle additional traffic.
- Potential conflicts due to noise and other nuisances from the wedding venue site that is not compatible with rural uses and activities.
- That the proposed change does not take into account the desires of the entire community.
- The compatibility of larger parking area with surrounding residential uses.
- The potential disruptions to residents that live along a quiet street in the community.
- The risk that the use of alcohol may be served and that reception-type activities would take place on the premises.
- Potential conflicts with the proposed residential development around the site.

The Commission generally debated the merits of the proposed amendment, and spent time discussing whether or not the ordinance change was consistent with the City's Comprehensive Plan. It was noted that preserving an older, historic barn was in line with the City's Plan, and that protecting this type of historic building should be the primary objective of the ordinance and not specifically preserving farm land. The Commission also debated the maximum number of guests that should be allowed under the ordinance, and ultimately voted to increase this number to 200 as per the applicant's request. The applicant pointed out that the average wedding size through the nation is around 150, but that this number has been decreasing according to recent trends. The Commission also noted that the interim use ordinance process offers additional control for the City if any problems arise from the operation of the facility.

The Commission supported the Staff recommendation to further restrict the applicability of the ordinance to sites that have served as the farmstead for the surrounding agricultural land and that involve the re-use of a historic building on the site that is at least 75 years old.

The Planning Commission unanimously recommended approval of the zoning text amendment to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200 with the additional restrictions as recommended by Staff (Vote: 5-0).

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

Strengths: The Planning Commission found that the ordinance amendment would help preserve historic agricultural buildings within the City.

The ordinance expands upon the existing ordinance that allows additional opportunities for use of agricultural properties that may no longer be viable as farmland.

Weaknesses: The ordinance would allow the expansion of a more commercial-type of activity into rural residential areas.

Wedding ceremony venues will generate additional traffic at peak times immediately prior to and after each event. The venues could potentially generate other negative impacts that need to be managed on the site (noise, trash, parking, etc.).

Opportunities: The potential for re-use of historic buildings that would otherwise have limited use.

Threats: Wedding venues by their nature will result in the gathering of larger numbers of people at one location, which can result in some impacts to surrounding properties. The ordinance establishes standards in order to contain or limit any negative impacts.

RECOMMENDATION: Based on the aforementioned, the Planning Commission and staff are recommending that the City Council approve the proposed amendment to the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City's RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200 with the additional restrictions as documented in the attached Ordinance 08-121. The recommended motion to take action on the request is as follows:

“Move to adopt Ordinance 08-121, amending the Zoning Ordinance to allow Commercial Wedding Ceremony Venues as in interim use permit within the City’s RR – Rural Residential zoning districts and to increase the maximum number of guests allowed at each event from 150 to 200”

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following motion:

“Move to adopt Resolution No. 2015-45, authorizing summary publication of Ordinance 08-121.”

ATTACHMENTS:

1. Ordinance 08-121
2. Resolution No. 2015-45
3. Planning Commission Report – 5/27/15
4. Application Form
5. Application Narrative
6. Proposed Ordinance Amendment (as requested by applicant)
7. Location Map (applicant's property in red)
8. Aerial Photograph of Site with Property Measurements
9. Propose Site Layout with Parking
10. Ordinance No. 08-107 (Commercial Wedding Ceremony Venue)
11. Public Comments:
 - a. Rebecca Tenpas
 - b. Laurel Drevlow
 - c. Jennifer Pelletier
 - d. Ann Heimerman

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-121

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES
CONCERNING COMMERCIAL WEDDING CEREMONY VENUES AND ALLOWING SUCH
USES AS AN INTERIM USE IN RR ZONING DISTRICTS

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§154.400 Permitted and Conditional Uses.

Table 9-1 lists all permitted and conditional uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

Table 9-1: Permitted and Conditional Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Accessory Uses						
Commercial Wedding Ceremony Venue	I	I	I	-	-	154.310.D

SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§ 154. 310 Standards for Accessory Uses

- D. *Commercial Wedding Ceremony Venue.* A commercial wedding venue is allowed as an accessory use with an interim use permit in the A - Agriculture, ~~and~~ RT - Rural Transitional, and RR - Rural Residential zoning districts on parcels greater than 10 acres size. The establishment of a Commercial Wedding Ceremony Venue on RR parcels is limited to those sites meeting the following criteria: 1) the site has historically been used as a farmstead for the surrounding agricultural land; and 2) the use will incorporate a barn or other historical agricultural building over 75 years of age for the wedding ceremonies.

The suitability of a parcel for a wedding venue shall be determined by the characteristics of the site and by the unique capacity of the parcel to accommodate the use while preserving the essential rural character of the neighborhood and the site on which the use is located, by the ability of the parcel to accommodate the use without negative impact on the general health,

safety, and welfare of the community, and by other factors the City may deem appropriate for consideration. [The use must adhere to the following standards:](#)

1. *Ownership.* The property will be the primary residence of the venue operator(s). The operator must be on the premises for the duration of each event.
2. *Maximum Number of Guests.* The maximum numbers of guests is limited to [450-200](#) for each event.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-121 was adopted on this 21st day of July 2015, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-121 was published on the ____ day of _____, 2015.

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

RESOLUTION NO. 2015-45

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-121 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-121, an ordinance to amend the City's regulations pertaining to Commercial Wedding Ceremony Venues; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-121 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-121, which amends the Zoning Ordinance provisions pertaining to Commercial Wedding Ceremony Venues. The revised ordinance amends the standards for such uses as follows:

- Allowing a Commercial Wedding Ceremony Venue as an interim use within the RR – Rural Residential Zoning Districts.
- Increasing the maximum number of guests allowed for each ceremony from 150 to 200.
- Adding standards that limit Commercial Wedding Ceremony Venues to sites in RR Districts that served as the farmstead for larger agricultural parcels and that would be conducted in historic buildings over 75 years of age.

The full text of Ordinance No. 08-121 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: July 21, 2015.

Mayor Mike Pearson

ATTEST:

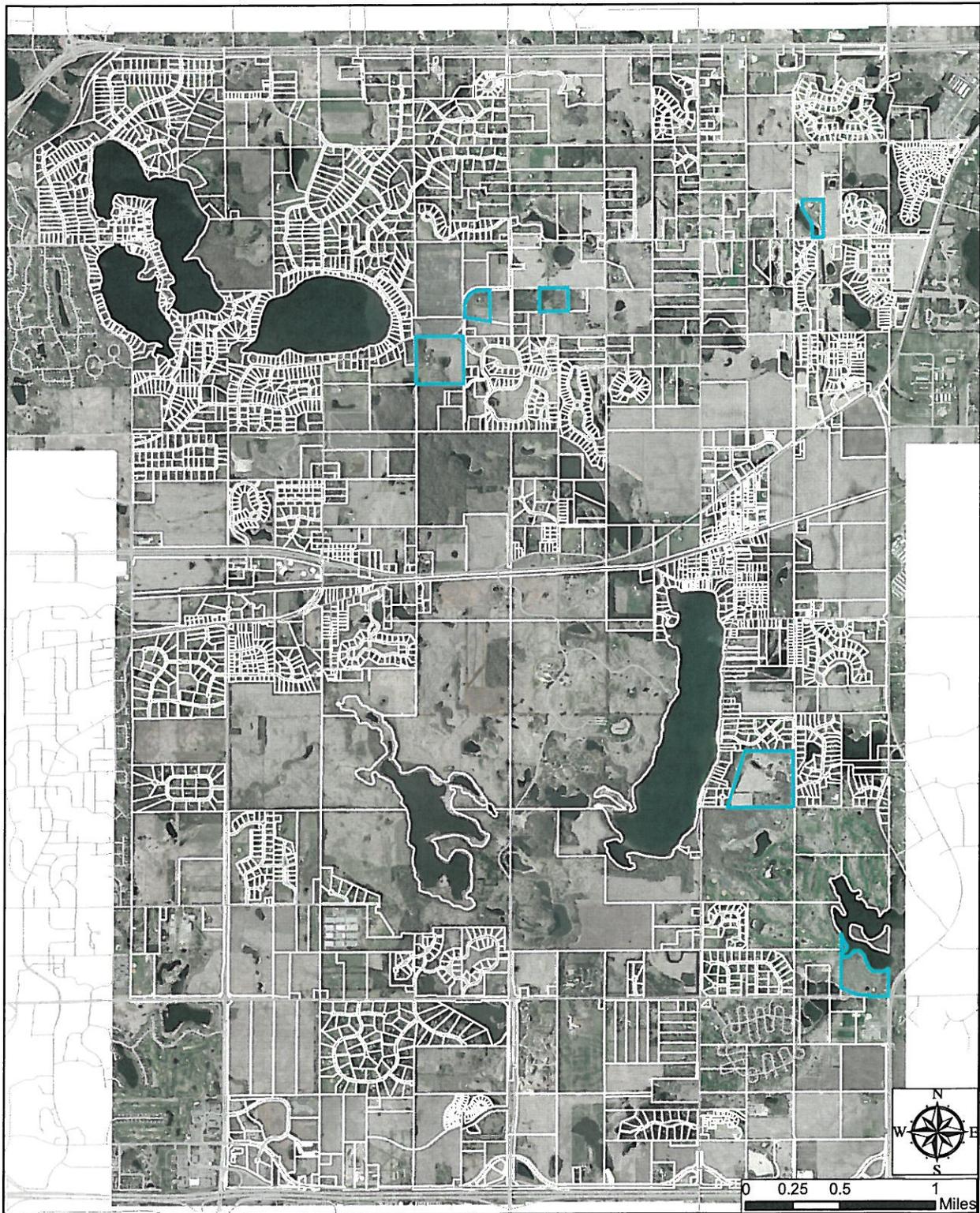
Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member
_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



Parcels Meeting Wedding Venue Requirements

Total Parcels: 6

Area: Greater than 10 acres

Zoning: Rural Residential

Setback Requirements:

Parking: 100 FT from residential property lines; 200 FT from neighboring houses.

Outdoor Activity Spaces: 300 FT from residential property lines; 400 FT from neighboring houses.

Indoor Activity Spaces: 300 FT from residential property lines; 400 FT from neighboring houses.



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June 18, 2015

Kyle Klatt
Community Development Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Kyle:

RE: Danielle Hecker's Barn Wedding Ceremony Venue (no receptions)

This letter is to inform Lake Elmo city staff, city council and local residents that I support Danielle Hecker's request to host wedding ceremonies on her property which borders my property in Lake Elmo. Her property consists of 10 acres which includes a historic farmhouse and barn and several smaller outbuildings that make up the original Goetschel farm homestead of past. The Hecker property is one of Lake Elmo's great historical landmarks; the property is very quaint and the homestead is well taken care of. I own the 110 acres which encompasses the north, east and west sides of the Hecker's property.

As the Hecker's most impacted neighbor, I continue to support their venue on their 10 acres. It has been joy to meet and chat with Danielle Hecker. The Hecker's have demonstrated a great sense of pride in their property with the continued improvements they have made to the property. When I first spoke with Danielle, I suggested that both parties (Hecker and myself) plant trees on the borders of the properties which would provide more privacy and buffering. Danielle was very understanding and agreed to plant trees along their north and east property lines in the future. I was very impressed with her immediate cooperation and goodwill; key ingredients in a great neighbor.

The proposed business venture would be a complimentary venue to the neighborhood and the barn restoration would improve the surrounding property values and foster a sense of pride for the community. This venue is consistent with the "rural feel" of the surrounding O.P. developments.

I sincerely hope Danielle Hecker is granted permission to move forward with her wedding ceremony business on her property. The Hecker's property in Lake Elmo is a historical gem and is an asset that should be shared by others on their special occasions.

Best Regards,

Nathan Landucci; Landucci Homes, Inc.

13230 20th St. Ct. N. | Stillwater, MN 55082 | (P) 651.894.2582 | (F) 651.342.1049

nate@landuccihomes.com | www.landuccihomes.com

Kyle Klatt

From: kmlohmer@comcast.net
Sent: Monday, July 06, 2015 3:29 PM
To: Kyle Klatt
Subject: Hecker property citizen input

Dear Kyle,

I was told that the City of Lake Elmo and council members were looking for feedback regarding the Hecker property and the conditional use permit. I would appreciate if you could share my letter with the mayor and council members. Thanks so much.

Thank you for taking the time to read our letter regarding the proposed renovation and wedding site on the Hecker family's property. The Heckers are friends of my daughter in law and I was told of the upcoming decision regarding the conditional use permit they are seeking. I did stop by and observed a most beautiful location for what they are planning to do.

I wanted to write with some thoughts on the upcoming decision. Our family lived in Lake Elmo for 23 years, and 2-1/2 years ago moved into the Audubon development in Baytown Township. We are at the very back side of the development with woods in the back yard and less than 1/4 mile from 30th street - and very close to the Camrose Hill wedding event site.

On weekend evenings in the summer it is not uncommon for us to hear music playing from weddings and I have to say that it is a very pleasant sound. It is always quiet by 10 p.m. and it makes me happy thinking that such a "joyfilled event" is taking place there. I have never heard any complaints since we've lived here. Because 30th street is the border between Baytown Township and West Lakeland Township, I made calls to the township chairs, Kent Granular and Dan Kylo. (Mr. Granular's brother actually lives directly across from Camrose Hill.) They both confirmed that there has never been any issues or complaints and that there is a positive impact to the local community by having the wedding site there. They have never had any traffic incidents and the event center is for weddings and receptions as well. I know that the Heckers are only planning on doing the wedding ceremonies on their property.

I wish you well as you make your decision, and would encourage you allow for this zoning text amendment and conditional use permit. I think it would add greatly to the Lake Elmo community and I know that the Hecker family will be very respectful and will take very seriously the terms of the agreement.

Best,
Greg and Kathy Lohmer
Baytown Township

Kyle Klatt

From: Marlene <marlenedyer@gmail.com>
Sent: Monday, June 15, 2015 10:04 PM
To: Kyle Klatt
Cc: Jeremy Dyer
Subject: In Response to Lake Elmo Weddings

Hello Kyle,

I wanted to reach out to you as a Lake Elmo resident to let you know that I am in support of rural setting weddings in Lake Elmo. I read in a recent Lake Elmo publication that this topic would be coming up for consideration soon so I wanted to reach out to you.

As you already know, Lake Elmo is beautiful. The farms and rolling hills are picture perfect as a backdrop for weddings to take place. Recently my youngest sister got married on such a farm, but had to go across the river to Holton, Wisconsin for her nuptials. Outdoor rustic weddings are a growing trend. Wouldn't it be great if Lake Elmo were *the* place to get married?

I am specifically in favor of Danielle Hecker, as she and her husband seek to restore and preserve the historic buildings on their property and use them to better the community. Inviting people onto their property for wedding ceremonies would encourage the support of other Lake Elmo business through reception venues, flowers, catering, etc. What a great way to bring more business into our city.

If our city can set up very specific perimeters regarding parking, traffic flow, times of day, and other requirements that would ensure safety and meet resident's concerns, I am certain that allowing for rural wedding venues could benefit our city in a positive way.

Not to point out the obvious, but there is not a lot of pleasant publicity in news about Lake Elmo right now. This is a great opportunity to show our guests the true beauty and history of Lake Elmo.

Thank you,

Jeremy & Marlene Dyer
10316 Tapestry Bend

Kyle Klatt

From: PAUL H+REV PALLMEYER <pallmeyer@msn.com>
Sent: Saturday, June 13, 2015 10:09 AM
To: Kyle Klatt
Subject: Proposed Wedding Ordinance

We feel that residents should be able to have weddings and receptions in any size and area of their choosing. While the proposed change expands wedding venues to “rural residential” zones, the limits on the size of both weddings and receptions should be dropped. Paul and Ruth Pallmeyer, 8989 Lake Jane Trail N.
Sent from Windows Mail

Kyle Klatt

From: Barb Miller <bkm.miller@gmail.com>
Sent: Saturday, June 13, 2015 8:24 AM
To: Kyle Klatt
Subject: Lake Elmo Wedding Proposal

I live at 9240 55th St N and just read the article in the "Review", looking for public opinion on the wedding proposal. I support the right of individuals to have a wedding AND reception in the area zoned rural residential. I would increase the maximum guest limit to 300.

Barbara Miller

Kyle Klatt

From: Backberg, Benjamin <BBackberg@fredlaw.com>
Sent: Monday, June 08, 2015 2:07 PM
To: Mike Pearson; Justin Bloyer; Julie Fliflet; Jill Lundgren; annejsmith@msn.com; Dean Zuleger; Kyle Klatt
Subject: RE: Lake Elmo- Wedding Venue Ordinance Change

I have had a chance to review the playback of the council meeting on 6/2/15 that discussed this topic. I have also been receiving more emails in opposition to this ordinance change. People are also calling foul on the 750 ft notice. Notice seems to be a reoccurring theme for meetings, which should be very simple to fix. Is this topic going to come in front of the council tomorrow night? *Please let me know asap.* Great if it could be delayed so people can have additional time to digest the proposal.

I was also very surprised to hear that barn owner plans to book the barn out 2-3 years in advance—this will not be 10-20 per year. She is going to try her best to have as many weddings as possible (for her benefit to the detriment of everyone else around her). This will have a big change on the area, especially on the weekend (when families are out the most). 50th Street is also set up very poorly for commercial activity of any type. Not to mention, almost all wedding patrons will not know where they are going, which heightens safety concerns greatly (looking at phones for directions, etc.). We get countless people lost in our neighborhood because they think Linden goes through.

Happy to discuss this with any of you, but think my view has changed. I no longer think this will be a harmless business and could be very dangerous, especially for young kids who will venture over there from Sanctuary once the new development is built out to the south.

Thanks,
Ben
612-492-7232

From: Backberg, Benjamin
Sent: Tuesday, June 02, 2015 9:58 AM
To: 'mpearson@lakeelmo.org'; 'jbloyer@lakeelmo.org'; 'jfliflet@lakeelmo.org'; 'jlundgren@lakeelmo.org'; 'annejsmith@msn.com'; dzuleger@lakeelmo.org
Subject: Lake Elmo- Wedding Venue Ordinance Change
Importance: High

Council Members,

I have not had a chance to look at the materials in detail on the proposed wedding ordinance change, but was wondering where you all were falling on the proposal? Seems like a slippery slope. Great if you could let me know your thoughts as soon as possible. The Sanctuary HOA Board is looking into this matter now and it also looks like it would directly impact the Gotschal land plat. No one in the Sanctuary neighborhood was aware of this until this morning.

Thanks,
Ben
612-492-7232

Kyle Klatt

From: Wally Nelson <wally@morrowpartnersinc.com>
Sent: Sunday, June 07, 2015 8:16 AM
To: Kyle Klatt
Subject: Wedding Venues

Mr. Klatt,

I think it is a wonderful idea to allow weddings in these zoning districts.

It is a great way to keep the rural character of Lake Elmo in place and this will allow the old barns with character to be preserved.

Thanks

Kyle Klatt

From: guswilt24@comcast.net
Sent: Friday, June 05, 2015 6:56 PM
To: Kyle Klatt
Subject: Weddings

I enjoyed the presentation given by Danielle Hecker (sp?) and her idea to craft her barn into a wedding chapel/area. I think it would be a great venue to host such a beautiful event. I also think it would be OK to host weddings at other sites as well.

Thanks for tossing this idea out to the public.

Dana Nelson
2871 Legion Ave N

Kyle Klatt

From: Paul Huot <p.huot@huot.com>
Sent: Friday, June 05, 2015 1:13 PM
To: Kyle Klatt
Subject: weddings

I think it's sad that we can't legally hold a small (100 people or less) wedding and reception in our homes. I am good with having a permit for weddings and reception over 100 people up to 200.

Paul Huot
4955 Jamaca Ave N
Lake Elmo, MN 55042

p.huot@huot.com

Kyle Klatt

From: jenniferpelletier@comcast.net
Sent: Tuesday, June 02, 2015 12:47 PM
To: mike pearson; Anne Smith; Justin Bloyer; jfliflet@freshwater.org; Jill Lundgren
Cc: Dean Zuleger; Kyle Klatt
Subject: Fwd: Tonight's agenda item / wedding facility in RR / resend

Hello,

I sent this to the planning commission last week, but I thought I'd send it to the council prior to tonight's meeting as well. I have been in communication with the applicant and she knows what my thoughts are; she's a good neighbor and it is not my mission to prevent them from starting a business.

