



**City of Lake Elmo
Planning Commission Meeting
Minutes of June 24, 2019**

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

COMMISSIONERS PRESENT: Cadenhead, Hartley, Holtz, Risner, Steil and Weeks

COMMISSIONERS ABSENT: Johnson

STAFF PRESENT: Planning Director Roberts

Approve Agenda:

M/S/P: Hartley/Steil move to approve the agenda with the removal of the May 29th minutes which were not included in the packet, ***Vote: 6-0, motion carried unanimously.***

Approve Minutes:

M/S/P: Hartley/Cadenhead, move to approve the June 10, 2019 minutes as presented, ***Vote: 6-0, motion carried unanimously.***

Public Hearing –

Conditional Use Permit - Carmelite Hermitage Chapel (8249 Demontreville Trail)

Roberts reported that the Planning Commission will not be making a decision on a recommendation on this item today. The applicant and staff have items regarding access to the site that need to be resolved. He also stated that since the a number of individuals plan to speak, the public input portion of the meeting will be tonight.

The existing Hermitage site is proposing to add a chapel that seats 54 people and provide a new parking lot for 18 vehicles. They are not planning to hold regular public worship services in the chapel. The proposed materials for the building meet or exceed the requirements in the Zoning Code.

A place of worship requires a conditional use permit in the Public and Quasi-Public Open Space district, which the site does not have. The existing use on the property is considered legal non-conforming. Adding the chapel is considered an expansion of the non-conforming use. The City must approve a CUP to add the chapel. The City approved the Master Plan for the Carmelite Hermitage in 1991.

The site has an existing driveway that connects the property to Demontreville Trail that is within an access easement. The City approved a variance for the access to this site in 1991. The driveway access being located within an easement has challenged the concept of direct access to a major collector road.

The proposed parking lot meets the zoning requirements. The City requires one space per six seats. There are 54 seats within the chapel so the Code would require 9 parking spaces for the chapel. The applicant has proposed 18 parking spaces and of these, one would be handicap accessible, which meets the Americans with Disabilities Act (ADA) requirements.

The proposed parking lot is located in the center of the property away from street right-of-way and from any property lines. The existing trees on the site provide adequate screening and landscaping around the proposed parking lot. Additionally, the site has extensive areas of trees and the since the proposed chapel would not be removing any existing trees, staff does not recommend that the City require additional landscaping on the property.

The City Engineer recommends that the storm water facilities for this development remain privately owned and maintained and the applicant shall provide a drainage and utility easement for storm water including the 100-year HWL and pond maintenance access road and access bench.

Rev. John Burns, representing the applicant, spoke about how the easement was established, why the driveway is located in its current location and that retreatants staying at the Jesuit retreat often use the road to walk to the Carmelite site. He stated that it is an 18 foot wide road. He does not believe that building a road to Hidden Bay Trail for access to their site would be good for the neighborhood. He also wanted to assure people that they have no intention of advertising nor having additional traffic to the site by adding the chapel.

7:40 pm – Public Comment

Eric Littman – 8619 Hidden Bay Trail – in favor of the CUP without requiring a new access road to the south. He suggested that for the last 30 years the site has produced little impact on traffic and the proposed use will likely not increase traffic. The construction of a new access point would significant alter the character and disturb wildlife and quiet in the area.

Dave Carlson – 8554 Hidden Bay Trail – in favor of the CUP without requiring a new access road to the south.

Mark Fritch – 4563 Birch Bark Trail – do not support a new access road, but are in favor of the chapel. Currently a busy day on their road is 10 cars.

Elizabeth Schwab -1409 Granada Trail, Oakdale – attends mass at the sisters chapel, she said there is 2-3 cars on average daily.

Martin Chambers – 4689 Birch Bark Trail – in favor of the chapel and not supportive of an access off Hidden Bay Trail. He values the quiet neighbors.

Steve Singer – 8628 Ironwood Trail – has been attending retreats at the Retreat House since 1983. When he is on retreat he walks the road way as a walking path and is concerned about safety with additional cars. He wants them to build their chapel, just wants it to work together.

John Meyer – 4731 Birch Bark Trail – agree with building the chapel without requiring a new access road to the south.

Eric Abraham – 8548 Hidden Bay Trail – in favor of the chapel without requiring a new access road to the south. He mentioned that safety could be as much a concern if a new driveway is constructed.

Mike McTege 1486 Violet Lane Eagan. He has attended programs for 45 years at the Jesuit Retreat. He believes that a public church is not needed for this order of the faith. He states if the traffic numbers are as low as people claim, it should not affect other neighbors and there should be a new access. He also believes the City should not approve the CUP.

Tom Vander – 105 Walker Ave, Wayzata – have been attending the Jesuit Retreat for 32 years. The use of the property from Monday thru Wednesday is very different than from Thursday through Sunday evening, specifically the use of the road. He also mentioned that the staff report does not include the information regarding the other access point and should be included in the public record.

Tim Keene, 60 South 6th St., Minneapolis - attorney for the Jesuit Retreat House. He stated that the subject property has a 3.5 mile long driveway in an easement that is not direct access to a public street. The Jesuits have a different take on the use of the existing easement and the right to expand on easement and possible expansion.

Brian Huntington, an attorney from Larkin & Hoffman in Bloomington. He supplied the Planning Commission with a letter of the stated objections from the Jesuit Retreat House. He read a condition from the variance that was granted – that any further expansion of this property shall comply with current zoning regulations. He pointed out that when the variance was obtained they represented that the property did not have

road frontage and would not be used for public worship. He also mentioned that the Carmelites have been fundraising for this chapel and feel that is advertisement.

Frank Sherwood – 800 LaSalle, Minneapolis – He stated he is real estate expert of 40 years and is opposed to the CUP.

M/S/P: Cadenhead/Steil moved to table the discussion and action until they received a clear defined request or requests from the applicant.

Temporary meeting recess called at 8:15.

8:25 pm resumed meeting.

Business Item – Screening Requirements and Off-Street Parking Regulations in Rural Residential Zoning Districts Draft Ordinance

Roberts read the draft ordinance language.

Commission members helped clean up some numbering and wording issues.

M/S/P: Hartley/Risner, move to finalize the language and legal review and hold a public hearing, ***Vote: 6-0, motion carried unanimously.***

City Council Updates – June 18, 2019

1. Springs Apartments amenity points was a discussion at the City Council meeting. The Council talked through each point and concluded that the project qualifies for 15 points and that if they completed the theming they would qualify for 17 points which would allow them to build 300 units.
Discussion regarding PUD points and revisiting the ordinance.

Staff Updates

1. Upcoming Meeting
 - a. July 8, 2019 – Ordinance amendment and another PUD along 39th next to Arbor Glen.

Meeting adjourned at 8:36 pm

Respectfully submitted,

Tanya Nuss
Permit Technician