

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  
JOINT MEETING OF THE  
LAKE ELMO PLANNING COMMISSION AND CITY COUNCIL  
FEBRUARY 26, 1990

1. Agenda
2. Minutes February 12, 1990
3. Comprehensive Plan (Mike Black)
  - A. Comprehensive Plan Text
  - B. Future Land Use Map
  - C. MUSA Future Land Use Map
4. Public and Private Facility Ordinance
5. Woodbury's I-94 Access Improvement Plan
6. Other
7. Adjourn

I am here to speak against the request to rezone a certain piece of property from Rural Residential to Public Facility by the River Valley Christian Church. There are three things that I would like the council to consider.

One - This is not a request to rezone for the construction of a church as no one can guarantee that a church will in fact be built, not the council and not even the Valley Christian Church. On the other hand what can be guaranteed is that we will be faced with the possibility, if the rezoning is approved, of a highway maintenance building, a county office building, a state drug rehabilitation

center or any number of public facilities possible under this catch-all zoning, probably none of which belong in a residential neighborhood.

Number two - Is there a lien on the property if the zoning is not changed? Of course there isn't. The fact that a person cannot sell his property as fast as he wishes or that he cannot get as much money for his property as he wants or that he may be losing money resulting from a poor investment in land speculation, as you well know, does not constitute a lien. This property is suitable for and can be developed as it is zoned for residential use.

The third point is one of credibility. We do not have a long neighborhood but a growing one. People here have spent thousands of dollars buying property and in some cases hundreds of thousands building a home in an area that the City assumed them would be residential. The City has an obligation to maintain this commitment to these home owners.

There certainly must be land in or around Lake Elmo where a church can be built where there is not the need for such a drastic zoning change  
Thank you

APPROVED

DATE APPROVED: 2/26/90  
DATE ISSUED: 3/9/90

LAKE ELMO PLANNING COMMISSION MINUTES

FEBRUARY 12, 1990

Vice-Chair Steve DeLapp called the Planning Commission meeting to order at 7:34 p.m. in the City Council chambers. Present: DeLapp, Bucheck, Stevens, Johnson, John, Conlin, Johnston, Arkell, Thomas, and Acting-Administrator Mary Kueffner. Absent: Enes, Wilfong.

INTRODUCTION OF NEW PLANNING COMMISSION MEMBERS

1. AGENDA

Add: 5. Review a RE Concept

M/S/P Bucheck/Johnson - - to approve the February 12, 1990 Planning Commission Agenda as amended. (Motion carried 9-0).

2. MINUTES: January 22, 1990

M/S/P John/Bucheck - to approve the January 22, 1990 Planning Commission Minutes as presented. (Motion carried 4-0-2 Abstain: Johnson, Stevens)

3. Election of Officers (continued)

The following Planning Commission officers were elected for 1990:

Chairman: Steve DeLapp  
Vice Chair: Wyn John  
Secretary: Ann Bucheck

4A. REZONING FROM RURAL RESIDENTIAL (RR) TO PUBLIC FACILITY (PF)  
River Valley Christian Church (continuation)

The Planning Commission had closed the public hearing and postponed recommendation on this request until the February 12, 1990 meeting.

Pastor Dennisen explained they requested an opinion from MnDOT on the traffic question, but have not received a letter. Pastor Dennisen handed out traffic count data from the Minnesota Dept. of Transportation for location, TH 36 WB W. of CSAH 13. He reported MnDOT did state they did not believe that an increase of 30 to 100 cars on a Sunday morning would pose a hazard. For intersections such as this, MnDOT stated normally three accidents a year are an average and this intersection is below average.

Ed Stevens stated the neighbors bought land there because they expected this would be a residential area. The City ought to keep faith with the people who have been induced to buy in a particular area and not change the character of the neighborhood.

Dick Johnson stated the land is located next to an intersection of a major highway, it does have a high voltage power line easement crossing it which, in his opinion, makes it less suitable for residential. If there hadn't been strong opposition from the adjacent property owners to the rezoning, this land probably does lend itself to PF Zoning.

Wyn John voiced his concern on the increased traffic flow and accidents at the DeMontreville intersection.

Ann Bucheck stated the 1986 Comp Plan and Future Land Use Map permits the adjacent property owners to enjoy the existing rural life style.

Bob Olson, adjacent property owner, stated this property is a beautiful piece of land and quite saleable as residential for the right person who wants to buy it.