MOST of this note below has to do with the next phase: the interim use permit discussions. Regarding a zoning change, I am not opposed to adding a wedding facility in the RR district as long as it does not include receptions.

Thank you for taking the time to read my comments before/during tonight's meeting. It is not necessary to read it aloud; like I said the applicant and I have chatted quite a bit about it.

Have a great day,
Jennifer Pelletier

From: jenniferpelletier@comcast.net
To: "Kyle Klatt" <kyle.klatt@lakeelmo.org>
Cc: "Dean Zuleger" <DZuleger@lakeelmo.org>
Sent: Wednesday, May 27, 2015 12:13:33 PM
Subject: Fwd: Tonight's agenda item / wedding facility in RR

Dear Planner Klatt and members of the Planning Commission,

I'm writing to you regarding tonight's agenda item: the proposed code change in the RR zoning district to add wedding ceremonies. Initially, I had no questions or concerns. However, after thinking through this request (and realizing that we're dealing with a city wide code change), I do wish to express some thoughts for consideration. I am a previous planning commissioner myself, and live across the street.

Comment/Concern:

1) **The ingress and egress ~ 50th street.** This road has no shoulder for pedestrian and/or bike traffic. There are many children in the area that use the road, and it has become not only busier due to through traffic heading to Hwy. 5 or CSAH 17, those who use the road frequently drive well over the 40MPR limit. In fact, there is a speed indicator sign out on the road as we speak. QUESTION for the commission: what would adding multiple wedding ceremonies add to this growing problem? Again, there is no shoulder on this road.

2) **Regarding the overall change in the zoning code:** I'm not opposed to this type of business. In fact, I think it's a wonderful use of space. However, my concern is that a wedding facility in one area of the zoning district RR could look very different in another area. I'm hoping that the Planning Commission does its due diligence and not only addresses all areas affected, but considers adjacent parcels that may be affected as well.

3) **New development:** the land immediately next to this parcel is slated for a new development. Where will this traffic flow? Consider this in addition to a wedding facility, on a road with no shoulder. This is another important question that I'd like the PZ to address.

4) Possible solutions:

- a) limited the maximum # of visitors (issue: how would the city monitor this?)
- b) discuss/limit the number of ceremonies allowed per day
- c) discuss a time of day with which all visitors need to off the premises (i.e.: nothing past 6pm, etc)

To be clear, it is not my intent to come across as though I am against the project. However, as a previous planning commissioner, these are important questions/concerns that I think deserve to be addressed. This could have a significant impact on current adjacent parcels, and the future development that will be coming in right next door.

Sincerely,
Jennifer Pelletier

4884 Lily Ave. North

Nick Johnson

From: Danielle Hecker <dnhecker@gmail.com>
Sent: Monday, July 13, 2015 1:49 PM
To: Kyle Klatt; Nick Johnson
Subject: Fwd: 50th Street Wedding Venue

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you Kyle...Nick just CC'ing you on one that I received too (along with the council members).

----- Forwarded message -----

From: Jim Hansen <h.wood86@gmail.com <mailto:h.wood86@gmail.com> >
Date: Mon, Jun 29, 2015 at 10:37 PM
Subject: 50th Street Wedding Venue
To: mpearson@lakeelmo.org <mailto:mpearson@lakeelmo.org> , jbloyer@lakeelmo.org <mailto:jbloyer@lakeelmo.org>
, jfliflet@lakeelmo.org <mailto:jfliflet@lakeelmo.org> , jlundgren@lakeelmo.org <mailto:jlundgren@lakeelmo.org> ,
annejsmith@msn.com <mailto:annejsmith@msn.com>
Cc: dnhecker@gmail.com <mailto:dnhecker@gmail.com>

I am writing to the council in regard to the issue of a Wedding Venue on 50th Street North that was discussed at the 6-2-15 council meeting. I live at 11260 50th Street North, which has a spectacular view of the proposed wedding venue, as evidenced by this photo from my home:

I concur with the Mayor that issues like this tend to bring out the passionate opposition rather than supporters. In fact, the notification that I had received about this proposal really only asked for concerns to be voiced. Having no concerns, I did not respond. However, after hearing claims that “everyone with surrounding property is opposed”, I felt compelled to respond.

I believe that the wedding venue can be something that actually helps preserve the rural nature of the street – seeing the old barn(s) preserved and restored – as opposed to the “open space” developments that have popped up since we moved in 25 years ago. I (fondly?) recall spending many mornings and evenings in the old barn helping Martin milk the cows after he became too short to reach the milk lines. I would hate to see this building removed or run down for lack of purpose. In fact, seeing the numerous improvements that have already been made to the property over the past few years has been very encouraging.

During the council discussions I heard numerous concerns about the increased traffic that would be on 50th Street. While this venue may add periodic increases before and after a ceremony, it is negligible compared to the increase that the housing developments (and the inevitable future developments), which feed onto 50th Street, have had (and will have). I would also like to remind (or inform) the council that 50th Street North is a "State Aid" street. This means that it had to be designated and designed according to the "state-aid" criteria in 8820.0700 Subpart 3:

8820.0700 SELECTION CRITERIA

Subpart 1. Basis. - A state aid route must be selected on the basis of all criteria in either subpart 2 or 3.

Subp. 2. County state-aid highway. A county state-aid highway may be selected if it:

- A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the county's functional classification plan;
- B. connects towns, communities, shipping points, and markets within a county or in adjacent counties; provides access to rural churches, schools, community meeting halls, industrial areas, state institutions, and recreational areas; or, serves as a principal rural mail route and school bus route; and
- C. provides an integrated and coordinated highway system affording, within practical limits, a state-aid highway network consistent with projected traffic demands.

Subp. 3. Municipal state-aid street. A municipal state-aid street may be selected if it:

- A. is projected to carry a relatively heavier traffic volume or is functionally classified as collector or arterial as identified on the urban municipality's functional classification plan;
- B. connects the points of major traffic interest, parks, parkways, or recreational areas within an urban municipality; and
- C. provides an integrated street system affording, within practical limits, a state-aid street network consistent with projected traffic demands.

The periodic traffic from weddings will certainly not create serious traffic issues in regard to the street's design capacity.

Issues in regard to the intersection of 50th Street and Highway 5 are primarily due to the volume (and timing) of traffic on Hwy 5, not so much 50th St. This is an important issue to be addressed, but it is a separate issue and a distraction from the Wedding Venue discussion.

Finally, a few commented about noise. I am unaware of wedding ceremonies that produce "noise"; beautiful music, yes!

So, in short, I am very much in favor of this use for the property and urge passing of the tabled motion.

Regards,

Jim Hansen



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

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity 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 50th 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 50th 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 50th 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 50th 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 50th 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 50th 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 50th 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 50th 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 (1st Half)

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

1. 2nd 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 50th Street North, Lake Elmo MN 55042 has submitted an application to the City of Lake Elmo (“City”) for a Preliminary and Final Plat for a cemetery to be called Halcyon, a copy of which is on file in the City of Lake Elmo Community Development Department; and

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

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

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

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

WHEREAS, the City Council reviewed the Halcyon Cemetery Preliminary and Final Plat at its meeting held on July 21, 2015 and 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 50th 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 21st day of July, 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

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

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 50th Street North. Staff is recommending approval of the request subject to compliance with 8 conditions as noted in this report.

GENERAL INFORMATION

Applicant: Lee Rossow, 11050 50th Street North, Lake Elmo, MN 55042
Property Owners: Lee Rossow, 11050 50th Street North, Lake Elmo, MN 55042
Location: Part of Section 01, Township 29 North, Range 21 West in Lake Elmo, immediately north of 50th Street and immediately east of Lake Elmo Avenue (CSAH 17). PID Number: 01.029.21.33.0003
Request: 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

REQUEST DETAILS

The City of Lake Elmo has received a request from Mr. Lee Rossow to plat a 10-acre cemetery at 11050 50th 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 50th 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 24th 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 50th 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 50th 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 50th 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.

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 50th 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 50th Street in 2009 was 500 trips, whereas the projected volume on 50th 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 50th 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.

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 25th, 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 50th 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 50th 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 50th 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 50th 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 25th 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 50th 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.

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.

RECCOMENDATION:

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:

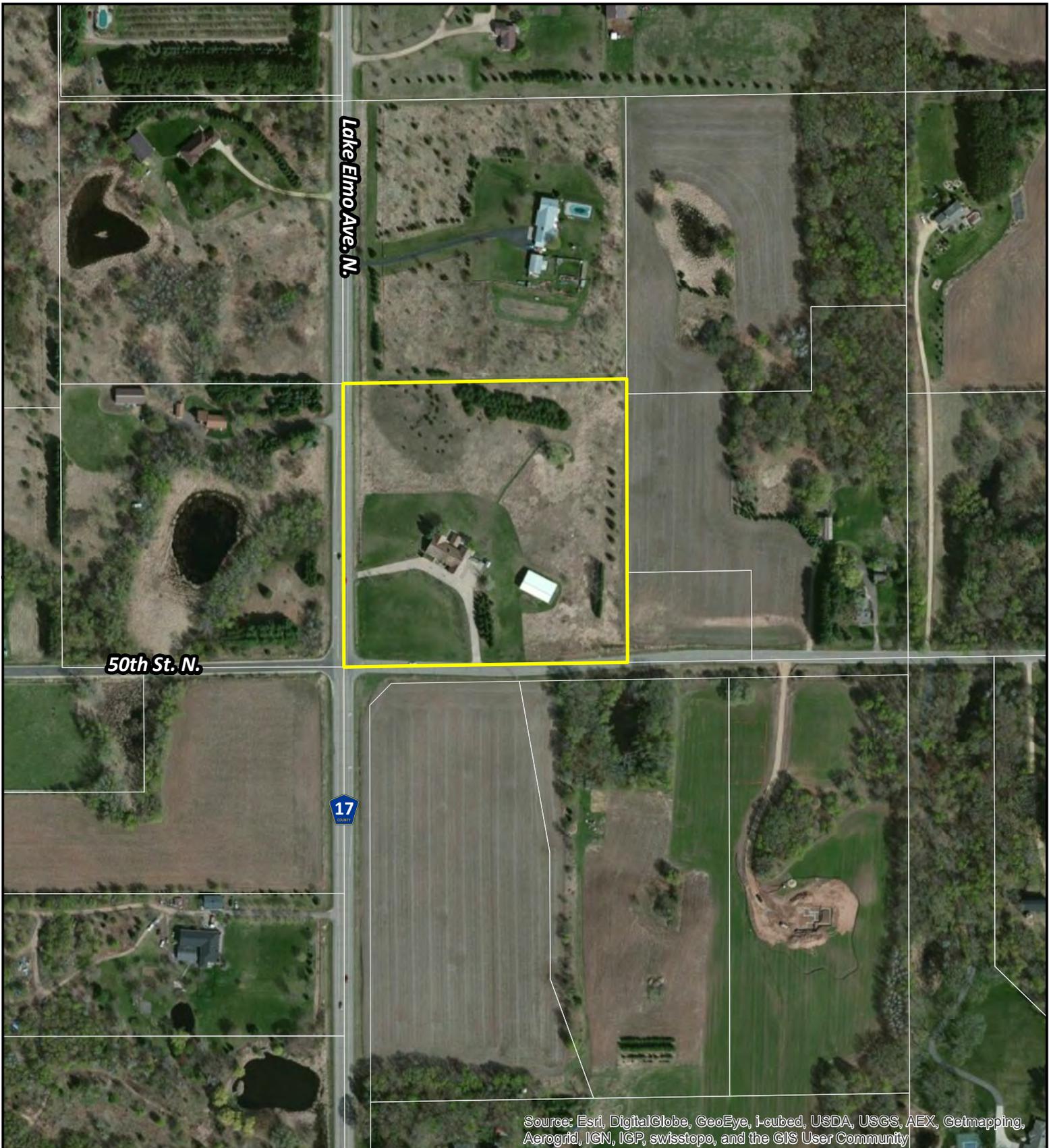
1. Location Map
2. Application Forms and Narrative
3. Preliminary and Final Plat and Plans
4. City Engineer Review Memorandum, dated 7/8/15
5. Fire Chief Review Memorandum, dated 7/7/15
6. Washington County Review Memorandum, dated 7/7/15
7. Valley Branch Watershed District Permit
8. Lake Elmo Transportation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

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

1. 2nd 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:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members



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

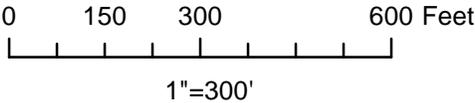
Location Map: Proposed Halcyon Cemetery



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



11050 50th Street N.



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



651-747-3900
3800 Laveme 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: 339 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: _____

CEMETERY

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 50TH 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.
Architect. William Sanders at LOUCKS

Sub b. Halcyon at 11050 50th 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.

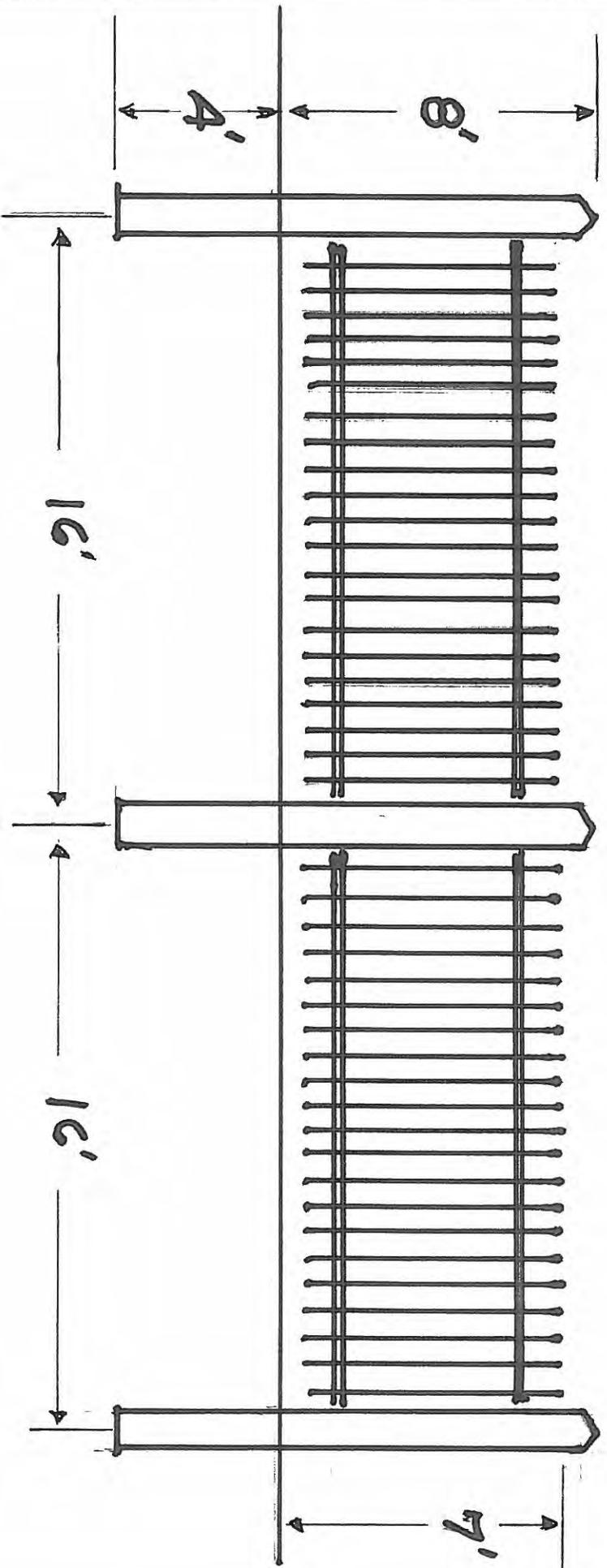
Other topics:

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

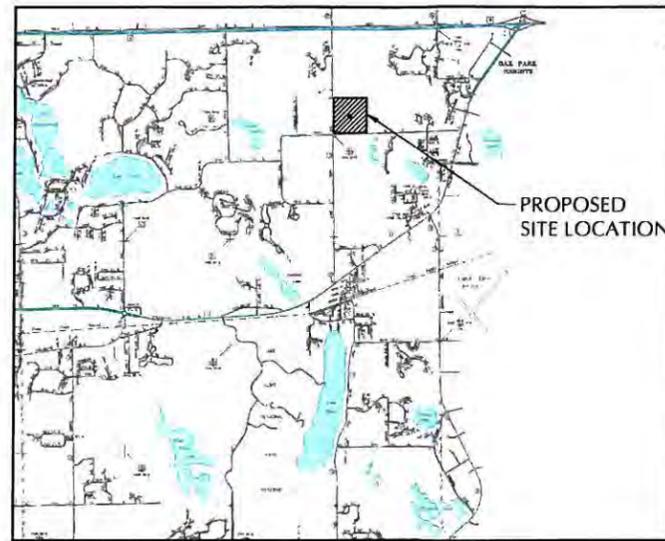
LAKE ELMO, MINNESOTA

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	
	SOL. BORINGS	
	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	
	FOREMAN	
	DRAIN TILE	
	SILT FENCE	
	CURB & GUTTER	
	RETAINING WALL	
	TREE LINE	
	EASEMENT LINE	
	SETBACK LINE	
	FENCE LINE	
	UNDERGROUND TELE	
	UNDERGROUND GAS	
	OVERHEAD UTILITY	

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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CADD Qualification:

CADD files prepared by the Consultant for this project are instruments of the Consultant professional services for use solely with respect to the project. These CADD files shall not be used on other projects, for additions to the project, or for completion of the project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to create copies of the CADD drawings for information and reference only. All intentional or unintentional 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 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 License No. 6/17/15 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 - C8-3 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

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

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

Preliminary Plat of: HALCYON

Project Name
11050
50th Street North

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

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
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S14510-MASTER.DWG/PREPLAT

Revisions:

Date	Description
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
Richard L. Licht - PLS
26724 February 27, 2015
License No. Date

Quality Control:

Project Lead: RLL Drawn By: SFH
Checked By: Katherine Olson

Vicinity Map:



Sheet Title:

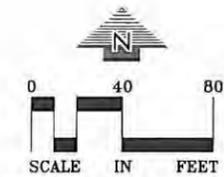
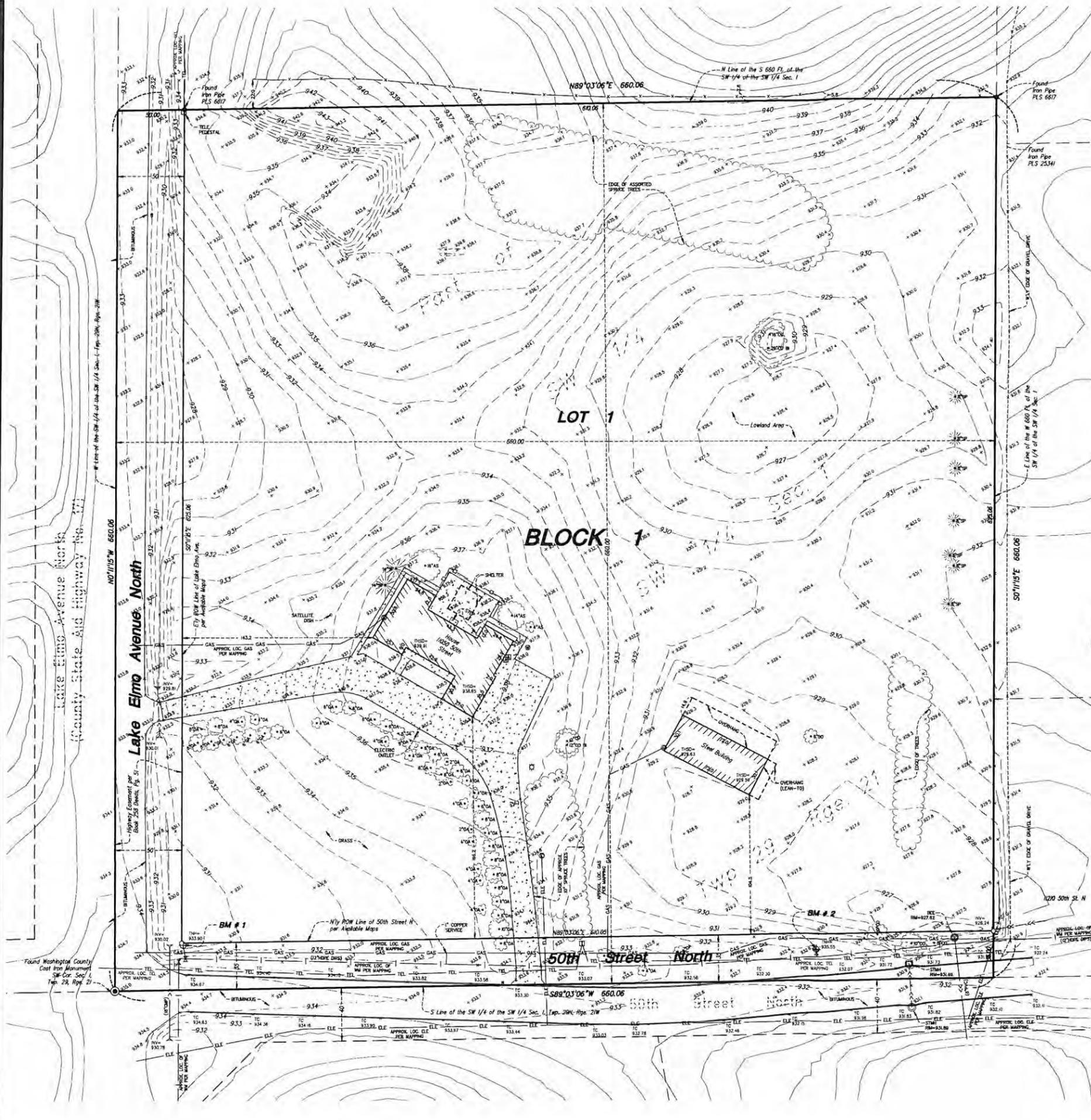
Preliminary Plat

Project No.:

14-530

Sheet No.:

C5-1



○ 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 | —> UNDERGROUND GAS |
| BT TWIN TREES | ⊕ LIGHT POLE | —> UNDERGROUND TELEPHONE |
| TC TOP OF CURB | ⊕ MAIL BOX | —> CHAIN LINK FENCE |
| THSD THRESHOLD | ⊕ GUARD POST | —> WOOD FENCE |
| | ⊕ SIGN | —> CONCRETE CURB |
| | 92.5 SPOT ELEVATION | —> CONCRETE |
| | ⊕ A/C UNIT | —> CONTOUR |
| | ⊕ TELEPHONE PEDESTAL | ☼ CONIFEROUS TREE |
| | ⊕ ELECTRIC METER | ☼ DECIDUOUS TREE |
| | ⊕ GAS METER | |

Plotted: 02/27/2015 10:52 AM W:\2014\11530\CADD\DATA\SURVEY

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 _____

State 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. Licht, 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

I certify that this plat has been checked mathematically and approved the _____ day of _____, 201____.

By _____
Washington County Surveyor

COUNTY AUDITOR/TREASURER

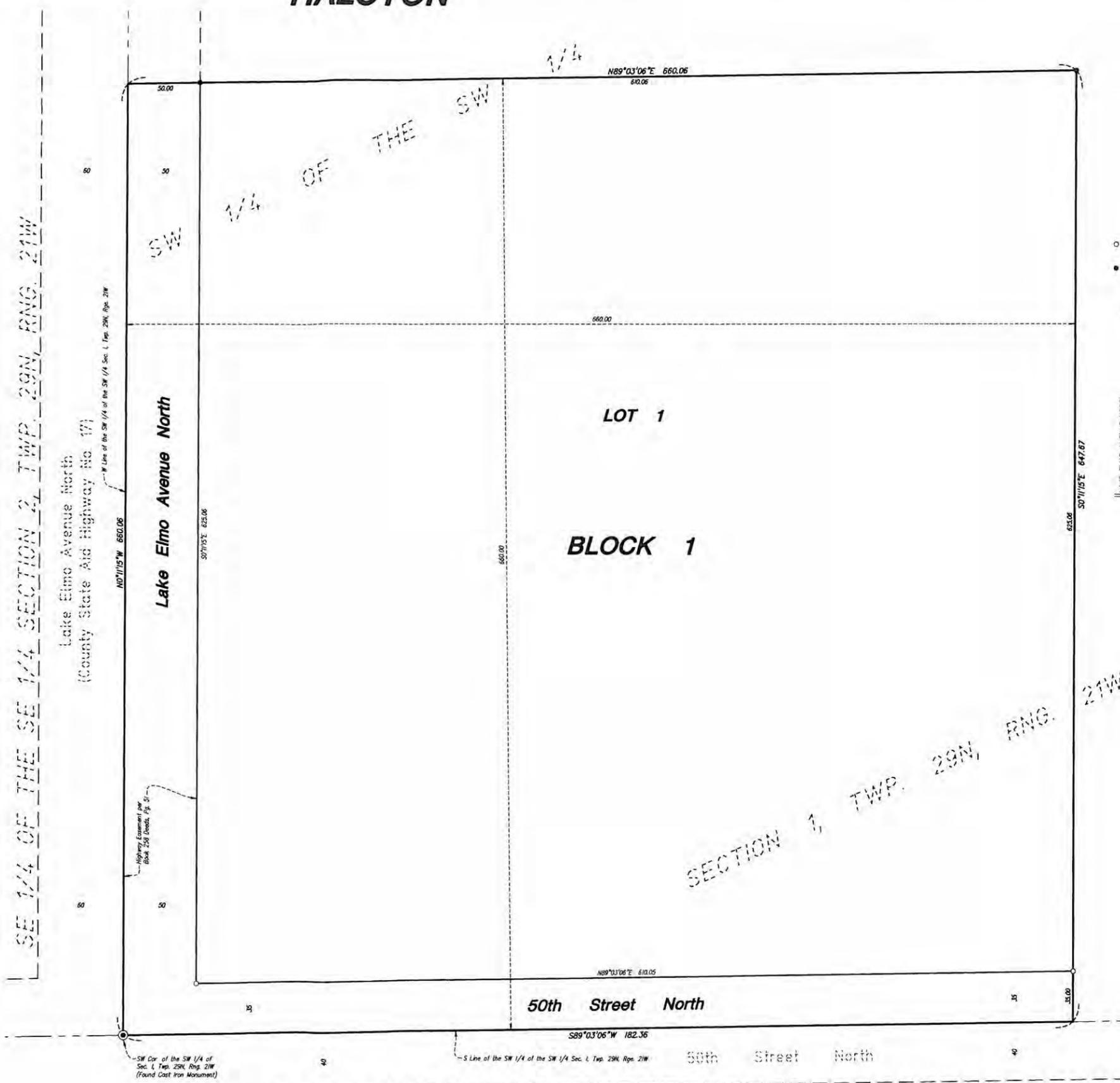
There are no delinquent taxes, the current taxes due are payable for the year _____ have been paid and transfer has been entered this _____ day of _____, 201____.

By _____ Washington County Auditor/Treasurer
By _____ Deputy

COUNTY RECORDER, Washington County, Minnesota

I hereby certify that the within plat of HALCYON was recorded in this office this _____ day of _____, 201____, at _____ o'clock _____ M.

By _____ Washington County Recorder
By _____ Deputy

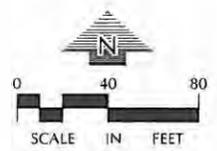


SE 1/4 OF THE SE 1/4 SECTION 2, TWP. 29N, RNG. 21W

Lake Elmo Avenue North
(County State Aid Highway No. 17)

SECTION 1, TWP. 29N, RNG. 21W

JOHN M. DAY FARM ADDITION

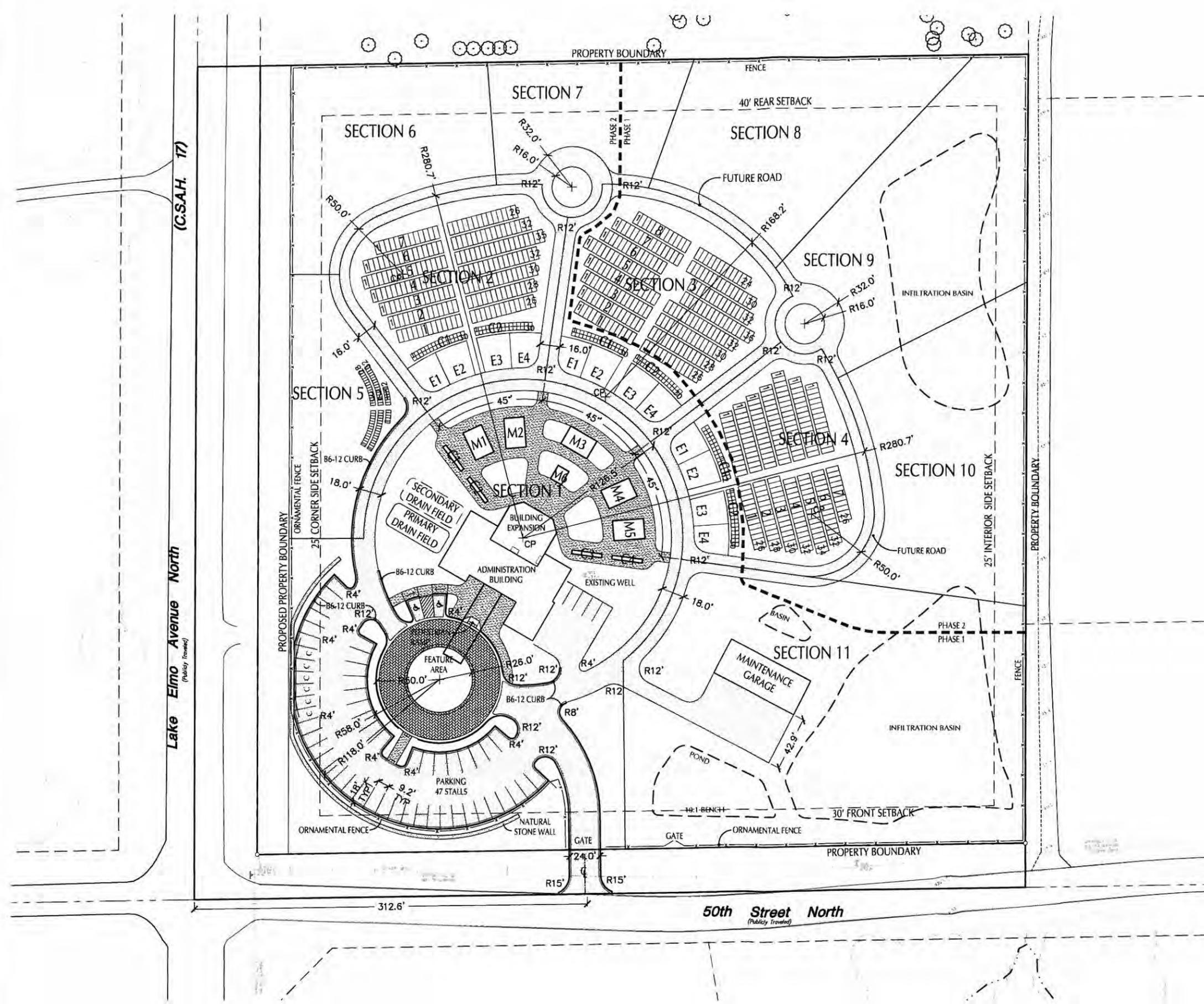


○ DENOTES 1/2 INCH X 1/4 INCH IRON MONUMENT SET, MARKED "RLS 28724"
● DENOTES IRON MONUMENT FOUND

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



LOUCKS ASSOCIATES

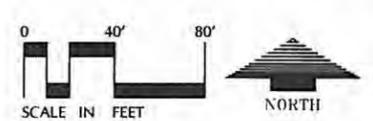


LEGEND

- BITUMINOUS ROAD
- CONCRETE SURFACING
- PAVER SURFACING

BURIAL TOTALS

SECTION 1 - MAUSOLEUM	322
SECTION 1 - COLUMBARIUM	640
SECTION 2 - IN-GROUND FULL	209
SECTION 2 - IN-GROUND CREMATION	60
SECTION 2 - ESTATE LOTS	48
SECTION 3 - IN-GROUND FULL	209
SECTION 3 - IN-GROUND CREMATION	60
SECTION 3 - ESTATE LOTS	48
SECTION 4 - IN-GROUND FULL	209
SECTION 4 - IN-GROUND CREMATION	60
SECTION 4 - 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: 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) 424-5205
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LEGEND

- BITUMINOUS ROAD
- CONCRETE SURFACING
- PAVER SURFACING

BURIAL TOTALS

SECTION 1 - MAUSOLEUM	322
SECTION 1 - COLUMBARIUM	640
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SECTION 3 - IN-GROUND CREMATION	60
SECTION 3 - ESTATE LOTS	48
SECTION 4 - IN-GROUND FULL	209
SECTION 4 - IN-GROUND CREMATION	60
SECTION 4 - 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

Professional Signatures:
 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
 License No. 24610 Date 6/17/15

Quality Control:
 Project Lead: WS Drawn By: GAI
 Checked By: WS Review Date: 06/17/15

Sheet Title: PRELIMINARY SITE PLAN

Project No. 14530
 Sheet No. C2-1

Plotted: 06/12/2015 3:6 PM W:\2014\14530\CADD\DATA\LANDSCAPE.dwg Sheet Files

SITE LAYOUT PLAN:



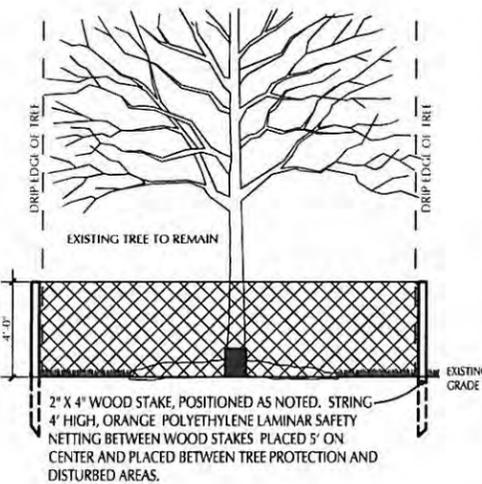
EXISTING CONDITIONS AND REMOVALS:

REMOVALS / SITE PREPARATION NOTES:

- REFER TO SHEET C3-2 FOR EROSION CONTROL PLAN AND ADDITIONAL NOTES.
- 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.
- ASSURE COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK OR MATERIALS SUPPLIED.
- 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.
- 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).
- 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.
- 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.
- LOCATIONS FOR STORING CONSTRUCTION EQUIPMENT AND MATERIALS SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT.
- ALL CONSTRUCTION AND POST-CONSTRUCTION PARKING SHALL BE AS DIRECTED BY THE OWNER. NO ON-STREET PARKING / LOADING / UNLOADING ALLOWED.
- SEE SHEETS L1-0 AND L2-0 - FOR ADDITIONAL TREE REMOVAL / TRANSPLANT INFORMATION

LEGEND

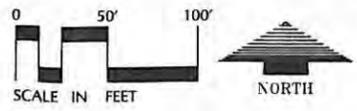
- EXISTING CONTOUR
- EXISTING DECIDUOUS TREE TO BE TRANSPLANTED
- EXISTING TREE TO BE PROTECTED - SEE 2/C1-1
- EXISTING TREE TO BE REMOVED
- CONCRETE SURFACE TO BE REMOVED



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 TREE PROTECTION
 C1-1 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

halcyoncemetery.com

Owner/Developer:

GLC Properties, Inc.
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CADD Qualification:

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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

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.

12335 License No. 6/17/15 Date

Quality Control: GAJ

Project Lead: WS Drawn by: 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 PLAN
C8-1 - C8-3	CIVIL DETAILS
L1-0	TREE PRESERVATION PLAN
L3-0	LANDSCAPING PLAN
L3-1	LANDSCAPING DETAILS

Sheet Title:

EXISTING CONDITIONS & REMOVALS

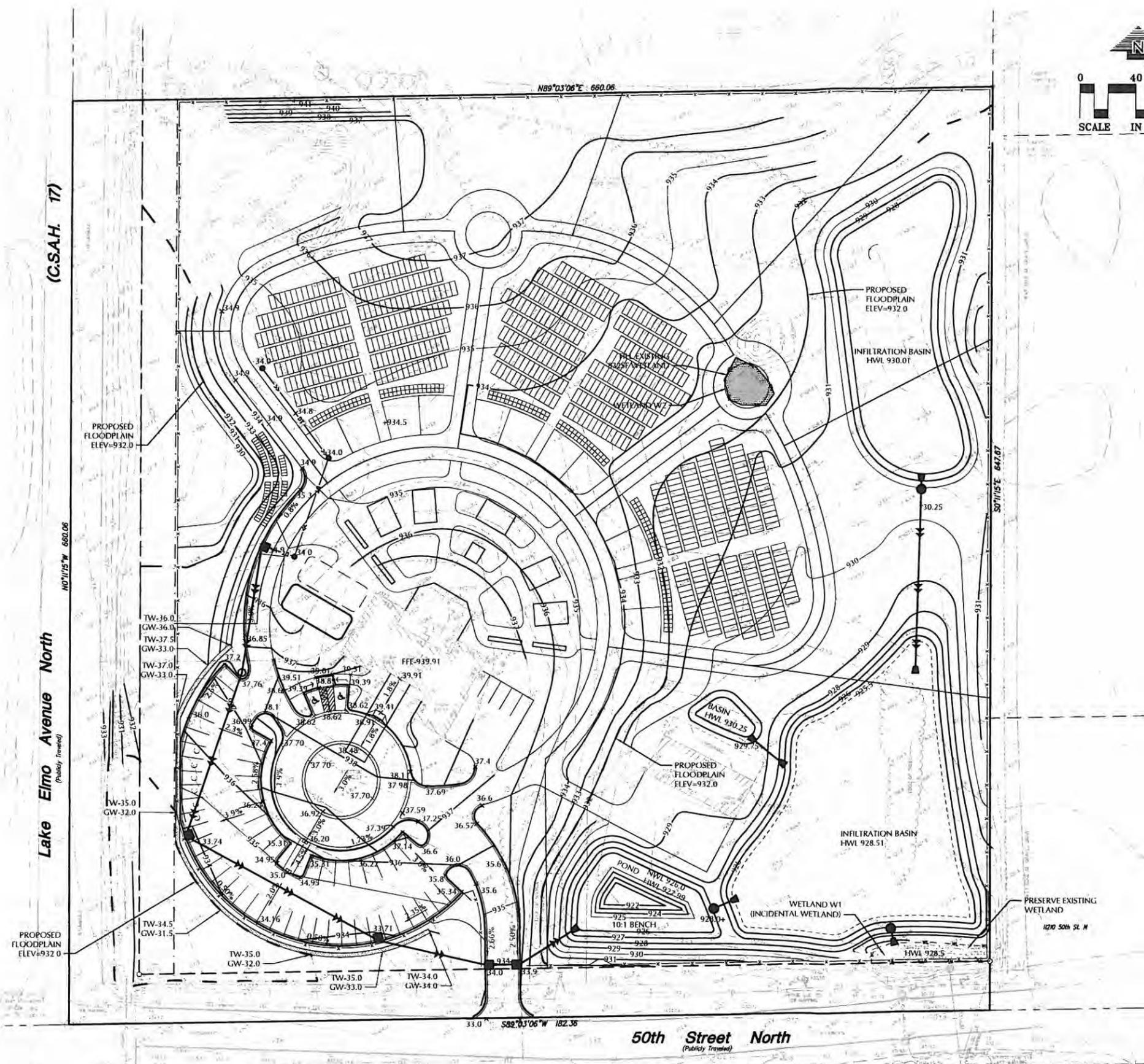
Project No.:

14530

Sheet No.:

C1-1

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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

