

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters.

Lake Elmo Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application.

For each item, the Commission will receive reports prepared by the City Staff, open the hearing to the public, and discuss and act on the application. If you are aware of information that hasn't been discussed, please fill out a "Request to Appear Before the Planning Commission" slip; or,, if you came late, raise your hand to be recognized. Comments that are pertinent are appreciated.

## AGENDA

### LAKE ELMO PLANNING COMMISSION

FEBRUARY 12, 1990

7:30 P.M.

#### INTRODUCTION OF NEW PLANNING COMMISSION MEMBERS

1. Agenda
2. Minutes: January 22, 1990
3. Election of Officers (continued)
  1. Chair
  2. Vice Chair
  3. Secretary
4. OLD BUSINESS
  - A. Rezoning from Rural Residential (RR) to Public Facility (PF) - River Valley Christian Church (continuation)
  - B. P and PF Ordinance
5. NEW BUSINESS
  - A. Public Hearing Large Lot Subdivision and two variances: George Krueger, 11491 50th Street N.
  - B. Public Hearing Elimination of Section 301.080 PUD from the Lake Elmo Municipal Code.
  - C. Proposed Future Land Use Map  
Meeting with Council and Consulting Planner
  - D. Other
6. Adjourn

AGENDA

LAKE ELMO CITY COUNCIL

TUESDAY, FEBRUARY 13, 1990

6:00 P.M. EXECUTIVE SESSION

7:00 P.M. COMPREHENSIVE PLAN WORKSHOP

DATE APPROVED: 2/12/90  
DATE ISSUED: 2/23/90

LAKE ELMO PLANNING COMMISSION MINUTES

JANUARY 22, 1990

Chairman Enes called the Planning Commission meeting to order at 7:35 p.m. in the City Council chambers. Present: Enes, DeLapp, Bucheck, John, Conlin and Acting-Adm. Mary Kueffner. Absent: Stevens, Dick Johnson, Haacke.

1. AGENDA

Add: Other: Impact Fee Impact Seminar

M/S/P DeLapp/Bucheck - to approve the January 22, 1990 Planning Commission agenda as amended. (Motion carried 5-0).

2. MINUTES: January 8, 1990

M/S/P DeLapp/John - to approve the January 8, 1990 Planning Commission minutes as amended. (Motion carried 5-0).

3. Election of Officers (continued)

- (1) Chair
- (2) Vice Chair
- (3) Secretary

M/S/P Bucheck/John - to table the Election of Officers until the Appointments to fill the vacant PZ seats have been made by the City Council. (Motion carried 5-0).

4. PUBLIC HEARING: River Valley Christian Church  
Rezoning from Rural Residential to Public Facility

Chairman Enes opened up the Public Hearing at 7:42 p.m. in the City Council chambers. The Public Hearing Notice was published and the surrounding property owners have been notified.

Pastor Dan Denisson, The River Valley Christian Church, is requesting a rezoning for a parcel of land, approximately 21.6 acres in size and is located Southeast of Highway 36 and County Road 13, from Rural Residential (RR) to Private Facility (PF) for the purpose of constructing a church. Pastor Denisson reported perk tests were done and gave a potential drainfield size of 30,420 sq.ft.. Jack Nelson, Washington County, completed the field review at this location, and the County has found that a permit can be granted for a driveway 15 feet from the South property line or thereabouts. A picture of their church in River Falls was shown.

Joe Schmid, works for Sheehy Construction Co. and has bought property on Lake Jane, stated he has toured the land and understands the property owners sensitivity to proper lighting. He felt this concern with light flooding onto adjacent property could be addressed by installing a baffle and by the height of the pole.

Jess Mottaz, 8770 DeMontreville Trail N., submitted a petition signed by owners of property within 500 feet of property proposed for

rezoning stating their reasons for opposing this rezoning. (See petition dated 1/16/90.) Mottaz added, the fact that people in this neighborhood have invested their life savings, to develop in a neighborhood where the City told them would be the kind of neighborhood that they would want to live in, object to the land use change. He did not see any hardship involved in this land and felt it can be developed for the use that it is presently zoned, Rural Residential.

Jerome and Diane Driscoll, 8737 DeMontreville Trail N., stated their concern is on the proposed driveway which is about 12 to 15 feet from their propertyline. Also, every year in the spring, in the back of his property there is a river running through it. He didn't like the idea of the driveway and large parking area because of the runoff that will come off of this and onto his property.

John and Barbara Hill, 8727 DeMontreville Trail N., voiced their concern on the traffic emptying out into this intersection. They tried hard to find a nice quiet atmosphere, which Lake Elmo did promise them. If there is a school built here, there will be noise from the children.

Roger Bruhn, currently Music Director for the church and has worked under Pastor Denisson for ten years, spoke for the integrity of Pastor Dan and his family<sup>who</sup> are upstanding members of the community.

Bob Olson, 8717 DeMontreville Trail N., spoke on his concern with the runoff from the hill which causes washouts in his property. Any adding of blacktop or roads would increase the runoff and create more washout for him. In regard to the traffic on Hwy 36 and DeMontreville, there are many times on Saturdays and Sundays, particularly in the morning, you cannot cross Hwy 36 to go West. It might help to have a Church there and a pastor close by for accidents. If rezoned, what would prevent the church from selling 10 acres off the 21 acres for some other public use.