Rita Conlin stated she believes in public trust, and the residents built there because they trusted the City this land would stay RR. Once PF Zoning is approved for this property, she had a concern, if for some reason the plan for a church does not go through, this leaves it open for something else to go in there.

According to the 1986 Comp Plan, Steve DeLapp stated the City has practiced conservative zoning policies which permitted residents to maintain a rural life style.

R. Thomas Armstrong, 1166 Nightingale Blvd., current owner of the property, stated the property has been for sale for four years, and the rural residential zoning has not been effective because he hasn't had one person interested in building a home there. He added he owned the land before the owners, immediately adjacent to this property, built their houses. Armstrong stated he had asked the PZ, two years ago, about the possibility of a commercial application on this property, but they were not interested in commercial zoning on Highway 36. Armstrong felt a church was a good compromise.

Pastor Dennisen explained he has proven wrong three out of the four statements on the submitted petition. He encouraged the PZ to make their decision according to the code or will you be basing it on what the neighbors' desire. He also noted the petition was signed by property owners within 500' where the code requires 350'.

Roger Bruin, River Valley Christian Church, asked the PZ to take the facts that were given because the church has addressed several points that were brought up.

Steve DeLapp handed out for PZ consideration a motion based on Findings of Fact. After the commission's review on the proposed motion, they corrected the location to SE, deleted Item #3 and Item #4 and deleted the word "significantly" from Item #6. (See attachment)

M/S/P Stevens/John - to recommend to the City Council denial of the request from the River Valley Christian Church for rezoning from Rural Residential (RR) to Public Facility (PF) of approx. 21.6 acres at the SE intersection of DeMontreville Trail and State Highway 36 along with the concurrent revision of the Comprehensive Plan Future Land Use Map. The Commission based its recommendation in view of the comments from the adjacent property owners and on the following Findings of Fact: (See amended attachment). (Motion carried 5-1-3: Bucheck: She was not in favor of the rezoning, but voted against the motion based on the Future Land Use Map and because the PF zoning ordinance is not clearly spelled out. Abstain: Johnston, Arkell, Thomas).

#### B. Public and Private Facility Ordinance

Mr. Mike Black, Planner with James R. Hill, Inc., reviewed the draft P and PF ordinance and offered his comments in his memo dated February 9, 1990. Mr. Black, will be attending the February 26th PZ Meeting; therefore, the Commission was asked to have their questions submitted to staff by Wednesday, preceding the meeting so Mr. Black can be prepared for them.

M/S/P Johnson/Stevens - to postpone consideration on the draft P and PF ordinance until the February 26th PZ meeting. (Motion carried 9-0).

#### 5A. PUBLIC HEARING: Large Lot Subdivision and Two Variances George Krueger, 11491 50 th St. N.

Chairman DeLapp opened up the public hearing at 8:55 p.m. in the City Council chambers. The Public Hearing notice was published and adjacent property owners were notified. There was no one to speak for or against the application.

Mr. George Krueger proposes to subdivide 12 acres from the 60 acres that he now owns for his homesite and sell the remaining 48 acres for a single family residence. Mr. Krueger would like to retain the 12 acres because he farms this and would like to keep the trees he had planted in the back of the parcel.

Mr. Krueger stated that if he retained ownership of the trees, he would be able to preserve them.

Staff pointed out if the large lot subdivision is granted, both lots will require a variance to the 4:1 lot ratio that is allowed by city code. Also noted in the background information was the proposed subdivision appears to meet the frontage requirement (300 feet) per lot in the Rural Residential (RR) Zoning District and each lot meets or exceeds the 10 acre minimum.

Chairman DeLapp closed the public hearing at 9:06 p.m.

Several commission members had walked the property and found the trees acted as a screen or a buffer.

M/S/P Bucheck/John - to recommend approval by the City Council granting a Large Lot Subdivision for 12 acres to be subdivided from the 60 acres George Krueger now owns for his homesite and the two variances to the 4:1 lot ratio that is allowed by city code be granted based on the fact Parcel A has an unusual hardship relating to the physical characteristics which is the grove of trees that act as a buffer screen and with Mr. Krueger owning the trees, this would insure preservation of the trees and granting of this variance would not be detrimental to the public welfare or injurious to other property. By accepting this large lot subdivision the second variance for Parcel B has to automatically be granted and by splitting the access evenly makes the least deviation from the code. (Motion carried 9-0).