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- ALL SPOT ELEVATIONS SHOWN REPRESENT FINISHED SURFACE OR GUTTER LINE ELEVATIONS UNLESS OTHERWISE NOTED.
- CONTRACTOR TO VERIFY EXISTING INFORMATION PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF ANY PLAN DISCREPANCIES.
- EXISTING UTILITY LOCATIONS AS-PER CITY AS-BUILT PLANS AND FIELD SHOTS.
- SEE SHEET C3-2 FOR EROSION CONTROL INFORMATION.
- GENERAL CONTRACTOR MUST VERIFY ALL THE IN GRADES.
- 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

halcyoncemetery.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
 7400 Hemlock Lane - Suite 300
 Maple Grove, MN 55369
 Telephone: (763) 424-5505
 www.LoucksAssociates.com

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C14530 3-1.DWG/Layout

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. Jundell
 License No. 41952 Date 6/17/15

Quality Control:

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

Sheet Index:

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

Sheet Title:

GRADING & DRAINAGE PLAN

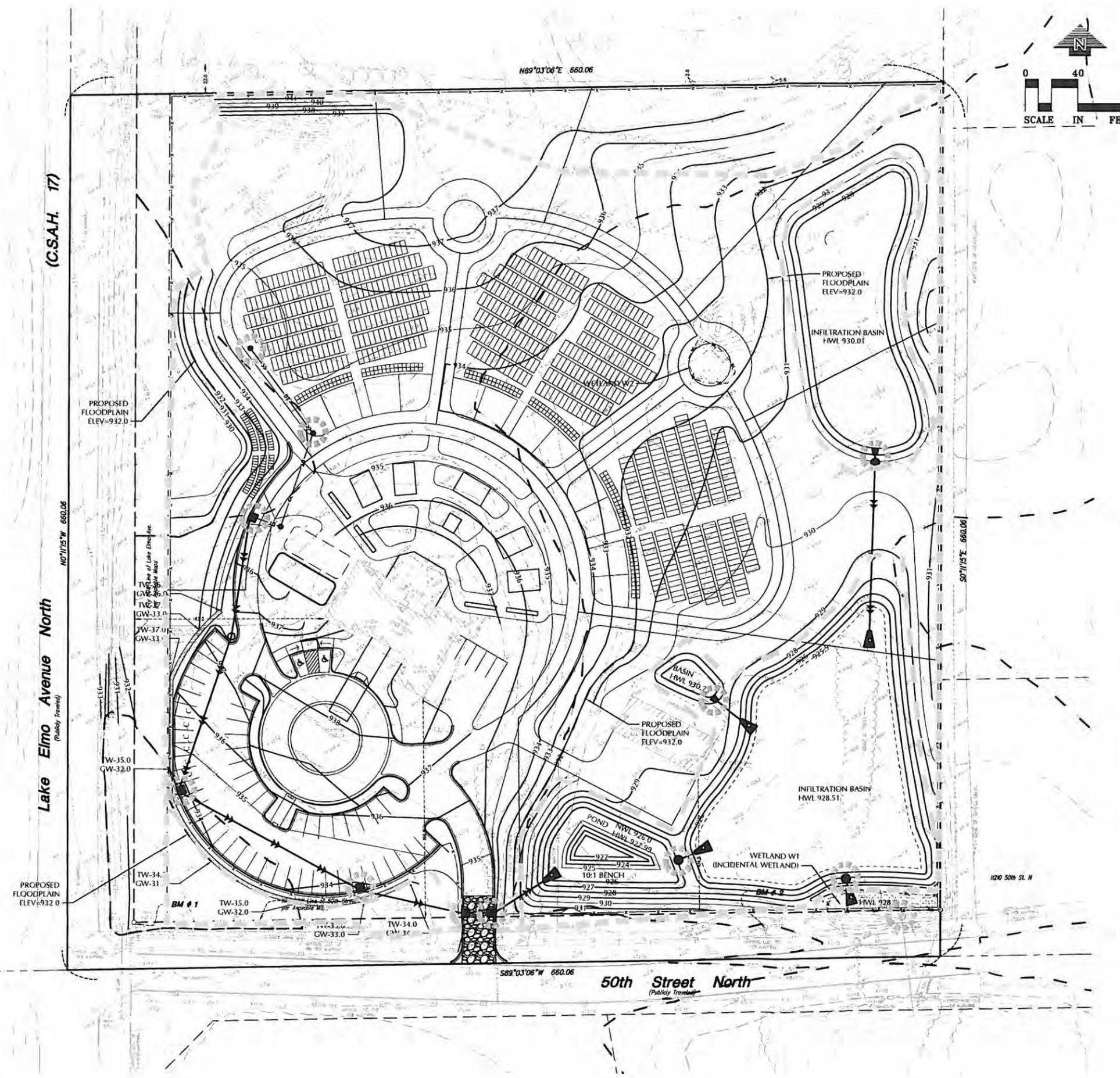
Project No.:

14530

Sheet No.:

C3-1

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

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

EXISTING	PROPOSED
TOPOGRAPHIC CONTOUR	
SPOT ELEVATION	
DRAINAGE SLOPE	
STORM SEWER	
STORM MANHOLE	
CATCH BASIN	
SANITARY SEWER	
WATERMAIN	
BENCHMARK	
EMERGENCY OVERTFLOW	
CONSTRUCTION LIMITS	
ADA ACCESSIBLE ROUTE	
SILT FENCE	
BASIN SILT FENCE	
INLET PROTECTION	

Project Name:

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

halcyoncemetery.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) 424-5025
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Submital:	Date
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.

4/952 License No. 6/17/15 Date

Quality Control:

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

Sheet Index:

C8-1	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 PLAN
C8-1 - C8-3	CIVIL DETAILS
L1-0	TREE PRESERVATION PLAN
L2-0	LANDSCAPING PLAN
L2-1	LANDSCAPING DETAILS

Sheet Title:

EROSION CONTROL PLAN

Project No.:

14530

Sheet No.:

C3-2

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
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Submittal:

03/04/15	Revised City Submittal
05/14/15	Waterlined 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. Jundell
John J. Jundell
4552 License No. 6/17/15 Date

Quality Control:

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

Sheet Index:

C0-1	COVER SHEET / PROJECT LOCATION
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C5-1	PRELIMINARY PLAT
C8-1 - C8-3	CIVIL DETAILS
L1-0	TREE PRESERVATION PLAN
L2-0	LANDSCAPING PLAN
L3-1	LANDSCAPING DETAILS

Sheet Title:

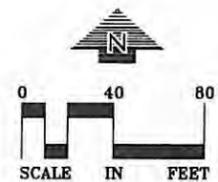
UTILITY PLAN

Project No.:

14530

Sheet No.:

C4-1



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 N12 HDPE-WT 12" - 18" DIAMETER.
WATER SERVICE 6" DIP CL 52 7.5' BURY DEPTH
- STORM SEWER PIPE SHALL MEET OR EXCEED AASHTO M294 MINIMUM PIPE STIFFNESS PER ASTM D2412 60PSI FOR 8"-18".
- PROPOSED GAS, TELEPHONE & ELECTRIC SERVICES ARE APPROXIMATE LOCATIONS ONLY. COORDINATE EACH SERVICE WITH THE UTILITY OWNER AND GENERAL CONTRACTOR. IF ANY PROPOSED SERVICE LOCATION VARY SIGNIFICANTLY OR CONFLICT, 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.

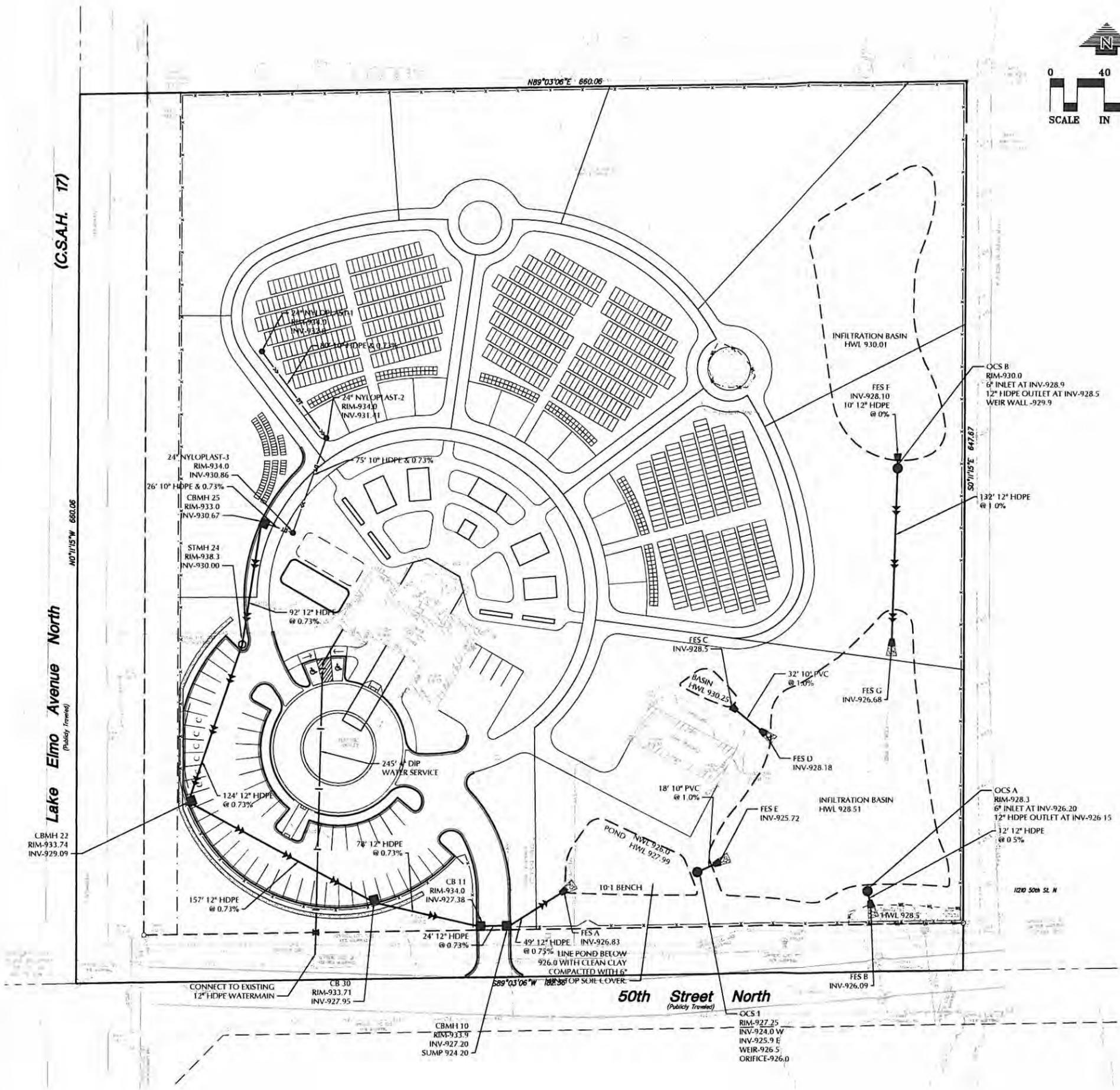
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CALL BEFORE YOU DIG!
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166



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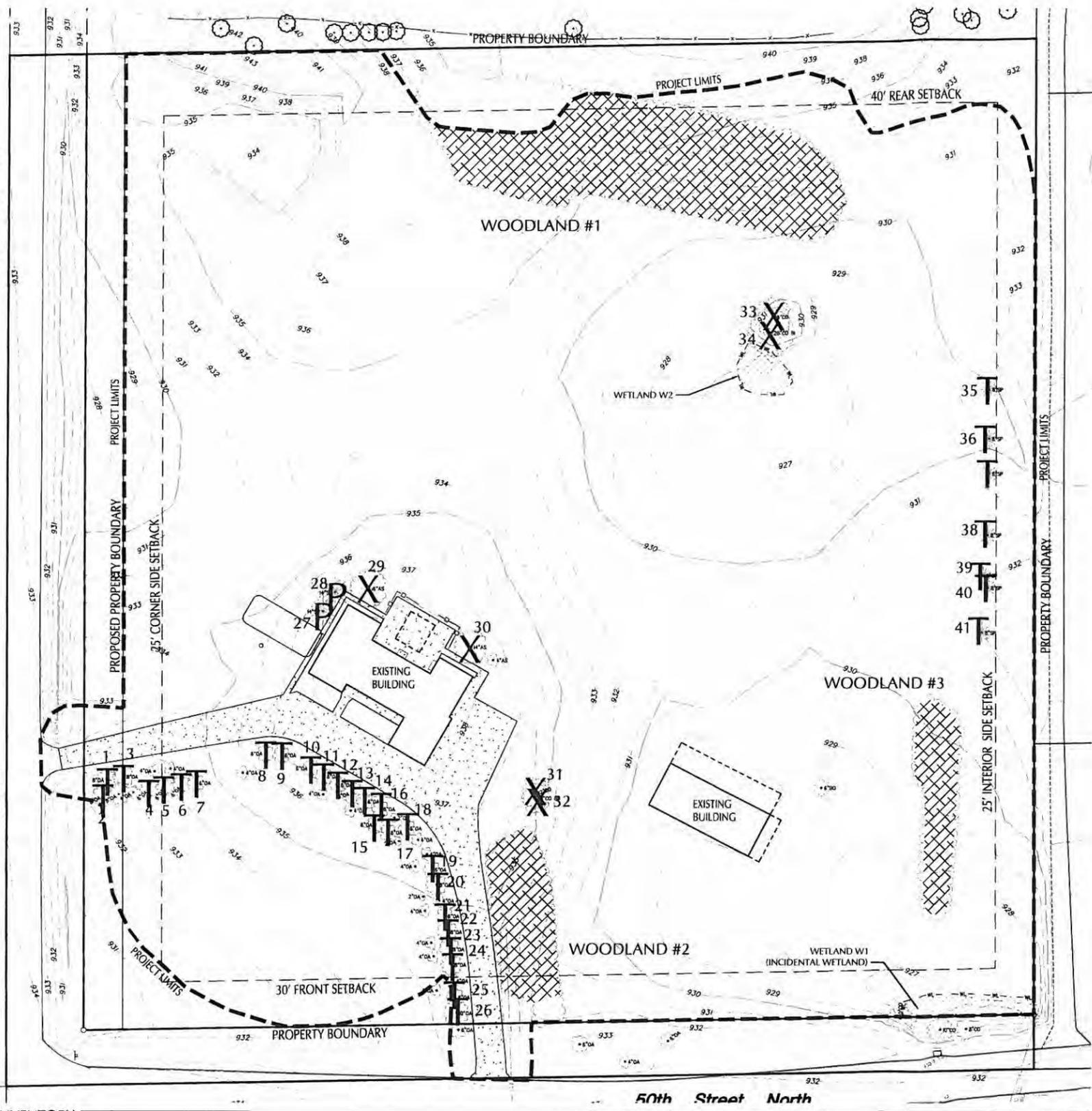
(C.S.A.H. 17)

Lake Elmo Avenue North
(Publicly Traveled)

50th Street North
(Publicly Traveled)

(CSAH. 17)

Lake Elmo Avenue North
(Publicly Traded)



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)

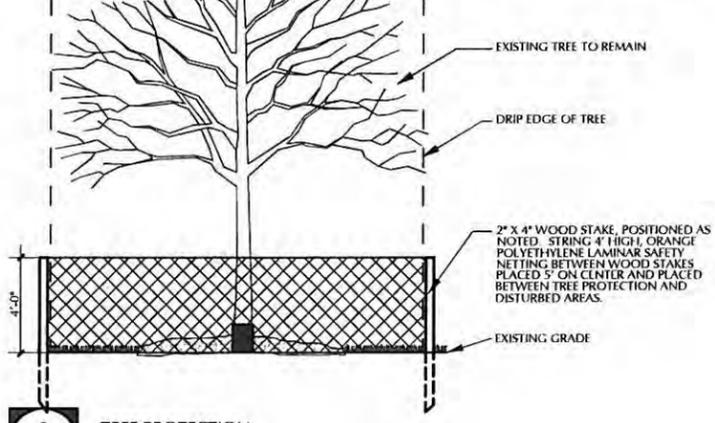
TRANSPLANTED TREE SPECIES WILL BE VERIFIED PRIOR TO FINAL SUBMITTAL. TREES LISTED AS OAK MAY ALSO INCLUDE WALNUT AND MAPLE SPECIES

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 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.

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.



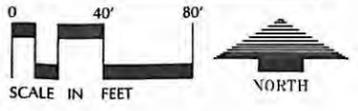
2 TREE PROTECTION
SCALE: 1/2" = 1'-0"

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
 - [Cross-hatched box] 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	



Plotfile: 06/12/2015 3:16 PM W:\2014\14530\CADD\DATA\LANDSCAPE.dwg Sheet Files

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

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7200 Herlock Lane - Suite 300
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14530 L1-0 TREE PRESERVATION.DWG/Planting

03/04/15 Revised City Submittal
05/14/15 Waterford 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 R. Spitzer

12335 06/17/15
License No. Date

Quality Control: GAJ

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

- C0-1 COVER SHEET / PROJECT LOCATION
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- L1-0 TREE PRESERVATION PLAN
- L2-0 LANDSCAPING PLAN
- L3-1 LANDSCAPING DETAILS

Sheet Title:

TREE PRESERVATION PLAN

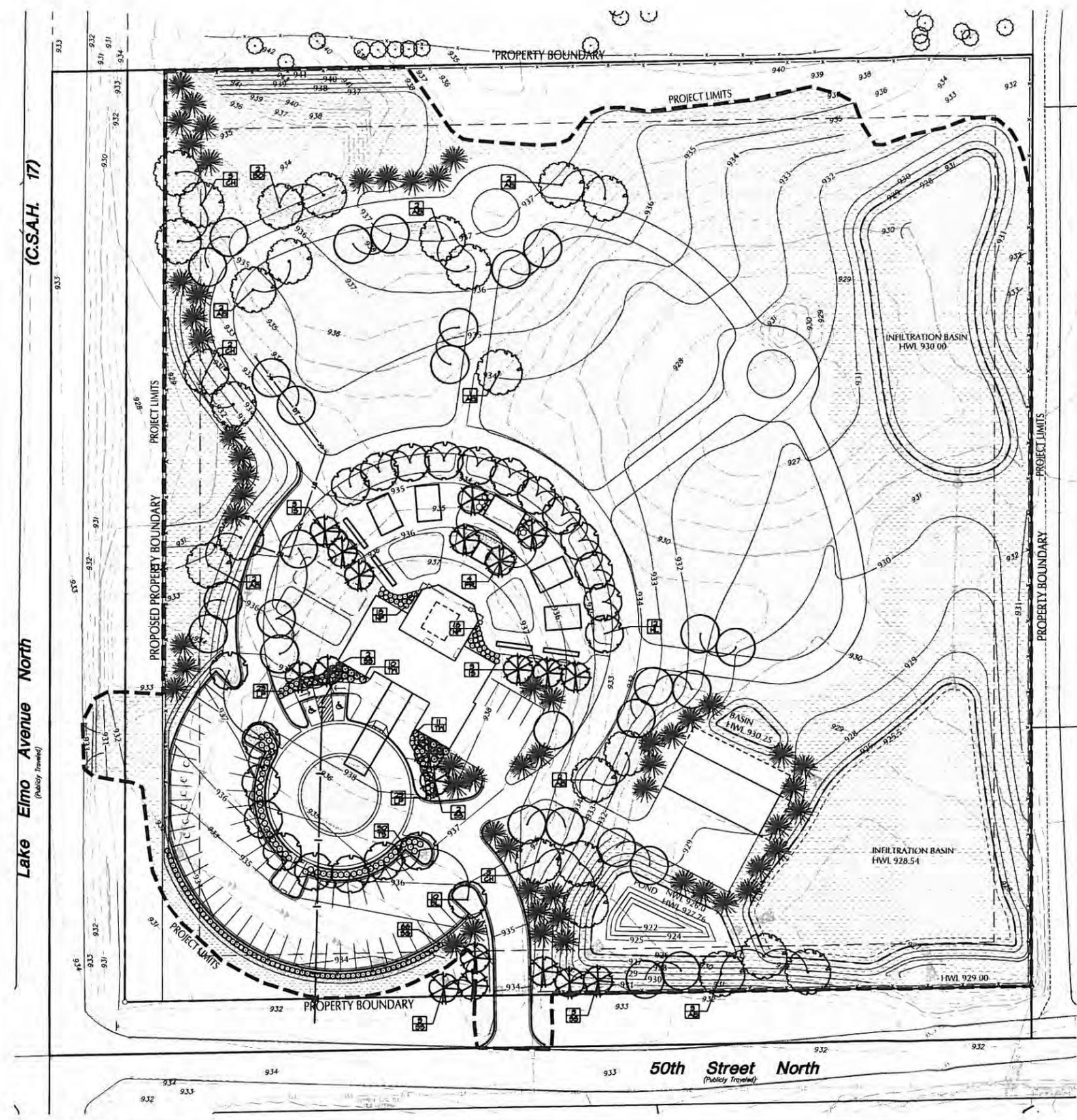
Project No.:

