

City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

MEETING NOTICE

The Lake Elmo Planning Commission will meet Monday, September 14, 1998 at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota.

AGENDA

1. Agenda
2. Minutes August 24, 1998
3. PUBLIC HEARING
Oakdale Gun Club
Northeast Quadrant of 10th Street and Keats Avenue
Amended Conditional Use Permit
(Note: OP Memo for your information)
4. PUBLIC HEARING
Zoning Ordinance Amendments – PUBLIC FACILITIES
5. Zoning Ordinance Amendments – ACCESSORY STRUCTURES
6. Zoning Ordinance – FENCE
7. OTHER
8. Adjourn



Approved

**City of Lake Elmo
Planning Commission**

**Meeting Minutes
Monday, September 14, 1998**

Chairman Armstrong called the meeting to order at 7 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Berg, Carlson, Helwig, Herber, Mandel and Sessing. Absent: Commissioners Brass and Graczyk and Councilmember Johnston. Also present, City Planner Dillerud.

1. AGENDA

7.a Chairman Armstrong; add discussion – OP.

**M/S/P Helwig/Sessing – to approve the agenda, as amended.
(Motion Passed 7-0).**

2. MINUTES

**M/S/P Sessing/Berg – to accept the minutes from the August 24, 1998 meeting, as presented.
(Motion Passed 7-0).**

3. PUBLIC HEARING – Oakdale Gun Club

**Northeast Quadrant of 10th Street and Keats Avenue
Amendment to CUP**

City Planner Dillerud reviewed the history of the Oakdale Gun Club which extends back to 1965 and most likely further. He said it appears that the most current CUP was issued by the City in 1988 and has been annually renewed. He said the demolition of the existing barn structure was nearly completed. He said the Gun Club proposed the construction of a replacement storage structure of 2,800 square feet and noted the location; demolition of the caretaker's residence and replacing that with a new residence of 1,175 square feet with an additional 3-car garage of 832 square feet; relocation of the main access road to the site approximately 600 feet to the west of the existing entrance. Said staff recommends approval of the CUP amendment as proposed, based on the opinion of the City Attorney, they also recommend that the approval action be conditioned on the amendment of the Comprehensive Plan to reclassify the west 40 acres of the Gun Club site from OP to AG, as it was classified prior to the "OP Amendment" to the Comprehensive Plan.

Chairman Armstrong opened and closed the comment portion of the PH at 7:15 p.m., NO COMMENTS.

Chairman Armstrong and Commissioner Berg stated they are not opposed to the proposed amendment and support the issue, in terms of the intention of the OP reclassification. Commissioner Helwig said he had heard off-hour shooting. The applicant said there were plans to install an electronic gate and that should help remedy any unlawful activity.

M/S/P Mandel/Carlson – to recommend approval of Resolution No. _____, granting a Conditional Use Permit Amendment to the Oakdale Gun Club to allow construction of a caretaker residence and storage building based on the following findings:

- 1. The proposed CUP Amendment will not result in additional impact on the public health, safety, morals or general welfare of surrounding property. The operation of the Gun Club will not be altered from that which presently is experienced as the result of this amendment.**

2. The anticipated traffic conditions related to the use of this site may actually improve as the result of this amendment by substantially increased setback of the residence, and the enhanced traffic stacking area from 10th Street.
3. Effect on public utilities and school capacity is not applicable.
4. There may be improved visual impact and adjoining property values resulting from removal of the barn and existing residence.
5. While the existing land use (target range) appears to be inconsistent with the Comprehensive Plan since 1996, the single family residence and storage building replacement proposed by this application as an amendment to the existing Conditional Use Permit would not be.

And, including the following conditions:

1. Compliance with all terms and conditions of City Council Resolution No. 88-5, Approving a Conditional Use Permit for an outdoor target range to Oakdale Gun Club.
2. Demolition of the existing residence.
3. Amendment of the Land Use Element of the Comprehensive Plan to reclassify the west 40 acres of the Oakdale Gun Club property from OP (Open Space Preservation) to AG (Agricultural). The regrading of the land should be in the context of the overall Comprehensive Plan Amendment.

(Motion Passed 7-0).