B. PUBLIC HEARING: Elimination of Section 301-080  
Planned Unit Development from the Lake Elmo Municipal Code

Chairman DeLapp opened up the public hearing at 9:16 p.m. in the City Council chambers. Notice of this Public Hearing was published in the January 24, 1990 issue of the St. Croix Valley Press. There was no one present to speak for or against this ordinance.

This public hearing was to consider removing, in its entirety, Section 301.080 Planned Unit Development from the 1979 Lake Elmo Municipal Code.

Staff pointed out in the Background Information there was nothing in the PUD ordinance that is not covered in our platting ordinance and the platting procedure is much more clear and concise.

The Commission received a letter from the Lake Elmo Business Association, dated February 12, 1990, recommending against the elimination of the PUD from the code.

Chairman DeLapp closed the Public Hearing at 9:20 p.m.

M/S/P John/Stevens - to postpone consideration of elimination of Planned Unit Development from the Lake Elmo Municipal Code. (Motion carried 9-0).

C. Proposed Future Land Use Map  
Meeting with Council and Consulting Planner

Councilman Williams explained he has been working on the Council's Comp Plan Sub-committee and it became evident to him that the Future Land Use Map was not in concert with the Comp Plan philosophy because it showed too much, relatively high density development. Also, the Met Council has indicated they would like to have one house per 10 acres for an unsewered area because of the low demand on other services; such as roads. Therefore, Williams stated, he took into consideration the characteristics of the land, the location in the City, and developed a Future Land Use Map showing less Residential Estates (2.5 acre) Zoning. Councilman Hunt explained the proposed zoning alternatives along I-94, between Highway 19 and Highway 15, for 2 1/2 acre residential zoning or commercial zoning, whichever comes in first.



The Council has set up a Comprehensive Plan Workshop--Future Land Use Map with Planner Mike Black, for Tuesday, February 13th at 7:00 p.m. in City Hall and welcomes PZ members to attend.

On Monday, February 26th, 7:30 p.m., there will be a Joint Meeting between the Planning Commission and the City Council. Planner, Mike Black will be in attendance to answer any questions.

D. OTHER:

Staff submitted a concept received for an RE development proposal for the Carl Brogren property behind Foxfire. The Commission appreciated seeing what a plan with an overall 2.5 acre density would look like. Transfer of density (minimum lot size and distribution of lot size), length of cul-de-sacs (is it temporary or permanent) and appropriate park land dedication will be considered by the PZ.

M/S/P John/Johnson - to adjourn the Planning Commission meeting at 10:23 p.m.. (Motion carried 9-0).

## River Valley Christian Church--Rezone Application

The Lake Elmo Planning Commission recommends denial of the request from the River Valley Christian Church for the rezoning from Rural Residential (RR) to Public Facility (PF) of approximately 21.6 acres at the ~~NE~~ <sup>SE</sup> intersection of Demontreville Trail and State Highway 36 along with the concurrent revision of the Comprehensive Plan Future Land Use Map. The Commission bases its recommendation on the following findings of fact:

1. The Future Land Use Map calls for no change in zoning, which would under current road frontage requirements allow one residence.
2. Uses allowed under the PF zoning category could potentially be substantially more intensive than those uses now allowed.

DELETE: ~~3. Proposed changes in the allowed uses and standards in the PF zoning district could prevent implementation of the plans proposed by the requester.~~

DELETE: ~~4. According to the Lake Elmo Water Resources Inventory, most of runoff from the site in question flows to a groundwater recharge pond in the middle of an adjacent residential area. If this rezone were approved a 1% increase in the runoff combined with an artificial altering of existing drainage patterns could damage existing lots. In addition, the quality of the runoff water could be affected by parking lots permitted in this zone.~~

6. The maximum daily and hourly traffic count for Demontreville Trail, (which is a designated bicycle trail), would increase significantly beyond that anticipated by the current zoning.

7. According to the 1979 Comprehensive Plan, "The amount of land devoted to public uses substantially reduces the available land area for alternative uses." The site in question has been considered desirable residential land and continues to be desirable residential land.

8. According to the 1986 Comprehensive Plan, "the City of Lake Elmo and its predecessors have practiced conservative zoning policies. This has permitted residents to maintain an unthreatened rural life style within the context of a major metropolitan area." The local residents have unanimously indicated that they consider this possible rezone as being a threat to their current rural life style. Either the suggested church complex or any number of alternative PF uses could change the character of the existing residential neighborhood.