14530

Sheet No.:

L1-0

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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:

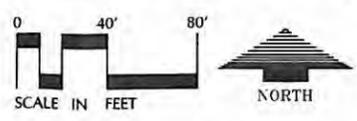
OVERSTORY TREES - NEW — 44
 OVERSTORY TREES - TRANSPLANT — 26
 ORNAMENTAL TREES — 20
 CONIFEROUS TREES - TRANSPLANT — 61
 SHRUBS — 221
 PERENNIALS / GRASSES — 142

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

halcyoncemetery.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) 424-5525
 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. They are not to be used for any other project, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to create copies of the CADD drawings. No fee for information and reference only. All dimensional or circumferential variations, additions, or deletions to these CADD files shall be made at the full risk of the 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. Strider

12335 06/17/15
 License No. Date

Quality Control: _____ (GA)

Project Lead: _____ (WS) Drawn By: _____ (06/17/15)

Checked By: _____ Review Date: _____

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 PLAN
C6-1 - C6-3	CIVIL DETAILS
L1-0	TREE PRESERVATION PLAN
L2-0	LANDSCAPING PLAN
L3-1	LANDSCAPING DETAILS

Sheet Title:

LANDSCAPE PLAN

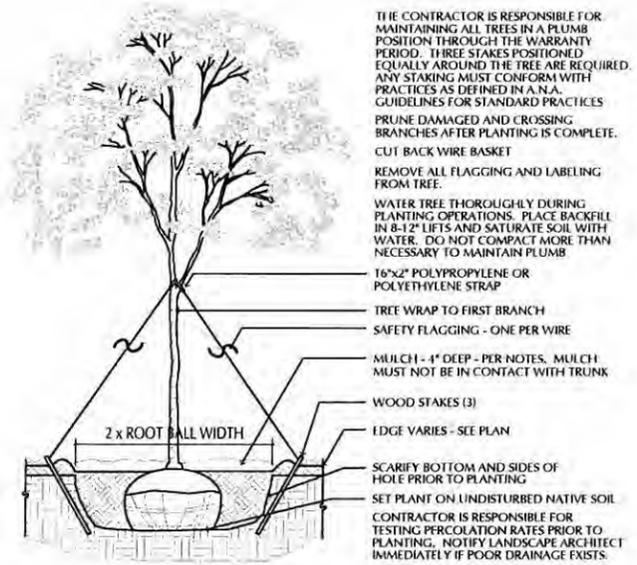
Project No.:

14530

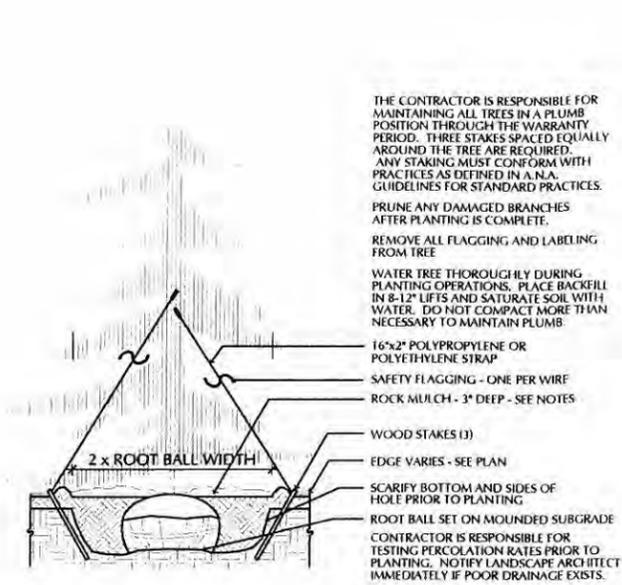
Sheet No.:

L2-0

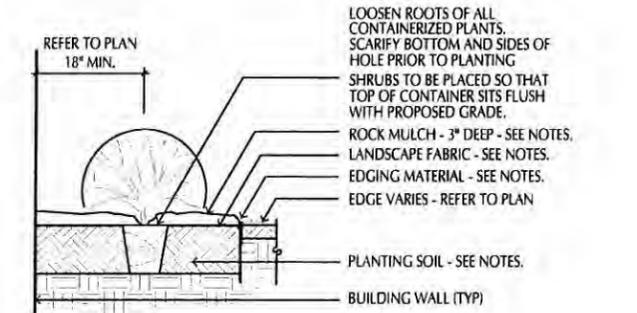
PLANTING PLAN:



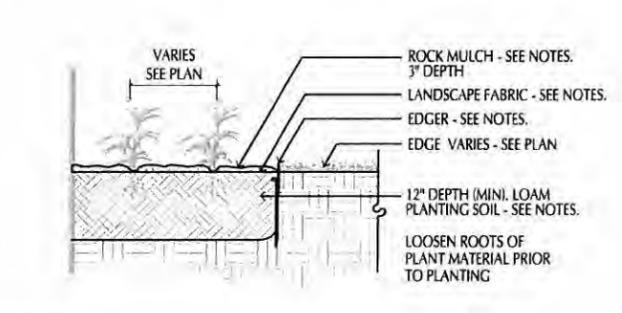
1
L2-1 DECIDUOUS TREE PLANTING DETAIL
SCALE: 1/2" = 1'-0"



2
L2-1 CONIFEROUS TREE PLANTING DETAIL
SCALE: 1/2" = 1'-0"



3
L2-1 SHRUB PLANTING DETAIL
SCALE: 3/4" = 1'-0"



4
L2-1 PERENNIAL PLANTING
SCALE: 3/4" = 1'-0"

LANDSCAPE INSTALLATION:

- COORDINATE THE PHASES OF CONSTRUCTION AND PLANTING INSTALLATION WITH OTHER CONTRACTORS WORKING ON SITE.
- NO PLANTING WILL BE INSTALLED UNTIL COMPLETE GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- WHERE TURF ABUTS PAVED SURFACES, FINISHED GRADE SHALL BE HELD 1" BELOW SURFACE ELEVATION OF TRAIL, SLAB, CURB, ETC.
- ALL SEEDED AREAS SHALL HAVE 4" OF TOPSOIL BORROW. TOPSOIL BORROW SHALL BE USDA CLASSIFICATION MEDIUM SANDY LOAM. THE TOPSOIL SHALL HAVE 50% TO 70% SAND BY WEIGHT, A SILT/CLAY RATIO OF 2/1 OR LESS WITH NO MORE THAN 15% TO 20% CLAY BY WEIGHT AND 12% TO 20% ORGANIC MATTER BY WEIGHT.
- ALL PLANT MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN. UNLESS NOTED OTHERWISE, DECIDUOUS SHRUBS SHALL HAVE AT LEAST 5 CANES AT THE SPECIFIED SHRUB HEIGHT. ORNAMENTAL TREES SHALL HAVE NO V CROTCHES AND SHALL BEGIN BRANCHING NO LOWER THAN 3' ABOVE ROOT BALL. STREET AND BOULEVARD TREES SHALL BEGIN BRANCHING NO LOWER THAN 6' ABOVE FINISHED GRADE.
- PLAN TAKES PRECEDENCE OVER PLANT SCHEDULE IF DISCREPANCIES IN QUANTITIES EXIST. SPECIFICATIONS TAKE PRECEDENCE OVER NOTES.
- ALL PROPOSED PLANTS SHALL BE LOCATED AND STAKED AS SHOWN ON PLAN. ALL TREES ARE REQUIRED TO BE STAKED WITH 3 STAKES SPACED EQUALLY AROUND THE TREES.
- NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS REQUESTED OF THE LANDSCAPE ARCHITECT BY THE LANDSCAPE CONTRACTOR PRIOR TO THE SUBMISSION OF A BID AND/OR QUOTATION.
- ADJUSTMENTS IN LOCATION OF PROPOSED PLANT MATERIALS MAY BE NEEDED IN FIELD. SHOULD AN ADJUSTMENT BE ADVISED, THE LANDSCAPE ARCHITECT MUST BE NOTIFIED.
- ALL PLANT MATERIALS SHALL BE FERTILIZED UPON INSTALLATION WITH DRIED BONE MEAL, OTHER APPROVED FERTILIZER MIXED IN WITH THE PLANTING SOIL PER THE MANUFACTURER'S INSTRUCTIONS OR MAY BE TREATED FOR SUMMER AND FALL INSTALLATION WITH AN APPLICATION OF GRANULAR 0-20-20 OF 12 OZ PER 2.5" CALIPER PER TREE AND 6 OZ PER SHRUB WITH AN ADDITIONAL APPLICATION OF 10-10-10 THE FOLLOWING SPRING IN THE TREE SAUCER.
- ALL PLANTING AREAS RECEIVING PERENNIALS SHALL RECEIVE A MINIMUM OF 12" DEPTH OF PLANTING SOIL CONSISTING OF AT LEAST 45 PARTS TOPSOIL, 45 PARTS PEAT OR MANURE AND 10 PARTS SAND.
- ALL PLANTS TO BE INSTALLED AS PER PLANTING DETAILS.
- WRAPPING MATERIAL SHALL BE CORRUGATED PVC PIPING 1" GREATER IN CALIPER THAN THE TREE BEING PROTECTED OR QUALITY, HEAVY, WATERPROOF CREPE PAPER MANUFACTURED FOR THIS PURPOSE. WRAP ALL DECIDUOUS TREES PLANTED IN THE FALL PRIOR TO 12-1 AND REMOVE ALL WRAPPING AFTER 5-1.
- BLACK METAL EDGER TO BE USED TO CONTAIN SHRUBS, PERENNIALS, AND ANNUALS WHERE BED MEETS SOD/SEED UNLESS NOTED OTHERWISE.
- ALL PLANTING BEDS TO RECEIVE 3" ROCK MULCH 3/4", 1-12" SIZE, COLOR TO BE VERIFIED WITH OWNER. ROCK MULCH SHALL BE PLACED OVER 3.5 OUNCE MINIMUM FIBER MAT WEED BARRIER.
- ALL TREES NOT WITHIN PLANTING BEDS TO RECEIVE 4" DEEP SHREDDED HARDWOOD MULCH WITH NO MULCH IN DIRECT CONTACT WITH TREE TRUNK.
- SPREAD GRANULAR PRE EMERGENT HERBICIDE (PREEN OR EQUAL PER MANUFACTURER'S RECOMMENDATIONS UNDER ALL MULCHED AREAS.
- IF THE LANDSCAPE CONTRACTOR IS CONCERNED OR PERCEIVES ANY DEFICIENCIES IN THE PLANT SELECTIONS, SOIL CONDITIONS OR ANY OTHER SITE CONDITION WHICH MIGHT NEGATIVELY AFFECT PLANT ESTABLISHMENT, SURVIVAL OR GUARANTEE, HE MUST BRING THESE DEFICIENCIES TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO PROCUREMENT AND/OR INSTALLATION.
- CONTRACTOR SHALL SUBMIT A WRITTEN REQUEST FOR THE OWNER ACCEPTANCE INSPECTION OF ALL LANDSCAPE AND SITE IMPROVEMENTS.
- CONTRACTOR IS RESPONSIBLE FOR ON-GOING MAINTENANCE OF ALL NEWLY INSTALLED MATERIALS UNTIL TIME OF OWNER ACCEPTANCE. ANY ACTS OF VANDALISM OR DAMAGE WHICH MAY OCCUR PRIOR TO OWNER ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL PROVIDE THE OWNER WITH A MAINTENANCE PROGRAM INCLUDING, BUT NOT NECESSARILY LIMITED TO, PRUNING, FERTILIZATION AND DISEASE/PEST CONTROL.
- CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM THE DATE OF OWNER ACCEPTANCE.
- 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.
- REPRODUCIBLE AS-BUILT DRAWING(S) OF ALL LANDSCAPE INSTALLATION AND SITE IMPROVEMENTS UPON COMPLETION OF CONSTRUCTION INSTALLATION AND PRIOR TO PROJECT ACCEPTANCE.
- 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.
- 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

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
Landscape Architecture • Environmental
7200 Hemlock Lane - Suite 300
Apple Grove, MN 55349
Telephone: (763) 424-5505
www.LoucksAssociates.com

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CADD Qualification:
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14530 L2-1 LANDSCAPE DETAILS.DWG/Planting

03/24/15 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 A. Spindler

12335 06/17/15
License No. Date

Quality Control: GAJ

Project Lead: WVS Drawn By: 06/17/15
Checked By: System Date:

CD-1	COVER SHEET / PROJECT LOCATION
CI-1	EXISTING CONDITIONS & REMOVALS
CI-1	SITE LAYOUT PLAN
CI-1	GRADING & DRAINAGE PLAN
CI-2	EROSION CONTROL PLAN
CI-1	UTILITY PLAN
CI-1	PRELIMINARY PLAT
CI-1 - CI-3	CIVIL DETAILS
L1-1	TREE PRESERVATION PLAN
L1-2	LANDSCAPING PLAN
L2-1	LANDSCAPING DETAILS

Sheet Title:

LANDSCAPING DETAILS

Project No.: 14530

Sheet No.: L2-1

MEMORANDUM

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempksi, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

Date: July 8, 2015

To: Nick Johnson, City Planner
Re: Halcyon Cemetery
Preliminary and Final Plan Review
Cc: Kyle Klatt, Planning Director
From: Jack Griffin, P.E., City Engineer

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 50th Street as a Municipal State Aid major collector roadway.
 - The Final Plat must include an additional 5 feet R/W along 50th Street so that the 50th 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 50th Street R/W.
- The Final Plat must include additional R/W at the intersection of CSAH 17 and 50th 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

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.

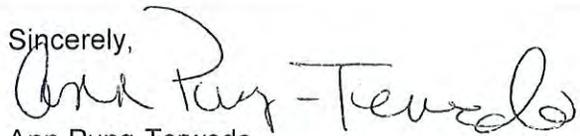
A detailed construction plan set of the wall should be prepared and submitted with a Washington County Right-of-Way Permit application.

- 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. For permit applications, please contact Carol Hanson at Carol.hanson@co.washington.mn.us.

Sincerely,

A handwritten signature in black ink that reads "Ann Pung-Terwedo". The signature is written in a cursive style with a large initial "A".

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 77th 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: Purpose of Project: H A L C Y O N	Name: GLCJ PROPERTIES
Project Location (street address, if known; otherwise, major intersection): 11050 50TH ST N	Address: 1870 RICE ST
City or Township: LAKE ELMO	City, State, Zip: ST PAUL, MN
Legal Description (proof of ownership required): PID: Section: Township: Range:	Phone: 651-308-2999
Project Timeline: Start Date: 2-1-15 Completion Date: 9-1-15	Fax:
Authorized Agent Information	Owner Information (if different than Applicant)
Name:	Name: LEE ROSSOW
Business Name:	Address: 4416 RIVER RD S
Address:	City, State, Zip: AFTON, MN 55001
City, State, Zip:	Phone: SAME
Phone:	Fax:
Fax:	Email:
Email:	

Once a Valley Branch Watershed District permit has been approved, the permit conditions will 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

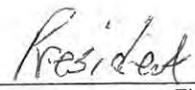
VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

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.

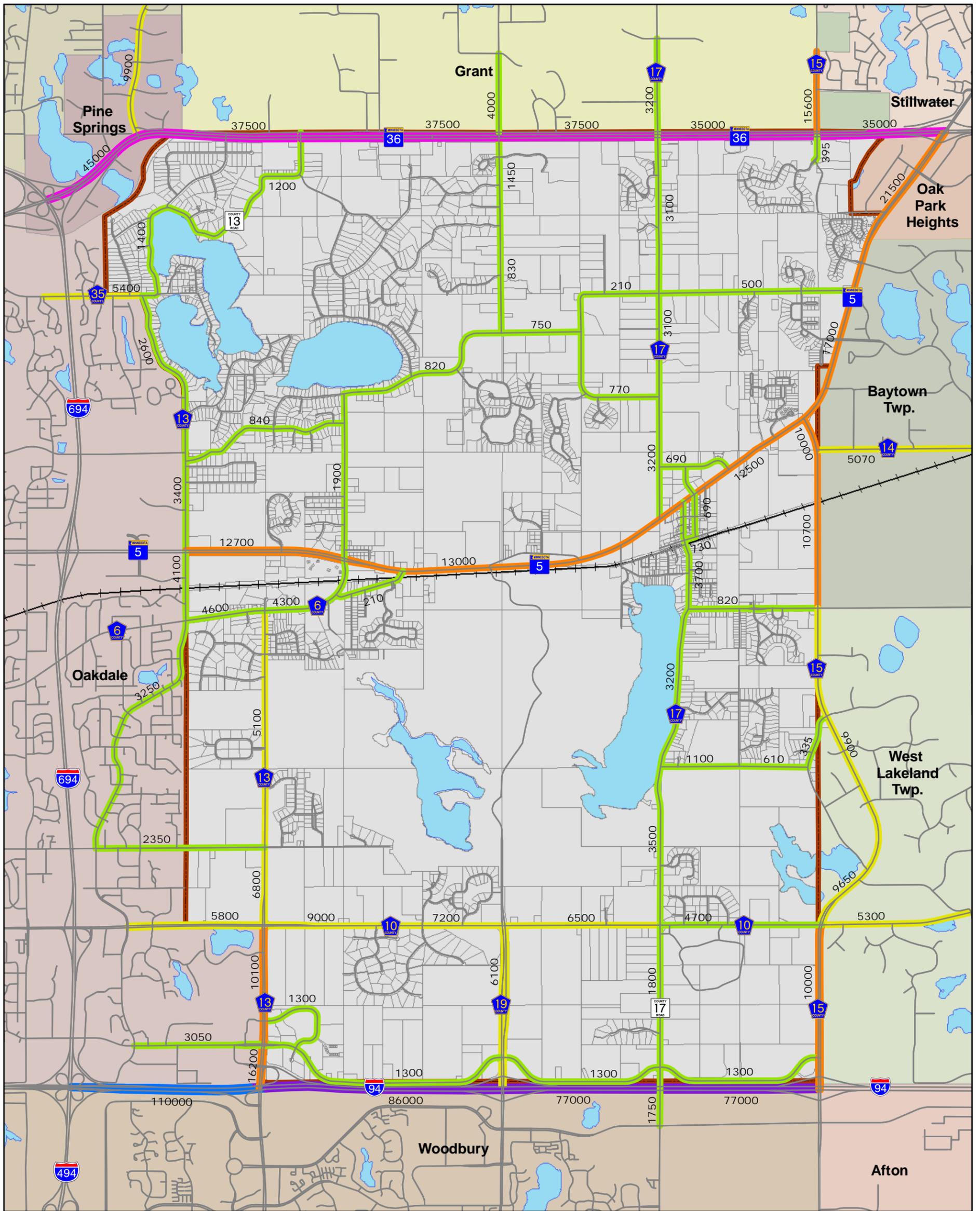
Approved: _____

June 25, 2015

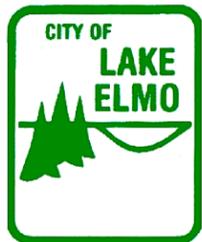
 Signature Title
 Valley Branch Watershed District