**4. PUBLIC HEARING – PUBLIC FACILITIES
Zoning Ordinance Amendments**

City Planner Dillerud reviewed the process in creating standards, to date. He presented two overhead views of Public Facility guided locations in the City, existing and future. Advised the Commission to keep citywide impact in mind when making recommendations. He asked them to measure the entire City, not one specific site.

Chairman Armstrong noted, for the record, letters to the Planning Commission; 1) Joan and Steve Ziertman; 2) Lakewood Evangelical Free Church. (attached)

Chairman Armstrong opened the comment portion of the Public Hearing at 7:43 p.m.

**Bryan Latchaw Pastor-Parkview Community Church
10240 Stillwater Blvd.**

Asked what are the Citywide considerations and if Pastors can be involved in the decision making process.

**Dan Dennison - Pastor-River Valley Christian Church
5900 Lake Elmo Ave.**

Has concerns regarding Subd.2.b.4, 5, 6. and Subd.6.a.vii. of the proposed ordinance. Reminded the Planning Commission that when a daycare business in Lake Elmo had a fire which destroyed their facility, it was a Lake Elmo Church that offered their facility until the daycare business was rebuilt.

**Charles Palmer - Lakewood Evangelical Church
660 Edith Avenue**

Mahtomedi, MN 55115
Read a prepared statement. (Attached)

**Jerry Schwartz
82 Cimarron**

He asked the Planning Commission to take a closer look at this ordinance. Said he felt that churches and the programs they offer are an investment in the youth of the future.

Jeffrey Roos – MFRA
Representing Apostolic Bible Church
15050 N. 23rd Ave.
Plymouth, MN

He said his church had discussed building and currently the church is a permitted use on the property, but this ordinance reflects a substantial change. He discussed the buffering areas, and presented drawings of several different scenarios showing where a facility would be situated and how the 200 ft. setback would negatively affect a church's ability to grow. He said there is a willingness to co-operate with the City in future planning regarding PF. He also presented a letter dated September 14, 1998 (attached).

Jim Bonhom
8549 Cherrywood Trail

He said he has been a resident and coached youth for many years. He said going to a high school or another public facility is not always an option, and sees athletic fields and such at a local church as a place that could be free of drugs, and drinking, etc. He said the youth of the community need a safe place.

Jim Arkell
8131 Hidden Bay Trail

He said when he read the proposed ordinance that he felt its purpose was to create a "country church" on a small bit of land. He said this is not the case anymore, needs have changed and the community cannot be served by less than a multifunctional church. He asked that this issue be sent back to committee.

Penny Demko – Resident and Local Business Owner; Lake Elmo Floral
3929 Innsdale Avenue

She said as a business owner and parent of children in the community, she donates time and money to community programs such as the "scouts" and other events. Said these programs are typically connected with a local church. Said she goes to a church outside Lake Elmo because Lake Elmo does not have a church that meets her needs, regarding daycare and sports center, etc. Feels this ordinance is too restrictive regarding churches.

Joe Kvaase
4605 Olson Lake Trail

Thinks this ordinance is an extreme reaction and hates to see government controlling what a church can and cannot do. She said this is not the horse and buggy days and with the moral decay lately, we need to offer more church facilities. She said she sees the church as the backbone of our culture and wants this sent back to committee.

Dr. Jerry Rouse – Sr. Pastor Lakewood Evangelical
5111 Hilltop

Said he feels this ordinance is unfriendly to churches. He said he feels it crosses a fine line between church and state issues and it goes to far to restrict how a church can serve the general public. He said public schools, which are an allowed use, can provide athletic facilities but a church cannot, according to this ordinance.

Ken Larson
8200 Hidden Bay Trail

He asked the commission to reconsider and feels they should encourage churches into the community. Said he felt this ordinance was too harsh and restrictive to churches. He said that many hospitals,

educational and other public service institutions are the direct result of churches. He asked that this issue be tabled.

Larry Feldhahn

7898 DeMontreville Trail N.

He thanked the Planning Commission and Chuck Dillerud for their hard work on this ordinance. He said he was cautious about the seminary reference and also that the 50% maximum impervious surface figure may be out of line. He said he wanted the commission to consider 1st Amendment rights by churches.

Chairman Armstrong closed the comment portion of the PH at 8:45 p.m.