Paul Kendrick, teacher in Forest Lake District and on the Fire Dept. and Rescue, stated there needs to be research and proof that more accidents are taking place at this intersection than normal. If there is, the Highway Dept. is responsible for taking care of this.

Bob Ahmann, Merrill Lynch Realtor, stated the property has been for sale for two years as residential and nobody wants it. Ahmann felt the location was good for a church and this was good use of the land.

Pastor Dennison explained he talked to the County Engineer who stated a type of diversionary waterflow would have to be installed if a blacktop surface parking lot would be put in. They could put in a swale so they can direct where you want the runoff to go.

Diane Driscoll stated the applicants do not have a specific building planned. They are saying a church with a possibility of a school. If this zoning is granted, no matter what happens to that land, we are going to have to live with this public facility.

Jess Mottaz stated he bought 23 acres of land with one house on it. As far as he is concerned, unless he is forced to sell it, no one has enough money for him to consider selling his property. Mottaz added, we are not opposed to a church, but are against people coming into an area that is developed, according to an area that is zoned, and asking this zoning be changed after people have invested money because they had trust in the City that this area would be developed as Rural Residential. If the Church wants to build some place, they can go into areas where they don't have such a drastic change.

Barb Hill felt ten years was not a long time for a church to be around, where her church has been around for 100 years; therefore, she has reservations, if this is rezoned to PF and the Church should fold, what happens then. If the Church goes in, would property values go down.

Jacob Bergmann, 8790 DeMontreville Trail N. asked if his taxes would go up if the church goes in there.

Chairman Enes closed the public hearing at 8:25 p.m.

The Commission thanked the Church representatives for checking into and addressing the lighting and traffic concerns. The Commission explained they are in the process of amending the PF and P Ordinances. The concerns on water runoff would be reviewed by our City Engineer. It has been the practice of the PZ in the past to postpone action for two weeks after a public hearing. Therefore, the following motion was made.

M/S/P DeLapp/John - to postpone consideration of the rezoning request by River Valley Christian Church until the February 12th PZ meeting. (Motion carried 5-0).

#### 5. Public/Private Facility Draft Ordinance

There was discussion by the Commission on what should be allowed in the Public/Private Facility Draft Ordinance, but no decisions were made. Each member was asked to consider what do they really want or don't want in the Ordinance for discussion at the next meeting. The City Attorney will be attending the February 26th Joint PZ/CC Meeting. If the members have questions, this is their opportunity to ask them.

#### 6. Other

The Commission was reminded of the Impact Fee Impact Session presented by The Sensible Land Use Coalition on January 31, 1990, Kelly Inn.

Chairman Enes encouraged members to attend a GTS training seminar "Beyond the Basics" when held at the Earle Brown Ctr.

M/S/P DeLapp/John - to adjourn the Planning Commission meeting at 10:28 p.m. (Motion carried 5-0).

TO: THE LAKE ELMO PLANNING COMMISSION

We the undersigned owners of property within 500 feet of property proposed for rezoning from RR to PF oppose this rezoning for the following reasons:

1. Those of us who own homes near or bordering this property were careful to choose the zoning in keeping with the neighborhood in which we wished to live, a residential neighborhood of low density use. Those of us who have land bordering this property have geared our future plans for it, taking into consideration rural residential low density use. We feel that changing the Zoning betrays a trust we have with the City of Lake Elmo and will, most certainly, reduce the value of our homes and property.
2. The proposed access road leads onto a busy and dangerous intersection, County 13 and Highway 36. This intersection has already been the scene of serious accidents. Something would need to be done to accommodate the safe coming and going of not only the congregation but the rest of us who use this intersection, especially on Sunday morning in the summer months when traffic on Highway 36 is very heavy.
3. We are concerned that "River Valley Church" does not seem to have any large parent body backing it up. If something happens to it's present leadership who will step in to take over? Our concern is, if this project fails and the property sold, we will be left bordering a property that could be used for even less an appropriate use in a residential neighborhood than a church.
4. We are also greatly concerned with the sewer and water considerations of a high density use property in the center of a residential neighborhood. Also, because this property is "high ground" to most of us the run off of parking lots, roads, etc in this proposed complex will certainly cause problems to those of us who sit below it.

We ask the Planning Commission to take into consideration our objections and vote "no" to the proposed rezoning.

*Robert R. Olson*

*Marilyn A. Olson*  
8717 DEMONTREVILLE TR. N.

*Tom McQuinn*  
8800 55th St, Lake Elmo Minn

*Jacob A Bergmann*  
8790 Demontreville Tr No

*John W. Hill* 55042

*Barbara A. Hill*  
8727 Demontreville Tr No  
Lake Elmo, Mn 55042

8718 Demontreville Tr. No.

Lake Elmo, MN. 55042

*Dei Kuckler*  
*Muriel Kuckler*

*Eva and Tim Smith*  
8428 NO. Demontreville trail  
Lake Elmo MN 55042

*Jerome P. Driscoll*  
*Deane M. Driscoll*  
8737 Demontreville Tr.

*Edward Springborn*  
*Gene Springborn*  
8989 - 55th St. No.  
Lake Elmo - Minn

*John H. Hill*

*Senae E. Matter*  
8770 Demontreville Trail  
Lake Elmo MN. 55042