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



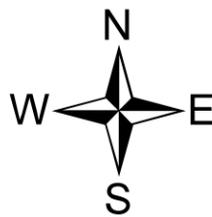
**FIGURE 3:
EXISTING AADT**

Transportation Plan
2030 Comprehensive Plan
City of Lake Elmo, Minnesota



Map date: April 2009
Prepared by:

TKDA
ENGINEERS • ARCHITECTS • PLANNERS



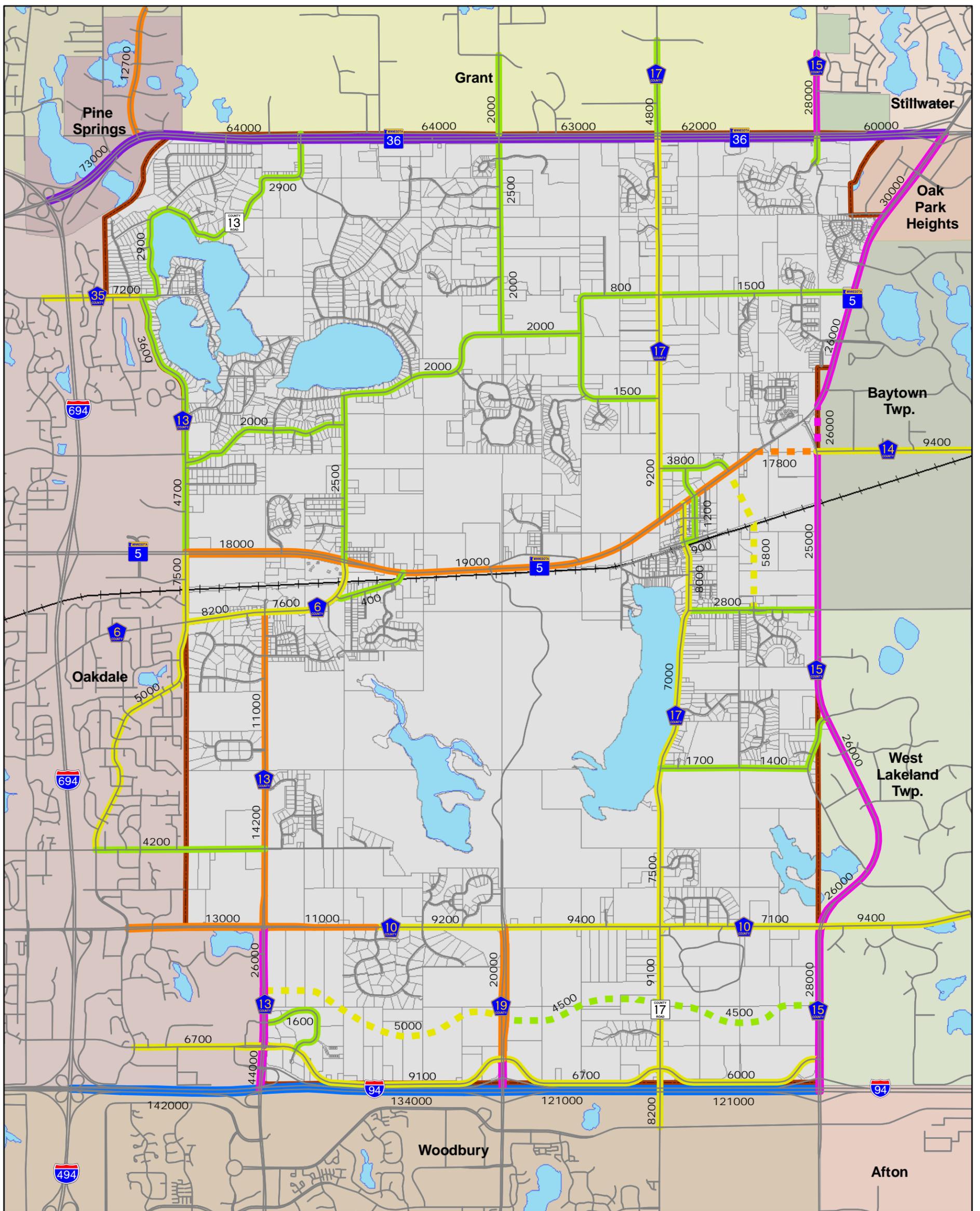
LEGEND

- City Boundary
- Parcels
- Roadways
- 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:



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.

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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.sq.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.sq.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		

	.1902	<.0001	.1582	.1248	.9540
LOT	.0814 .3725	.0934 .3060	.0322 .7251	.1094 .2304	.0632 .4889
AGE	.0943 .3013	.2233 .0134	.6431 <.0001	.0645 .4802	.0324 .7232
GAR	.0192 .8335	.0587 .5210	.1094 .2305	.0466 .6104	.0961 .2926
BATH	.2505 .0054	.6528 <.0001	.1646 .0701	.1693 .0622	.1435 .1149
BED	.2121 .0190	.5087 <.0001	.3405 .7096	.0007 .9934	.0996 .2748
AIR	.0915 .3163	.2207 .0146	.1002 .2721	.0061 .9465	.1261 .1664
GAS		.3032 .0007	.0153 .8675	.1102 .2269	.0953 .2964
BASE			.1730 .0567	.1406 .1225	.0829 .3640
SALEYR				.2452 .0065	.1012 .2671
VIEW					.5726 <.0001

Appendix 2 Correlation Coefficients, Fairborn Cemetery Area

	SQFT	LOT	AGE	GAR	BATH	BED	BASE
PRICE	.5566 <.0001	.2761 <.0001	.0213 .7410	.0631 .3261	.1459 .0226	.2932 <.0001	.2108 .0009
SQFT		.1405 .0282	.1063 .0976	.1633 .0106	.4622 <.0001	.4837 <.0001	.0405 .5293
LOT			.0981 .1263	.0231 .7192	.0321 .6179	.1013 .1145	.1146 .0740
AGE				.0424 .5099	.0428 .5055	.1537 .0163	.2737 <.0001
GAR					.0678 .2914	.0844 .1890	.1929 .0025
BATH						.4953 <.0001	.1882 .0032
BED							.2307 .4958
BASE							
SALEYR							
VIEW							
	SALEYR	VIEW	DISTANCE				
PRICE	.6351 <.0001	.2542 <.0001	.3577 <.0001				
SQFT	.0225 .7261	.1259 .0495	.0680 .2904				
LOT	.0817 .2030	.0000 1.0000	.0812 .2963				
AGE	.3930 <.0001	.2078 .0011	.3447 <.0001				
GAR	.0477 .4582	.0992 .1221	.1043 .1042				
BATH	.1256 .0500	.0258 .6889	.0865 .1781				

BED	.0438 .4958	.0579 .3681	.0958 .1354
BASE	.0581 .3659	.1626 .0110	.2320 .0001
SALEYR		.1844 .0038	.3295 <.0001
VIEW			.6128 <.0001

Appendix 3 Correlation Coefficients, Beaver Creek Cemetery Area

	SQFT	LOT	AGE	GAR	BATH	BED	AIR
PRICE	.6499 <.0001	.0129 .9103	.2980 .0080	.2327 .0403	.5016 <.0001	.3282 .0033	.0915 .4256
SQFT		.0771 .5018	.4830 <.0001	.2926 .0093	.7569 <.0001	.5234 <.0001	.0340 .7674
LOT			.2233 .0494	.0316 .7837	.1669 .1441	.1417 .2159	.0711 .5363
AGE				.2220 .0508	.4193 .0001	.2400 .0343	.1269 .2681
GAR					.2458 .0301	.1039 .3653	.0894 .4363
BATH						.5738 <.0001	.0980 .3935
BED							
AIR							
GAS							
BASE							
SALEYR							
VIEW							
	GAS	BASE	SALEYR	VIEW	DISTANCE		
PRICE	.0925 .4204	.1534 .1801	.6665 <.0001	.1595 .1632	.5138 <.0001		
SQFT	.0846 .4613	.1563 .1717	.1730 .1299	.1844 .1060	.4987 <.0001		
LOT	.0953 .4064	.0754 .5119	.0570 .6203	.2330 .0401	.1835 .1077		
AGE	.0288 .8027	.0100 .9308	.3942 .0004	.2202 .0527	.4523 <.0001		
GAR	.1683 .1409	.0202 .8604	.0145 .1309	.1725 .1309	.2218 .0509		
BATH	.2327 .0403	.1188 .3001	.2204 .0524	.2199 .0531	.4525 <.0001		
BED	.1798 .1151	.0090 .9378	.1372 .2310	.1164 .3103	.1944 .0881		
AIR	.4615 <.0001	.3250 .0037	.2844 .0116	.0462 .6879	.1271 .2675		
GAS		.3221 .0040	.0287 .8030	.0141 .9028	.0852 .4583		
BASE			.0333 .7720	.2056 .0709	.0754 .5116		
SALEYR				.0314 .7847	.1764 .1225		

VIEW .7660
<.0001

Appendix 4 Correlation Coefficients, Xenia Cemetery Area

	SQFT	LOT	AGE	GAR	BATH	BED	AIR
PRICE	.1903 .0294	.0405 .6460	.6538 <.0001	.0997 .2571	.0852 .3332	.2249 .0098	.1464 .0951
SQFT		.1116 .2045	.1258 .1522	.1111 .2065	.2690 .0019	.3242 .0002	.0241 .7845
LOT			.1025 .2441	.0873 .3216	.1940 .0264	.0188 .8315	.0909 .3020
AGE				.0908 .3024	.0618 .4828	.1167 .1845	.1098 .2119
GAR					.1250 .1549	.0232 .7922	.0522 .5537
BATH						.1634 .0621	.0113 .8981
BED							.0299 .7346

AIR

SALEYR

VIEW

	SALEYR	VIEW	DISTANCE
PRICE	.8233 <.0001	.1776 .0425	.2039 .0195
SQFT	.2039 .0195	.0150 .8651	.0234 .7910
LOT	.1011 .2505	.3378 <.0001	.2636 .0024
AGE	.8622 <.0001	.0777 .3777	.0930 .2904
GAR	.0196 ,8241	.1304 .1377	.1553 .0765
BATH	.0843 .3383	.1897 .0300	.1738 .0471
BED	.2484 .0042	.0969 .2710	.0838 .3413
AIR	.1612 .0658	.0113 .8976	.0433 .6233
SALEYR		.1172 .1824	.2078 .0173
VIEW			.6514 <.0001

Additional Reading

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Morancho, Aurelia Bengochea. "A Hedonic Valuation of Urban Green Areas." *Landscape and Urban Planning* (December 2005): 35-41.

Web Connections

Internet resources suggested by the Lum Library

Funeral Assistant

<http://www.funeralassistant.com/>

International Cemetery, Cremation, and Funeral Association

<http://www.iccfa.com/>

Cemetery Records Online-Geneasearch

<http://geneasearch.com/cemeteries.htm>

Interment.net

<http://www.interment.net/>

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(10.) Dianne H. Kay, "Cemetery Relocation: Emerging Urban Land Development Issue," *Journal of Urban Planning and Development* (March 1998): 1-10.

(11.) Alison L. Spongberg and Paul M. Becks, "Inorganic Soil Contamination from Cemetery Leachate," *Water, Air, and Soil Pollution* (January 2000): 313-327.

(12.) Dario Vezzani, "Artificial Container-Breeding Mosquitoes and Cemeteries: A Perfect Match," *Tropical Medicine & International Health* (February 2007): 299-313.

(13.) James E. Larsen and Joseph W. Coleman, "Psychologically Impacted Houses: Broker Disclosure Behavior and Perceived Market Effects in an Unregulated Environment," *Journal of Real Estate Practice and Education* (2001): 1-16.

(14.) Bolitzer and Netusil.

(15.) Lutzenhiser and Netusil.

(16.) Bolitzer and Netusil, 188.

(17.) One reviewer of this article suggested that in order to ensure that DISTANCE was not a proxy for some omitted variable that the correlation between the residuals (the actual dependent variable value minus the predicted dependent variable value) and DISTANCE be calculated for each model. We did so and in all cases the correlation was 0 with a p-value of 1.

(18.) David M. Brasington, "Which Measure of School Quality Does the Housing Market Value?" *Journal of Real Estate Research* 18, no. 3 (3.999): 395-43.3; and Larsen, Lowrey, and Coleman.

(19.) SAS Institute Incorporated, SAS OnlineDoc[R] 9.1.3, 2004, <http://www.sas.com>.

(20.) Multicollinearity is the term used to describe the fact that two or more of the explanatory variables are correlated. It is present to some degree in all data. If it is severe it can result in estimates that are highly unreliable, although the estimators will have the smallest variance of all unbiased estimators. The results of the COLLIN option, which follows the approach of Belsy, Kuh, and Welsch, indicate multicollinearity is not severe in any of the databases examined here. See David A. Belsey, Edwin Kuh, and Roy E. Welsch, *Regression Diagnostics: Identifying Influential Data and Sources of Collinearity* (New York: John Wiley, 1980).

(21.) Preliminary analysis demonstrated that both the log and linear functional form specifications provide similar results. Following the suggestion of Robert A. Yaffee's presentation, "Regression Analysis with SAS" (www.nyu.edu/its/socsci/Docs/SASREG.ppt), the linear form is selected as the one that best represents the true functional form of this data, and for expository expedience the linear model only is presented in the article. Because many studies that examine distance from an externality have found that externality effect degrades with distance, we followed the suggestion of a reviewer of this article and estimated Equation 1 with (1/distance) in place of distance. The adjusted [R.sup.2] for this estimation (0.9262) was nearly identical to the results presented here. The p-value of 0.4103 for (1/distance) indicates that (1/distance) does not improve the linear model.

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Table 1 Definition of Variables

PRICE	Transaction price in nominal dollars
SQFT	Number of square feet of living space in house
LOT	Number of square feet in lot
AGE	Age of house in years
GAR	Number of square feet in garage
BATH	Number of bathrooms in house
BED	Number of bedrooms in house
AIR	Binary variable = 1 if house has central air conditioning, otherwise = 0
GAS	Binary variable = 1 if house has gas heat, otherwise = 0

BASE Binary variable = 1 if house has full basement,
= 0

VIEW Binary variable = 1 if full or partial view of the
cemetery from house, otherwise = 0

DISTANCE Distance in feet between nearest borders of residential
lot and cemetery

Table 2 Property Characteristics, Bellbrook Cemetery Area

Variable	Mean	St. Dev.	Minimum	Maximum
PRICE	97,012.30	51,430.42	13,000	248,800
SQFT	1,407.95	407.26	900	2,844
LOT	13,426.75	5,720.96	8,976	47,840
AGE	27.41	15.61	0	55
GAR	361.63	164.22	0	924
BATH	1.67	0.55	1	3
BED	3.22	0.51	2	5
AIR	0.89	0.31	0	1
GAS	0.93	0.25	0	1
BASE	0.39	0.48	0	1
VIEW	0.11	0.28	0	1
DISTANCE	700.96	416.48	0	1,513

Table 3 Property Characteristics, Fairborn Cemetery Area

Variable	Mean	St. Dev.	Minimum	Maximum
PRICE	176,851.64	24,629.71	115,500	250,700
SQFT	1,883.70	389.09	1,197	3,044
LOT	10,392.75	1,808.92	7,930	16,348
AGE	2.01	3.025	0	12
GAR	444.81	56.71	340	840
BATH	2.33	0.35	1	3.5
BED	3.45	0.53	2	5
AIR	1.00	0.00	1	1
GAS	1.00	0.00	1	1
BASE	0.86	0.32	0	1
VIEW	0.14	0.30	0	1
DISTANCE	1,177.30	547.06	187	2,225

Table 4 Property Characteristics, Beavercreek Cemetery Area

Variable	Mean	St. Dev,	Minimum	Maximum
PRICE	124,802.60	71,412.69	16,000	322,800
SQFT	1,936.08	649.09	1,014	3,590
LOT	21,508.47	4,142.49	10,500	40,804
AGE	26.3	17.9	0	104
GAR	529.16	191.38	0	1,462
BATH	2.02	0.55	1	3.5
BED	3.33	0.52	2	5
AIR	0.70	0.46	0	1
GAS	0.48	0.50	0	1
BASE	0.46	0.46	0	1
VIEW	0.23	0.43	0	1
DISTANCE	621.77	394.05	0	1,215

Table 5 Property Characteristics, Xenia Cemetery Area

Variable	Mean	St. Dev.	Minimum	Maximum
PRICE	62,531.30	20,167.83	11,000	103,000
SQFT	984.68	174.69	864	1,893
LOT	8,044.39	1,699.52	6,900	20,732
AGE	40.88	10.48	1	51
GAR	338.93	242.29	0	900
BATH	1.07	0.25	1	2.5
BED	2.98	0.30	2	5
AIR	0.74	0.44	0	1
GAS	1.00	0.00	1	1
BASE	0.00	0.00	0	0
VIEW	0.17	0.34	0	1
DISTANCE	611.37	420.90	0	1,394

Table 6 Correlation Coefficientsfor Four Cemetery Areas

	SQFT	LOT	AGE	GAR	BATH	BED	AIR
PRICE	0.7367	0.1029	0.6204	0.2932	0.7295	0.4130	0.2491

	<.0001	0.0135	<.0001	<.0001	<.0001	<.0001	<.0001
SQFT		0.3029 <.0001	0.6093 <.0001	0.3404 <.0001	0.7797 <.0001	0.5650 <.0001	0.1605 0.0001
LOT	0.0216 0.6050			0.2331 <.0001	0.1878 <.0001	0.0978 0.0190	0.1210 0.0037
AGE	0.2288 <.0001	0.6934 <.0001	0.3624 <.0001	0.2822 <.0001		0.6176 <.0001	
GAR					0.2976 <.0001	0.0938 0.0245	0.0373 0.3725
BATH						0.5283 <.0001	0.2404 <.0001
BED							0.1397 0.0008
AIR							
GAS						0.0514 0.2182	
BASE							
SALEYR							
WEW							

	GAS	BASE	SALEYR	VIEW	DISTANCE
PRICE	0.0509 0.22	0.6487 <.0001	0.6015 <.0001	0.0431 0.3026	0.3618 <.0001
SQFT	0.1910 <.0001	0.5373 <.0001	0.1366 0.0010	0.0172 0.6802	0.2637 <.0001
LOT	0.4607 <.0001	0.0897 0.0315	0.1824 <.0001	0.0398 0.3407	0.1458 0.0005
AGE	0.0976 0.0192		0.0806 0.0534	0.0120 0.7737	0.3896 <.0001
GAR	0.2063 <.0001	0.1360 0.0011	0.0378 0.3655	0.0674 0.1064	0.1323 0.0015
BATH	0.1391 0.0008	0.6869 <.0001	0.2077 <.0001	0.0423 0.3114	0.3376 <.0001
BED	0.1059 0.0111	0.4129 <.0001	0.0619 0.1385	0.0115 0.7832	0.0948 0.0229
AIR	0.2722 <.0001	0.3205 <.0001	0.1125 0.0069	0.0235 0.5742	0.1376 0.0009
GAS			0.1473 0.0004	0.0016 0.9696	0.1275 0.0022
BASE			0.2203 <.0001	0.0317 0.4481	0.2223 <.0001
SALEYR				0.0701 0.0931	0.2016 <.0001
WEW					0.5542 <.0001