Chairman Armstrong said that usually, the planning commission had an "empty room" at meetings and urged the public to participate in the process. Encouraged the audience to keep up with their input to City staff.

City Planner Dillerud said he had kept track of specific questions from the public and would be happy to address them. He said in his experience it is better to start off with "more ordinance" rather than too little. He pointed out that over and over again the desire of the community has been to remain "rural" in appearance and character. He said there has to be a way to blend the contemporary church setting with the rural desires of the community. He said to look at churches in the community now, and they represent what the City has in mind. He asked the planning commissioners to tell him what they want, and he will draft it. Regarding specific issues raised in the testimony heard: Outside athletic fields; Goal prohibiting them - intent was to try to make this a Sunday religious organization. Education; Religious education, a day school would be a business operation and impact a neighborhood. Daycare Centers; Common in churches but again, day to day operation. Services to the General Public; same as the others, impact of ministries and seminaries will have an effect on residential neighborhoods. Broadcasting; intent was to preclude the "antennae farm" that would go along with a major broadcast. This would not preclude videotaping and rebroadcast. Siding; Intent is that additions exterior be consistent with the existing building. Lot size/structure 15 acre maximum; Lake Elmo may not be in a position culturally to deal with a "mega-church". He agreed that 50% impervious surface was too high. Non-conforming uses for all existing churches; yes, they would be. The intent is not to be unfriendly to churches, the impact potential is apparent. Agrees that churches are the fabric of any community.

Chairman Armstrong encouraged all the representatives from the local churches put into writing and direct to the City Planner, the current uses and goals and what they may feel will be restricted by the ordinance as it is proposed.

M/S/P Carlson/Armstrong – to table the PF ordinance discussion until its September 28, 1998 meeting and notice be sent to the local church officials in order for them to have an opportunity to provide input.

(Motion Passed 7-0).

Commissioner Carlson left the meeting at 9:20 p.m.

TEN MINUTE BREAK

5. Zoning Ordinance Amendments: Accessory Structures

City Planner Dillerud reviewed the changes made to the Accessory Structures

M/S/F Helwig/Berg – to change the size of accessory structures in the residential zoning district of over 2 acres to 1500 square feet.

(Motion Failed 2-4-0).

**M/S/P Armstrong/Mandel to direct staff to call a Public Hearing for the October 14, 1998 Planning Commission Meeting.
(Motion Passed 6-0).**

6. Fence Ordinance

City Planner Dillerud said the main issue facing the commission at this time is the snow fence portion of the fence section of the code. He said it was not necessary to have a Public Hearing on this issue.

Chairman Armstrong said the main concern with snow fencing is neighbor impact. Discussion continued.

City Planner Dillerud will bring draft amendments to the next meeting.

7. Other: OP Ordinance

The Commissioners discussed the OP Ordinance fundamentals.

M/S/P Armstrong/Sessing – to: 1) Repeal the OP Future Land Use map back to pre-1996 status; 2) Re-establish the OP in the Comprehensive Plan as an overlay district; 3) Give special concern to avoid RED development patterns.

(Motion Passed 4-2). Opposed: Berg, Helwig.

Chairman Armstrong adjourned the meeting at 10:05 p.m.

Respectfully submitted, Cynthia Young-Recording Secretary

To: The Lake Elmo Planning Commission members

From: Joan and Steve Ziertman
5761 Keats Ave

Date: September 14, 1998

RE: Proposed changes to the Public Facilities Ordinance

RECEIVED
SEP 14 1998
CITY OF LAKE ELMO

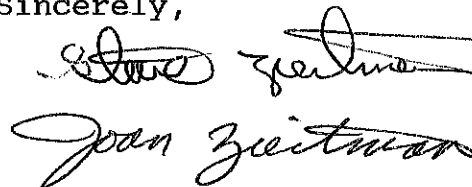
We would like to take this opportunity to express our views regarding the proposed changes to the public facilities ordinance. We would like to express our opposition to item #6 under Churches and places of Worship. We feel that this item is very restrictive and prohibits things that would be greatly beneficial to the community.