Table 7 Regression Analysis Results for Four Cemetery Areas

Variable	Parameter Estimate	Standard Error
Intercept	-7,782,652	183,934
SQFT	37.09	2.37
LOT	1.53	0.17
AGE	-1,427.81	68.28
GAR	13.75	4.63
BATH	-3,891.26	2,306.94
BED	1,055.88	1,787.32
AIR	-1,686.66	2,439.29
GAS	10,470	3,203.42

```

BASE          9,600.01      2,277.17
SALEYR       3,925.09      93.06
VIEW        -1,156.23      2,320.52
DISTANCE     -2.21      1.91
Adjusted [R.sup.2] = .9229
F-Value = 573.6
Pr > F < .0001
    
```

```

Variable          t-Value   Pr > t
Intercept        -42.31   <.0001
SQFT             15.65   <.0001
LOT              8.97   <.0001
AGE            -20.91   <.0001
GAR             2.97   .0031
BATH           -1.69   .0922
BED             0.59   .5549
AIR            -0.69   .4896
GAS            3.27   .0011
BASE           4.22   <.0001
SALEYR         42.18   <.0001
VIEW           -0.50   .6185
DISTANCE      -1.16   .2459
Adjusted [R.sup.2] = .9229
F-Value = 573.6
Pr > F < .0001
    
```

n = 575

Table 8 Regression Analysis Results, Fairborn Cemetery Area

```

Variable          Parameter Estimate   Standard Error
Intercept        -10,728,989          633,894
SQFT              33.59                2.40
LOT               1.58                 0.42
AGE             -1,153.96            337.23
BATH            -3,104.85            2,765.77
BED             1,540.71            1,780.12
GAR              19.70               13.75
BASE            8,072.82            2,640.34
SALEYR          5,397.34            316.09
VIEW            1,229.34            2,446.68
DISTANCE         0.03                 2.03
Adjusted [R.sup.2] = .7814
F-Value = 87.87
Pr > F < .0001
    
```

```

Variable          t-Value   Pr > t
Intercept        -16.93   <.0001
SQFT             14.01   <.0001
LOT              3.75   .0002
AGE            -3.42   .0007
BATH           -1.12   .2628
BED             0.87   .3877
GAR             1.43   .1533
BASE            3.06   .0025
SALEYR         17.08   <.0001
VIEW            0.50   .6158
DISTANCE        0.01   .9888
Adjusted [R.sup.2] = .7814
F-Value = 87.87
Pr > F < .0001
    
```

n = 244

Table 9 Regression Analysis Results, Xenia Cemetery Area

```

Variable          Parameter Estimate   Standard Error
Intercept        -4,152,393          452,801
SQFT             -3.25               6.29
LOT               0.74                0.64
AGE            -366.21             195.57
GAR              7.94                4.28
BATH            -1,366.94           4,223.16
BED            -336.44             3,666.72
AIR             112.24             2,302.61
SALEYR          2,116.19           228.70
VIEW           -6,291.89           3,354.84
DISTANCE        -3.33                3.25
    
```

Adjusted [R.sup.2] = .7011
 F-Value = 29.58
 Pr > F < .0001

Variable	t-Value	Pr > t
Intercept	-9.17	<.0001
SQFT	-0.52	.6066
LOT	1.17	.2460
AGE	-1.87	.0636
GAR	1.86	.0660
BATH	-0.32	.7467
BED	-0.09	.9270
AIR	0.05	.9612
SALEYR	9.25	<.0001
VIEW	-1.88	.0632
DISTANCE	-1.02	.3085

Adjusted [R.sup.2] = .7011
 F-Value = 29.58
 Pr > F < .0001

n = 131

Table 10 Regression Analysis Results, Beaver Creek Cemetery Area

Variable	Parameter Estimate	Standard Error
Intercept	-10,760,738	635,750
SQFT	34.50	7.12
LOT	1.46	0.69
AGE	-2,081.68	249.97
GAR	33.98	14.80
BATH	-26,308	-8,562.62
BED	6,071.35	6,545.21
AIR	7,279	7,409.71
GAS	10,804	6,728.52
BASE	17,265	7,008.54
SALEYR	5,424.09	326.15
VIEW	15,765	12,229
DISTANCE	29.58	15.43

Adjusted [R.sup.2] = .9071
 F-Value = 63.68
 Pr > F < .0001

Variable	t-Value	Pr > t
Intercept	-16.93	<.0001
SQFT	4.85	<.0001
LOT	2.12	.0376
AGE	-8.33	<.0001
GAR	2.30	.0250
BATH	-3.07	.0031
BED	0.93	.3570
AIR	0.98	.3296
GAS	1.61	.1132
BASE	2.46	.0164
SALEYR	16.63	<.0001
VIEW	1.29	.2019
DISTANCE	1.92	.0596

Adjusted [R.sup.2] = .9071
 F-Value = 63.68
 Pr > F < .0001

n = 78

Table 11 Regression Analysis Results, Bellbrook Cemetery Area

Variable	Parameter Estimate	Standard Error
Intercept	-7,854,904	350,615
SQFT	18.38	5.69
LOT	0.18	0.24
AGE	-1,518.02	159.38
GAR	21.51	8.41
BATH	8,567.14	3,965.23
BED	7,240.64	3,471.40
AIR	2,980.84	4,431.78
GAS	21,956	5,634.77
BASE	8,092.16	3,985.52
SALEYR	3,953.47	179.42
VIEW	8,521.46	4,797.33
DISTANCE	8.10	4.07

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INFORMATION MEMO

Cemetery Regulations

Learn about the legal requirements and issues associated with municipal cemetery establishment, maintenance, and care. Contains links to LMC model ordinances establishing a city cemetery and regulating its maintenance and use, establishing a permanent care and improvement fund, and a cemetery lot agreement.

RELEVANT LINKS:

[Minn. Stat. § 412.221, subd. 9.](#)

[Minn. Stat. § 412.211.](#)
[Minn. Stat. § 465.01.](#)

[A.G. Op. 870j \(June 2, 1959\).](#)

I. Types of cemeteries

There are three types of cemeteries in Minnesota. The first are private cemeteries, which restrict burial to a certain group of people, such as a fraternal organization or a particular religious group. The second type is city-owned cemeteries, which are often referred to as municipal cemeteries. Municipal cemeteries are public cemeteries because lots are sold without restriction. The third type is public cemetery associations. Public cemetery associations are privately owned, but lot sales are open to the public without restriction. Although municipal cemeteries are separate from public cemetery associations, background information on public cemetery associations can be helpful in regulating cemeteries and any transfer of cemetery ownership between a city and a public cemetery association. This memo discusses legal requirements and issues associated with municipal cemetery establishment, maintenance, and care. Public cemetery associations are briefly discussed as they relate to municipal cemeteries.

II. Municipal cemeteries

Statutory cities have the express authority to establish and maintain cemeteries. A city may acquire a cemetery through purchase, gift, condemnation, or devise of land. Devise is a gift given through a will. A city may provide funds for the cemetery's upkeep including its layout, enclosures, and ornaments on the grounds. The city may also sell and convey the lots to members of the public. Additionally, a city has the authority to regulate cemeteries and the disposal of the dead by ordinance.

A. Land purchase

Statutory cities have express authority to purchase property for a city purpose, such as a cemetery. While most municipal cemeteries lie within the boundaries of the city, state statute allows cities to acquire real property outside city limits for municipal purposes. This general grant of power is likely broad enough to allow cities to establish a cemetery outside of its boundaries as long as it will be used for burial of city residents.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

[Minn. Stat. § 412.211.](#)
[Minn. Stat. § 306.025, subd. 1.](#)
[A.G. Op. 870j \(June 2, 1959\).](#)

[Minn. Stat. § 465.01.](#)
[Minn. Stat. ch. 117.](#)
[Handbook, Chapter 14,](#)
[Section V-C, *Eminent domain.*](#)

[Minn. Stat. § 410.01.](#)
[Minn. Stat. § 471.84.](#)

[Minn. Stat. § 471.59, subd. 1.](#)
[Handbook, Chapter 17.](#)
[LMC information memo,](#)
[Combining Governmental Services: Issues to Consider.](#)

[Minn. Stat. § 471.24.](#)

Additionally, cities are authorized to accept the transfer of an existing public cemetery located either inside or outside city limits.

1. Eminent domain

All cities have the authority to take (or condemn) private property for public use as long as they pay the landowner reasonable compensation. Essentially, this is a way to require that an owner sell his or her land to a city. This procedure requires a formal court action, and a city must pay an owner for the value of the land, or the damages to the land if the city is taking only part of the private property for a public purpose, such as an easement. Occasionally, a city may desire to expand its municipal cemetery but cannot come to an agreement with the neighboring property owners. In such cases, the power of eminent domain may be used. However, before using this power, the city must establish that the addition is required because of public necessity, propriety, and convenience.

B. Funding cemeteries

Statutory cities may appropriate funds to maintain a cemetery the city owns. Additionally, any statutory city or any city of the fourth class (population of no more than 10,000) is authorized to appropriate up to \$10,000 per year to any other public or private cemetery. The cemetery does not have to be located within the city limits, but it must allow burials from any city without restriction.

C. Joint operation and maintenance

The Joint Powers Act authorizes cities to cooperatively exercise any powers common to the participating units of government. In addition, local governments (such as counties and cities) may enter into agreements whereby one entity will exercise power for both governments. For example, a city and a county may enter into a joint powers agreement for operation of a cemetery where both governments engage in operation and maintenance through that joint powers entity. In exercising such powers, local governments are not necessarily confined to their territorial limits.

1. City-town and city-city joint maintenance

In addition to the joint powers agreement, cities and towns may enter into a joint agreement for maintenance of a cemetery. If a city or town owns an established cemetery, either within city limits or outside, it may enter into a mutual agreement with neighboring towns or cities for the maintenance of the cemetery. In order to enter into a joint agreement:

RELEVANT LINKS:

[Minn. Stat. § 471.24.](#)

[A.G. Op. 870a \(Dec. 31, 1959\).](#)

[Handbook, Chapter 6.](#)

[Johnson v. State, 553 N.W.2d 40 \(Minn. 1996\).](#)

[Minn. Stat. § 15.17.](#)

- The cities or towns must have contiguous borders.
- Each entity must have an estimated market value not less than \$2,000,000.
- The cemetery must be open for burial of residents from all municipalities.

Once the municipalities have established a joint agreement for maintenance, each may appropriate up to \$10,000 per year toward upkeep of the cemetery. The council or governing board may also levy a tax to generate funds for maintenance.

D. Cemetery board

The city council may appoint a cemetery board and delegate ministerial power to it. However, the city council must retain complete discretionary control of the cemetery.

The courts have not explicitly described the meaning of discretionary administrative power. They have, however, provided several rules that offer some basis for distinguishing which powers the council can delegate.

Discretionary powers or functions are those that involve the exercise of judgment. Ministerial functions are absolute, fixed, and certain so that no judgment is necessary in fulfilling them.

For example, in exercising ministerial power, the cemetery board may advise the city council on setting lot prices for the cemetery. Yet, it is the city council that has the discretionary authority to actually set the lot fees.

E. Recordkeeping

While there appears to be no specific statutory recordkeeping requirement for municipal cemeteries, the city is required to keep full and accurate records of its official activities. Therefore, if a city owns a cemetery, it must keep current and accurate records. Specifically, a burial register, information on each person buried or interred in the cemetery, and a cemetery map are important records to maintain.

1. Burial register

The specific information for each individual buried in the cemetery is not prescribed in statute for municipal cemeteries. However, public cemetery associations are specifically required to record certain information on each person buried or interred in the cemetery. Although the requirements do not apply to municipal cemeteries, such requirements may be a helpful guide for cities.

RELEVANT LINKS:

[Minn. Stat. § 306.03.](#)

[Minn. Stat. § 306.03.](#)

[Minn. Stat. § 13.03.](#)

[General Records Retention Schedule.](#)
[Minn. Stat. § 138.17.](#)

[Minn. Stat. § 15.17.](#)

[Minn. Stat. § 306.02.](#)
[Minnesota Association of Cemeteries.](#)

For instance, cemetery associations must include the following information for each person buried or interred in the cemetery:

- Date of burial, entombment, or cremation.
- Name, date of birth, sex, nativity, and cause of death.

The information should come from a reliable source to ensure it is accurate. Public cemetery associations are required to obtain the information from friends, the attending physician, or the undertaker in charge. In the case of a pauper, stranger, or criminal, the information may come from the public official directing the burial. While cities are not required to obtain information from specific sources, it could be helpful to establish from whom information should come to ensure the information is correct.

For municipal cemeteries, the burial record is government data and is classified as public data under the Minnesota Data Practices Act. This means the burial record must be accessible to the public for inspection. If someone requests to see the burial record or wants a copy of it, the city must produce the record in accordance with the Minnesota Data Practices Act. Additionally, under the Minnesota Records Retention law, the retention period for the burial record is permanent, which means that burial records may never be destroyed.

2. Cemetery map

In order to maintain an accurate record of the city’s actions regarding the cemetery, a map of the cemetery land is necessary. Although cities are not technically required to maintain a map, for practical purposes the cemetery map is necessary for lot sales, burials, and future planning for cemetery improvements.

Consequently, it would be prudent to maintain a map that illustrates the cemetery land and how the land is divided into lots, including all alleys, roads, and walks. If new land is either donated or purchased, the city would update the map by having the cemetery surveyed.

III. Public cemetery association

Cities are not authorized to form public cemetery associations and are not considered a public cemetery association. However, there are a few reasons cities may need to be familiar with public cemetery association laws. First, state statute provides little guidance for the operation of a municipal cemetery; however, there are several statutes governing public cemetery associations. In some cases, these statutes may serve as a helpful guide for cities. Second, a city may transfer its cemetery ownership to a public cemetery association, or the association may transfer its cemetery ownership to a city.

RELEVANT LINKS:

[Minn. Stat. § 306.01.](#)

[Minn. Stat. § 306.02, subd. 1.](#)

[Minn. Stat. § 306.02, subd. 1\(2\).](#)

[Minn. Stat. § 306.05.](#)

[Minn. Stat. § 306.05.](#)

[Minn. Stat. § 306.09.](#)

[Minn. Stat. § 306.10.](#)

Third, cities may contract with a public cemetery association to operate or maintain a municipal cemetery. In all of these instances, a basic understanding of public cemetery associations may be useful.

A. Association incorporation

A public cemetery association may be formed to secure, hold, or sell land or lots used exclusively for the purpose of a public cemetery. Public cemetery associations established after March 1, 1906, must organize and follow state statutes.

To establish a public cemetery association, three or more persons, who become the trustees of the association, must initiate incorporation. The trustees must also verify the certificate or articles of incorporation. The certificate of incorporation must be recorded with the county recorder's office of the county where the cemetery is located. Upon filing, the association is a corporation.

B. Powers of public cemetery association

A public cemetery association has many powers that enable it to manage its operations and grounds.

1. Acquisition of land by purchase or gift

Once incorporated, a public cemetery association may acquire and manage all real and personal property necessary for the establishment, care, and management of a cemetery as well as the operation of a crematorium on cemetery grounds.

An association may purchase or receive as a gift up to 300 acres of land within the county of the cemetery or an adjoining county. The land must be used exclusively for burial, cremation, or related purposes.

Any land must be surveyed and divided into lots of a size determined by the trustees. Avenues, alleys, and walks must also be surveyed, as necessary. A map of the survey must be filed with the county recorder of the county where the cemetery is located.

a. Gifts to cemetery association

An association may accept a gift of real or personal property to maintain a monument or to keep or improve cemetery grounds. If an association accepts a gift with such conditions, the funds must always be devoted to these uses.

RELEVANT LINKS:

[Minn. Stat. § 306.05.](#)

[Minn. Stat. § 306.09.](#)

[Minn. Stat. § 306.09.](#)

[Minn. Stat. § 306.10.](#)
Section IV, *Permanent care and improvement funds.*

[Minn. Stat. § 306.14, subd. 1.](#)
[Minn. Const. art. X, § 1.](#)
State v. Lakewood Cemetery Ass'n, 101 N.W. 161 (Minn. 1904). *Grand View Park Cemetery Ass'n v. City of Edina*, 257 N.W.2d 329 (Minn. 1977). *City of New Hope v. Catholic Cemeteries*, 467 N.W.2d 336 (Minn. Ct. App. 1991).

[Minn. Stat. § 306.14, subd. 2.](#)

2. Eminent domain

In cases when a cemetery association needs to expand but cannot come to an agreement with adjacent property owners, it may use the power of eminent domain. However, along with consideration of the cemetery boundaries, the association must establish that there is a public necessity, propriety, and convenience that require the addition before using this power.

3. Sale of cemetery lots or property

Trustees may sell or convey designated cemetery lots once the association's survey map is filed with the county recorder. The trustees may create terms, conditions, or restrictions on sales and conveyance as they deem appropriate. The terms must be listed on the lot agreement.

Every conveyance must be expressly for burial purposes and be in the corporate name of the association and signed by its president or vice president and by its treasurer or secretary.

A public cemetery association may sell or convey real or personal property that is not needed for cemetery purposes. The proceeds from lot sales may be invested in a permanent care and improvement fund, or applied solely to the payment of debts incurred in purchasing the cemetery grounds and property, fencing, improvement, or beautification of the cemetery.

C. Tax-exempt status

The property of a public cemetery association is exempt from all taxes and special assessments. This tax-exempt status also applies to land the cemetery owns but is not yet actively using for burial. As long as the land will presumably be used in the future for burial, it is not subject to taxes or special assessments. It may not be sold against an association or any lot owner. Furthermore, no road may be constructed through a cemetery or any part of its lands without the consent of the trustees.

1. Exception to special-assessment exemption

Cemetery associations are generally exempt from special assessments. However, if at least part of the purpose for forming the association is to provide monetary gain for its shareholders and members and it pays dividends or some other monetary remuneration either directly or indirectly to shareholders and members, it is not exempt from special assessments. Most cemeteries are nonprofit organizations and would be exempt from special assessments.

RELEVANT LINKS:

[Minn. Stat. § 306.155, subds. 1, 3.](#)

[Minn. Stat. § 149A.96, subd. 1.](#)

[Minn. Stat. § 149A.96, subd. 7.](#)

[Minn. Stat. § 149A.96, subd. 5.](#)

[Minn. Stat. § 149A.96, subd. 3.](#) [Minn. Stat. § 149A.80, subd. 2.](#)

[Minn. Stat. § 306.155, subd. 2.](#)

However, there are some private cemeteries that may provide some type of monetary payment to members or shareholders and, thus, would not be exempt from special assessments to cemetery property.

D. Disinterment and reinterment

In the rare situation where an operator of a cemetery is informed or becomes aware that it has interred or permitted the interment of a body or remains in the wrong burial space, the cemetery must disinter the burial container wrongfully interred, identify the burial container, and reinter it in the proper burial space. The only exception is if the interested parties have agreed otherwise in writing. The cemetery is responsible for all costs of the disinterment and reinterment. The cemetery must give reasonable notice, in advance of the disinterment, to the person or persons legally entitled to control the body or remains of the deceased person and, if requested, the owner of the burial space.

Disinterment and reinterment may only occur with (1) the written authorization of the person or persons legally entitled to control the body or remains and (2) a disinterment-reinterment permit properly issued by the commissioner or a licensed mortician. The cemetery where the body or remains were originally interred must retain a copy of the disinterment-reinterment permit, the authorization to disinter, and, if applicable, the court order showing reasonable cause to disinter. Until the body or remains are reinterred, the original permit and other documentation must be in the possession of the person in physical or legal custody of the body or remains, or attached to the transportation container which holds the body or remains. At the time of reinterment, the permit and other documentation must be filed according to the laws, rules, or regulations of the state or country where reinterment occurs.

A disinterment-reinterment permit is not required if the disinterment and reinterment is within the same dedicated cemetery. Under these circumstances, the authorities in charge of the cemetery may disinter and reinter a body or remains within the same dedicated cemetery upon receipt of the written and notarized authorization of the person or persons with the right to control the disposition.

At the disinterment and reinterment, the cemetery must permit the person or persons legally entitled to control the body or remains and, if requested, the owner of the burial space to witness the disinterment and reinterment.

RELEVANT LINKS:

[Minn. Stat. § 306.41\(b\).](#)
[Minn. Stat. ch. 50.](#)
[Minn. Stat. § 306.44, subd. 1.](#)

[Minn. Stat. § 306.41\(b\).](#)

[Minn. Stat. § 306.41\(a\).](#)

[Minn. Stat. § 306.42.](#)

[Minn. Stat. § 306.44, subd. 1\(a\).](#)

[LMC Model Resolution Accepting Donations. Minn. Stat. § 465.03.](#)

[Minn. Stat. § 306.43.](#)

IV. Permanent care and improvement fund

The purpose of a permanent care and improvement fund is to provide a means for continual care and improvement of a cemetery. Portions of the sale of burial space are directed to the fund, the interest from which is used to maintain the cemetery.

There is no statutory authority to force current lot owners to contribute to the permanent care and improvement fund if the lot was purchased prior to the establishment of the fund. However, some cemeteries accept voluntary contributions to the fund from such lot owners.