Being one of many young families in the community, we feel that a day care in a Church or place of Worship would be a great asset to the community. Many parents of young children would like the security of knowing that their children are in a safe place. We don't understand why you would want to prohibit services to the general public. Churches and places of Worship can offer many good services to the residents of Lake Elmo. Examples of this would be support groups, Boy Scouts, Girl Scouts, Etc. We are confused by the fact that in item #6 schools are prohibited by the church, but back in item #H a private school is an allowable use. Private schools normally are affiliated with a Church or place or Worship.

Joan, having grown up less than two blocks from a very large Church with a grade school, can attest to the fact that Churches and places of Worship can greatly enhance a community if given the opportunity. The facilities there are utilized not only by members of the Church and School, but also by the other members of the community.

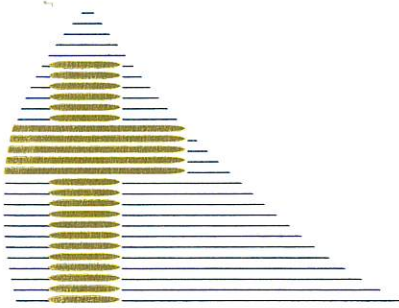
We feel that by placing so many restrictions on the Churches and places of Worship in Lake Elmo, you are robbing the community of some valuable resources. Please reconsider some of these items and think about the positive impact that they could have on the community as a whole. Thank you for your time and consideration.

Sincerely,



Steve Ziertman
Joan Ziertman

CC: City Council Members



Lakewood Evangelical Free Church

2600 East County Road E • White Bear Lake, Minnesota 55110 • (612) 770-3172

RECEIVED
SEP 11 1998
CITY OF LAKE ELMO

September 11, 1998

Tom Armstrong
Chairman, Planning & Zoning Commission
City of Lake Elmo
3800 Laverne Ave. North
Lake Elmo, MN 55042

Dear Mr. Armstrong,

It is with grave concern and disappointment that we read the proposed zoning requirements for PF facilities in the city of Lake Elmo. From the standpoint of a church, some of these requirements seem overtly restrictive and decidedly unfriendly.

For instance, the requirement that the lot size maximum be 15 acres, with an impervious surface coverage maximum of 50% not only restricts the scope of a church's ministry, but it requires a church to consolidate buildings and parking lots into a small area rather than a campus like setting. This lot size maximum seems arbitrary and unnecessarily restrictive.

Our reading of the proposed ordinance would seem to eliminate the possibility that a church could provide day-care in its facility. With the documented shortage of day care facilities in the metro area, this requirement seems to be very anti-family. We believe adequate childcare adds to the desirability of a community and provides for legitimate needs where two parents work or where single parents must work. This provision is, in our view, an unnecessary restriction, which may negatively impact the children and working parents in the city of Lake Elmo.

The proposed requirement stating "no exterior athletic fields or interior athletic facilities shall be permitted" deprives church congregations of important ministry opportunities for young people. How many schools, which also serve young people, would not have a gym or athletic fields? We find it hard to believe that the city would consciously seek to restrict a church's ability to serve the young people in it's community.

Our congregation has been seeking to work cooperatively with the city of Lake Elmo to resolve issues related to property we own in order to provide eventual rezoning for PF. Several of our members asked to provide input in this process to ensure that the needs of churches were met. Despite these specific requests to provide input, we were not

Several of our members asked to provide input in this process to ensure that the needs of churches were met. Despite these specific requests to provide input, we were not given this opportunity. We believe that many of the PF zoning requirements as proposed, are arbitrary, unfriendly to churches and need to be revisited and adamantly request that the city reconsider the specific needs of congregations before adopting a PF zoning ordinance.

We write this letter as a land holder in the city of Lake Elmo who is deeply dismayed and surprised at the proposed ordinance and the provisions outlined above which are anti-family, unfriendly to churches, deprive young people of athletic facilities and overly restrictive to organizations whose primary mission is to provide valuable facilities to the public.

Therefore, we ask you, and the planning commission, to send the proposed ordinance back to the committee and to seek significant input from churches in the community before adopting a PF ordinance.

Sincerely,



Timothy J. Addington
Chairman, Lakewood Evangelical Free Church

Cc: Wyn John, Mayor, City of Lake Elmo
City Planner
City Administrator
Planning & Zoning Committee Members
City Council Members

**Public Facilities Ordinance Public Hearing
Lake Elmo City Hall
September 14, 1998**

Thank you, Mr. Chairman, and members of the Planning and Zoning Commission for allowing me to speak tonight.

My name is Charles Palmer and I am here to speak to you about the proposed Public Facilities Ordinance on behalf of Lakewood Church, which, as you probably know, owns a piece of land at the Southeast corner of Highway 36 and Keats Avenue.

The Leadership, Pastoral staff and people of Lakewood Church are a reasonable group of people who simply wish to build a Church on the land we own in Lake Elmo. I think it is important to note, without reviewing all of the detail of the last two years, that you approved a re-zoning request which we placed before you several years ago, and for that we thank you. Shortly after that time the City Council, upon the advice of the City Attorney, made a decision to reject a change in the Comprehensive Land Use Plan which, in essence, forced us to withdraw our request for re-zoning at that time.

The reason this ordinance is so important to us is because we have been told repeatedly that the City of Lake Elmo currently has a poor Public Facilities Ordinance. Directly and indirectly we have been told that no one is against building a church in Lake Elmo, it's just that a new Public Facilities Ordinance must be in place to appropriately regulate what we would do with the land when it is re-zoned. Although we did not like the answer we received, we accepted it and began to seek ways to work with the City to have input to a new Public Facilities Ordinance. I heard many times, in meetings held by the City Council, that they needed a Public Facilities Ordinance, which would work for all Public Facilities, including Churches. The new Ordinance the City Council seeks would provide direction and some clear cut answers and regulations as to what can and cannot be done in a Public Facilities zoned area under a conditional use permit.

This is why I was surprised and extremely disappointed by the Final Draft of the new Public Facilities Ordinance for which this Public Hearing is being held tonight. Several months ago I appeared before this Commission and offered to work with you, as a concerned individual, to explore regulations and provide feedback as you developed a new Public Facilities ordinance. I suggested that information we, and others in the community, could provide would help shape an ordinance that was good for the entire community. I have learned in 25 years of business that working with a group of concerned individuals, up front, is generally the most effective way to come up with an excellent result. I believe that working with an "ad hoc" citizens group, including representatives of your local Churches, is the way that drafts of new ordinances should be developed in a community. Involving people up front, especially when they specifically ask to be involved, can in the long run save a lot of time and reduce the negative feedback such as you are hearing tonight. To the best of our knowledge, this draft was made final without any input from those it most affects and we believe this is most unfortunate.

Now to the specifics of the proposed final draft of a Public Facilities ordinance:

Subd. 2. (b) 1 limits Churches and Places of Worship (I'll refer to them as Churches as I respond to points in the draft) to a location which has direct access to a public street classified by the Comprehensive Plan as Major Collector or Arterial. This "one size fits all approach" is overly restrictive to Churches and some other public facilities. We understand the need to have appropriate capacity to handle the traffic of certain public facilities, but others, and a small Church could be one of these, may not need, and should not be restricted to, being on a Major Collector or Arterial road. We suggest a change to this section, and many of the other sections such as cemeteries or parks, which would provide a graduated scale which regulates the type of road a PF is located on based on the anticipated traffic generation, i.e. the required capacity. This is reasonable, logical and fair. It is also easy to use since each PF has to identify its intended use and traffic impact when the conditional use permit is requested.

Subd. 2. (b) 4 prohibiting exterior athletic fields or interior athletic facilities is a totally unnecessary provision. We are puzzled as to why it is even in the ordinance related to Churches. Any Church built today wants to serve its youth and provide recreational opportunities to its congregation. Virtually every Church in our country either has indoor and/or outdoor recreational facilities, is planning to add them, or wishes they could add them, but are restricted by finances or lack of building space. In my community there are very few public facilities offering recreational facilities. As a taxpayer it hit my pocketbook when the City had to build several ball fields and a soccer field at a huge cost. Churches offer these facilities not only to their own congregation, but also to, in general, the youth of the community. I ask you to consider why you would want a PF Ordinance to prohibit free recreational facilities for the people of the Lake Elmo community? We ask that this provision be removed from the Ordinance because, at best, it serves no purpose for the public good, and at worst, is unfriendly to the youth of the community.