A. Municipal cemeteries

The city council may establish a permanent care and improvement fund, by a unanimous vote, to be deposited or invested in the same securities in which savings banks are allowed to invest. While adoption of a resolution may be sufficient, an ordinance may be better given the perpetual nature of a cemetery permanent care and improvement fund.

However, in order to establish the fund, the cemetery must be at least one-half acre in area, and the plat must be on file with the county recorder.

The principal of the fund may not be spent or dispersed. The interest accrued from the fund may be spent, but only for the care, maintenance, and improvement of the cemetery. The permanent care and improvement fund must not exceed \$25,000 per acre.

1. Payments to the fund

The council may stipulate that any portion of a cemetery lot sale must be deposited as a part of the permanent care and improvement fund, and that the interest accruing from the amount set aside from the lot be used by the board or municipality to care for and beautify the lot. Deposits to the fund must be made on January 1, April 1, July 1, and October 1.

2. Gifts and donations

The city council may, by resolution, accept donations or gifts of money to the permanent care and improvement fund to be used for the purpose specified by the donor. This may include care of a specific lot or general care of the cemetery. If the cemetery lacks funds for the general care of the cemetery, the council or board may use one-fifth of the annual income from any particular lot for general care.

RELEVANT LINKS:

Minn. Stat. § 306.44, subd. 1(a), (c).
Minn. Stat. ch. 50.

Minn. Stat. § 306.44, subd. 1(f).

LMCIT Risk Management
Information: [Bond Coverage](#).

Minn. Stat. § 306.44, subds. 1(c), 2.

Minn. Stat. § 306.54. Minn. Stat. § 306.44, subd. 1(a), (b).
LMC Model Ordinance
[Establishing a Permanent Care and Improvement Fund](#).

Minn. Stat. § 306.44, subd. 1(e).

Minn. Stat. § 306.45.

Minn. Stat. § 306.48.

3. Investment of permanent care and improvement fund

The city council may vote to invest the permanent care and improvement fund in the same securities in which savings banks are allowed to invest. The funds must be invested quarterly on January 1, April 1, July 1, and October 1.

The city council must designate some of its members to handle those funds. The designated persons must be bonded by the city. The bond must be at least equal to the total amount of the fund at the time of posting the bond, conditioned upon the faithful discharge of the trust. The bond must be renewed in the amount of the new fund balance on July 1 of each even-numbered year.

The principal of the fund may not be used; only the interest from the fund may be spent or dispersed. Any interest in excess of \$100 that is unused for one year, after becoming available for care, maintenance, or improvement, must be returned to the fund and become a part of the principal.

4. County cemetery fund

For cities in counties under 50,000 in population, the city council may deposit the money belonging to the permanent care and improvement fund into the county treasury. The money must be deposited quarterly on January 1, April 1, July 1, and October 1.

At the time of deposit, the council must file a statement indicating any particular gifts or donations set aside for a specific lot. For each instance, the statement must include the name of the lot owner, name of the donor, and a description of the lot to which the income from the particular amount of the permanent funds is applicable.

The aggregated funds of all the cemeteries in the county that deposit their permanent care and improvement funds with the county constitute the county cemetery fund. This fund is managed and invested by the county commissioners and deposited by the county treasurer. Interest on the fund is due and payable on or about February 1.

a. Investment of county cemetery fund

Upon petition of at least two-thirds of the city councils or governing boards of cemeteries participating in the county cemetery fund and approval of the county attorney, the county commissioners must invest all or part of the county cemetery fund in the same kinds of bonds and securities in which the state permanent school fund may be invested.

RELEVANT LINKS:

[Minn. Stat. § 306.48.](#)

The law as it exists at the time any money is received into this fund controls the investment of the fund, and no subsequent amendment of the law authorizes the investment of any fund differently or in any other class of securities.

[Minn. Stat. § 306.48.](#)

Bonds or other securities in which the fund is invested remain with the county treasurer, and the bond is the security for the proper care of the bonds or other securities and the payment of interest received.

b. Apportionment and payment of interest from county cemetery fund

[Minn. Stat. § 306.44, subds. 1\(c\), 2.](#)

The principal of the permanent care and improvement fund may not be used; only the interest on the fund is available for use. Additionally, a cemetery must use the interest during the year in which it is received or it will be returned as part of the principal of the permanent care and improvement fund.

[Minn. Stat. § 306.50.](#)

On or before February 1 of each year, the clerk or secretary of the board of directors of each cemetery must file a report with the county auditor, showing in detail the amount of interest expended that it received from the county cemetery fund. Unused interest, in excess of \$100, must be re-deposited in the county cemetery fund and added to the principal of the permanent fund credited to the cemetery.

[Minn. Stat. § 306.44, subds. 1\(c\), 2.](#)

[Minn. Stat. § 306.51.](#)

The county auditor apportions the interest payments on or about March 1 to each cemetery participating in the county cemetery fund in proportion to the amount of each cemetery's permanent fund. Funds deposited to the county cemetery fund just before the close of the year, on which no interest has collected, are not considered part of the permanent fund for that apportionment.

[Minn. Stat. § 306.52.](#)

Immediately after apportionment, the county auditor must report to the cemetery secretary the amount of interest due to the cemetery, along with a statement of the total amount of cemetery funds received by the county treasurer during the preceding year, closing on January 1, and a statement of the amount of the cemetery's permanent care and improvement fund.

[Minn. Stat. § 306.53.](#)

On or after March 1, if the council or cemetery board has made its report and deposited any excess interest, the county treasurer must pay to the treasurer of the municipality or the cemetery board its apportioned share of the interest from the county cemetery fund.

[Minn. Stat. § 306.51.](#)

If the legal existence of any religious corporation or association has ended during the year, the interest due is paid to the municipality where the cemetery is located. The city must use this money for care, maintenance, or improvement of the cemetery.

RELEVANT LINKS:

[Minn. Stat. § 306.44, subd. 1\(d\).](#)

[Minn. Stat. §§ 306.31-39.](#)
[Minn. Stat. §§ 306.76-79.](#)
[Minn. Stat. § 306.54.](#)

[Minn. Stat. § 306.80.](#)
[Minn. Stat. § 306.40.](#)

[Minn. Stat. § 412.221.](#)
[LMC Model Ordinance Regulating the Maintenance and Use of a Municipal Cemetery.](#)
State ex rel. City of St. Paul v. District Court of Ramsey County, 131 N.W. 327 (Minn. 1911). *State ex rel. Oak Hill Cemetery Ass'n v. Harrington*, 209 N.W. 6 (Minn. 1926). *Clifton v. E. Ridgelawn Cemetery*, 4 A.2d 79 (N.J. 1939). *Foster v. Mayor of Beverly*, 53 N.E.2d 693 (Mass. 1944). *Grand View Park Cemetery Ass'n v. City of Edina*, 257 N.W.2d 329 (Minn. 1977). *Laurel Hill Cemetery v. City and County of San Francisco*, 216 U.S. 358 (1910). *Union Cemetery Ass'n. v. Kansas City*, 161 S.W. 261 (Mo. 1913).

5. Withdrawal and transfer of funds between depository and investments

A city or cemetery association may also choose to deposit a portion of its permanent care fund into the county cemetery fund and invest the other portion. Funds from either the investments or the county cemetery fund may be withdrawn and transferred to the other by resolution. The county treasurer must return any money deposited into the county cemetery fund that the board, by resolution, withdraws.

B. Public cemetery associations

Public cemetery associations are permitted and sometimes required to establish a permanent care and improvement fund. The population size of the county where a public cemetery association is located determines whether or not establishing a permanent care and improvement fund is optional or required. State statutes also establish requirements for investment and reporting on the fund.

V. Regulating cemeteries

There are no general statutory provisions regulating the location, size, or general operation of municipal cemeteries.

However, charter and statutory provisions relating to health and burial of the dead are generally broad enough to permit the enactment and enforcement of police-power measures regulating or prohibiting burial of the dead, establishing of new cemeteries, enlarging existing cemeteries, establishing future interments, and requiring removal of bodies from existing cemeteries. The location and maintenance of cemeteries may also be regulated by zoning and nuisance ordinances.

RELEVANT LINKS:

Scott v. Lakewood Cemetery Ass'n, 208 N.W. 811 (Minn. 1926).

[“Choices’: Information on the Regulations and Requirements of the Final Disposition of a Dead Human Body in Minnesota.”](#)

Minnesota Department of Health (January 2011), for ideas about what types of rules cemeteries can impose.

Scott v. Lakewood Cemetery Ass'n, 208 N.W. 811 (Minn. 1926).

Brown v. Hill, 119 N.E. 977 (Ill. 1918).

[LMC Model Ordinance Regulating the Maintenance and Use of a Municipal Cemetery.](#)

Brown v. Hill, 119 N.E. 977 (Ill. 1918). *Anderson v. Acheson*, 110 N.W. 335 (Iowa 1907). *Rowley v. Laingsburg Cemetery Ass'n*, 184 N.W. 480 (Mich. 1921). *Erickson v. Sunset Memorial Park Ass'n*, 108 N.W.2d 434 (Minn. 1961).

VI. Cemetery rules and regulations

A municipal cemetery or a public cemetery association may establish rules and regulations that provide for the improvement, decoration, and care of lots. However, the rules must be reasonable.

There is no general definition of what is considered “reasonable;” it depends on the facts of each situation. However, the courts have found rules that do not apply uniformly to all owners are unreasonable. Other rules considered unreasonable by the courts include:

- Rules that require lot owners to use cemetery staff for decorating their lot instead of a competent person of their choosing.
- Rules that could cause monuments, markers, or cornerstones of lots that are in reasonably good condition, to be removed or changed without permission of the owners merely for the purpose of beautifying the cemetery.
- Re-platting the cemetery in a way that would change the size of the original lot.

A municipal cemetery may set out such regulations by resolution, ordinance, or policy. However, only an ordinance is ultimately enforceable and, therefore, may be more desirable.

VII. Cemetery lot agreements and lot owner rights

A. Cemetery lot agreements

Nothing exists in state law that explicitly provides what a cemetery lot owner’s interest is, and Minnesota courts have not resolved the issues. However, courts in Illinois, Iowa, and Michigan have adopted the general rule that the owner possesses only the right of burial in the lot, not absolute title to the land. Courts in Minnesota may agree with these decisions.

RELEVANT LINKS:

[LMC Model Municipal Cemetery Lot Agreement.](#)

[Minn. Stat. § 306.15.](#)

[Minn. Stat. § 306.15\(e\).](#)

[Minn. Stat. § 307.08, subd. 2.](#)

[Minn. Stat. § 306.027.](#)

[Minn. Stat. § 306.027.](#)

Since purchasing a cemetery lot is not absolute title to the land, it is sometimes designated as an easement, privilege, or license. Instead of issuing a traditional cemetery lot deed, cities may want to consider issuing a cemetery lot agreement. A cemetery lot agreement is a license that restricts use of the lot to burial. A deed could connote absolute title to the land and could potentially be troublesome for a city if challenged in court.

1. Cemetery lot transfers and sales

The original cemetery lot owner, or his or her heir, may sell or convey his or her unused lot to be used for burial purposes to the cemetery or to another person. An agreement of sale or transfer must be filed with the cemetery. The lot sale or transfer agreement must transfer the lot back to the cemetery. In the case of a sale or transfer to another person, the agreement must also request the cemetery issue a new conveyance of the lot directly to the purchaser. The agreement must also include the purchase price of the lot, which may not exceed the price the cemetery would charge for a similar lot. The agreement must be signed and acknowledged by the lot owner and spouse, if any, and the proposed purchaser. A cemetery may charge a transfer and service fee up to \$15 to be paid at the time of filing the agreement.

B. Lot owner rights

Although the lot owner's right to the lot is only an easement, privilege, or license, an owner is able to sue cemetery owners or strangers for disturbing the lot without consent while the lot is used as a cemetery. Consequently, lot owners have rights against invasion by trespassers or by the cemetery itself.

VIII. Merger and transfers of cemeteries

Mergers between cemeteries of all distinctions, including those owned by a cemetery association or corporation, a municipality, a religious corporation, or of a privately-owned cemetery, are permitted. The terms of the merger are set by the cemeteries' governing bodies, board of trustees, or owner. The surviving entity is subject to the laws that apply to that particular type of cemetery ownership.

A merger cannot impair the rights of any third parties, such as lot owners. After the merger, lot owners of the former cemeteries are entitled to the same rights and privileges concerning their lots that were accorded to them under the previous ownership.

RELEVANT LINKS:

[Minn. Stat. § 306.02, subd. 2.](#)

[Minn. Stat. § 306.06.](#)

[Minn. Stat. § 306.025, subd. 1.](#)

[Minn. Stat. § 306.025, subd. 3.](#)

[Minn. Stat. § 412.211.](#)

[A.G. Op. 870j \(June 2, 1959\).](#)

A. Transfers to a public cemetery association

Ownership of municipal cemetery land may be transferred by deed, with or without conditions, to a public cemetery association. The transfer agreement should be drafted by the city attorney. As a part of the transaction, the city may enter into a contract or agreement with the cemetery association to provide for the management and maintenance of the cemetery, for the sale of lots or land in the cemetery, and for those other matters concerning the care and control of the cemetery as the city sees necessary.

In cities where land has been devoted, without restriction, to public cemetery purposes since 1870, the city council may convey the land to a public cemetery association organized to acquire land for cemetery purposes. In these transfers, the city determines the terms of the transfer.

B. Transfers to a city

Any public cemetery association owning cemetery lands at least partially located within a city may transfer ownership of the lands, along with other funds and property, to that city. The city may accept the transfer and continue to maintain and operate the cemetery. Any funds received in the transfer will be administered by the city for the same purposes and upon the same trusts for which they were originally established. Before the transfer is made, the city must first adopt a resolution.

A city may also be able to accept a transfer of ownership from a public cemetery association located wholly outside of city limits. Since cities are authorized in statute to purchase real or personal property outside of the city for purposes the city requires, it seems likely a transfer of cemetery lands to be used for the burial of city residents would be permissible. Furthermore, the state attorney general has added that a public cemetery association, if established prior to 1906, may transfer its ownership of lands to a city, even if outside city limits.

IX. Cemetery abandonment

Increasingly, cities are encountering cemeteries that have been abandoned by their incorporating associations or corporations. An abandoned cemetery can quickly become a nuisance when graves and the land are not maintained. The area can become vulnerable to criminal activity. To prevent or mitigate this situation, many cities appropriate funds to maintain the cemetery and ultimately clear the title to gain legal rights to the cemetery.

RELEVANT LINKS:

[Minn. Stat. § 306.246.](#)
[Minn. Stat. § 410.01.](#)
[Minn. Stat. § 471.84.](#)

[Minn. Stat. § 306.243, subds. 1, 4.](#)
[A.G. Op. 870 \(Aug. 6, 1957\).](#)
[Minn. Stat. § 306.246.](#)
[Minn. Stat. § 306.243, subd. 5.](#)

[Minn. Stat. § 508.03\(6\).](#)

[Minn. Stat. § 508.06.](#)

[Minn. Stat. § 508.11.](#)

[Minn. Stat. § 508.13.](#)

Cities are authorized to disburse funds for the general maintenance of an abandoned or neglected cemetery. Likely, statutory cities and fourth-class cities would have to factor any funds disbursed to this cemetery into their overall limit of \$10,000 per year for all cemeteries. However, there appears to be no limit on how long a city may provide for an abandoned cemetery, so feasibly a city council could disburse funds indefinitely.

A. County takeover

To gain legal title to the cemetery, a city may ask the county to take over the cemetery and maintain it for one year. Counties are given express authority to take over and maintain an abandoned cemetery, whereas cities only have the authority to disburse funds for maintenance. After one year, the county may transfer the cemetery to the city. This is perhaps the least complicated option; however, it relies on the county's willingness to take on the control of the cemetery.

B. Title registration in Torrens system

A city may also obtain title to an abandoned cemetery by registering the title under the Torrens system. Torrens law is intended to establish an indefeasible title that is free from any rights or claims not registered with the register of titles. In the case of an abandoned cemetery, it would clear the title.

Registration can be a complex court proceeding, and the city should consult its city attorney for assistance. To register title, a city must pass a resolution to register the title of the cemetery before the clerk and mayor apply on behalf of the city.

The application must be in writing and approved by the examiner of titles before filing with the district court administrator.

As soon as possible after filing the application with the court administrator, the city must submit an abstract title of the land described in the application. In some cases, the title examiner may require the city to have a land survey of the cemetery. In such cases, the city is then required to file a plat of the land resulting from the survey with the court administrator. A certified copy of the application is filed with the country recorder and serves as notice of pending action.

The examiner of titles will then review the application and related documents, identify the legal and factual issues, and prepare a recommendation to the court of the necessary parties to be joined as defendants to adjudicate the matter. A copy of this report is given to the city, and the city must comply with it.

RELEVANT LINKS:

[Minn. Stat. § 508.15.](#)

Once all of the requirements of the title examiner’s report are met, the city files a petition for a summons with the court administrator. The court will examine the files and records of the case and issue the summons.

[Minn. Stat. § 508.16.](#)

The summons requires defendants (possible parties with interest or claim to the title) to appear and provide an answer to the application of the city within 20 days of service. Additionally, any party claiming an interest in the title, even if they are not listed on the summons, may file an answer in the case.

[Minn. Stat. § 508.17.](#)

[Minn. Stat. § 508.16.](#)

The service of the summons must follow the Minnesota Rules of Civil Procedure, and the city is responsible for the cost. The required form of the summons is provided in statute.

[Minn. Stat. § 508.16.](#)

A diligent search for defendants or their heirs must be done. However, if the defendants cannot be found, are unknown, or are not residents of Minnesota, publication of the summons suffices as service.

[Minn. Stat. § 508.16.](#)

The summons must be published at least once a week for three consecutive weeks in a newspaper published and printed in the same county as the application to register the title was filed.

[Minn. Stat. § 508.16.](#)

Additionally, if the title in question has not been registered before, which is likely in the case of a cemetery, the summons must be published in the newspaper. Again, the newspaper must be published and printed in the same county as the application was filed in, and run at least once a week for three consecutive weeks.

[Minn. Stat. § 508.19.](#)

Once the time for answering the summons has expired, no person has appeared, and the court is satisfied with proof of the city’s right to the title, the court may issue a decree confirming the title of the applicant and ordering its registration. The decree of registration binds the land to the city and clears the title. The city is thus the legal owner of the cemetery.

[Minn. Stat. § 508.22.](#)

C. Quiet title action

[Minn. Stat. § 559.01.](#)

The city may also bring an action in court to settle any adverse claims to the land and clear the title. This is sometimes referred to as quiet title action. This process is often complex and the city should consult its city attorney if exercising this option.

[Minn. Stat. § 559.02.](#)

When the city files the claim with the court, the filings must include the title and the names of any persons or heirs that are known or appear of record to have some right, title, estate, interest, or lien on the property. The city must also include the following statement: “Also all other persons unknown claiming any right, title, estate, interest, or lien in the real estate described in the complaint herein.”

RELEVANT LINKS:

[Minn. Stat. § 559.02.](#)

[Minn. Stat. § 508.16.](#)

[Minn. Stat. § 559.02.](#)

[League of Minnesota Cities
Research Service.](#)

[Minnesota Association of
Cemeteries.](#)

Summons for the proceedings must be issued to any and all known persons with a valid interest in the property. The summons is served in person to those who are still living in the state. For those persons who are unknown or cannot be found with a reasonable diligent search, the service of summons may be made by publication in the newspaper. The newspaper must be printed and published in the county where the action was filed and must run at least once a week for three consecutive weeks.

Prior to publication, the city must file a notice of the pending action with the county recorder. If no person with valid interest or right to the land contests the city's claim to the cemetery, the court will issue an order quieting all adverse claims to the land. The city then records the order in its records as proof of title to the cemetery.

X. Conclusion

Cemeteries provide an important service for communities. However, many issues and requirements factor into the establishment, care, and maintenance of a cemetery. For additional information not included in this memo, please contact the League of Minnesota Cities Research Service or the Minnesota Association of Cemeteries.