Subd. 2. (b) 5. We object to, and request the removal from this ordinance of the restrictions on broadcast of religious services or other telecasts by Churches. We believe this overly restricts our freedom to use this medium to minister to the people of the community at large. This provision is unnecessary, and although we have not sought specific legal counsel, probably illegal in the manner in which it specifically and only prohibits this of Churches, and is so broad in its application as to prohibit any broadcast or telecast except if we use the local cable system.

Subd. 2. (b) 6. When I first read this prohibition on Church schools, day care and other Church offices I thought that it was a typographical error. When I finished reading the whole ordinance I was even more confused because Subd. 2. (h) provides for Public and Private Schools. Why are you specifically excluding Church schools in one provision of the ordinance, and allowing private schools in another? A Church school is a private religious school, this leads me to ask you if a Church can have a school under the draft ordinance? Even more importantly to Churches is why, in the first place, you would exclude a private Church school in your community and allow any other private school.

The ordinance also excludes many other Church facilities which we think is unnecessary, but the one that causes us the most concern is the total prohibition of day care, not just in Churches, but in Public Facilities in general. The media recently announced that there is a shortage in the Metro area of day care for over 4,000 children in Washington, Ramsey, Anoka, Dakota and Hennepin counties. I recently heard that some parents in our community are grumbling because a large Church only a few miles from here has closed their day care enrollment because they are full and they have no place to take their kids. Surely you have working parents in Lake Elmo who would benefit from a reasonably priced, safe and healthy day care center which could be provided by a Church or another Public Facility like a YMCA, or Community center. Please do the working families of your community a favor and remove the day care prohibitions from this ordinance.

I don't know what to say about the statement in the Church section of the draft ordinance which states "services to the general public is prohibited". Churches exist for the benefits of both its members and non-members—the general public. In our Church Vision statement we have a provision on Community Impact. It reads:

"We envision a congregation that serves our community through personal involvement and the sharing of resources and facilities. We desire to meet community needs as we are able."

Other Churches, I am sure, have similar visions that are, in my literal reading, prohibited by this ordinance. Currently the Senior Citizens meet in our facility twice a week. The YMCA T-Ball groups have used the ball fields. The Clown Club meets in our fireside room. This ordinance, in my view, could be interpreted as a prohibition of these kinds of "general services to the public" and could mean that Churches would not be able to offer these valuable services to the Lake Elmo Community!! Clarification of this statement is needed or it should be removed from the ordinance!!

Finally, I would like to address the restriction on lot size. Again, you have attempted a "one size fits all" solution. Each type of Public Facility has different needs and requirements. Even among Churches one Church may be very happy with a local ministry that is well served by only a few acres while another Church has a more

regional view and desire a campus setting requiring 40 or more acres. In fact, most Churches today cannot afford to put up their entire facility at one time and use a phased approach. They begin with a fellowship hall which is also used for Worship, and maybe a modest gym and Christian education wing, hoping they have enough money left to pave a small parking lot. They'll later expand the gym into a youth center and add some more Christian education space, outdoor ball fields, and maybe a little more parking. As growth occurs they may finally, after many years, get to the Worship center they really need and desire. This is almost always done in a campus approach, which requires a lot of space. Space is also very desirable to keep the noise and lighting issues to a minimum. We believe that another approach needs to be developed in the wording of the ordinance to allow for different kinds of needs by public facilities and that 15 acres is an arbitrary and restrictive lot size maximum which must be changed.

In conclusion, Mr. Chairman and members of the Commission, we believe that this draft ordinance is extremely restrictive and unnecessarily prohibitive to Churches, while saying little or nothing about how to deal with other types of Public Facilities. I do not believe, from what I heard in various meetings of the City Council I attended, that this draft accomplishes the goals and instructions of the City Council to develop a sound and comprehensive Public Facilities ordinance. We strongly request that this draft ordinance be sent back to committee. We believe that this committee should work with an "ad hoc" committee of concerned citizens, including representatives of the Churches, to develop a fair, reasonable and legally defensible Public Facilities Ordinance for the City of Lake Elmo. If you are willing to take a step back, work with this group of concerned citizens, and then come back to Public Hearing, I think you will find a completely different atmosphere—one of support, appreciation and affirmation for a job well done. Together we can design a model ordinance, which will serve the community well for many years to come.

I know I took a long time to explain our views, but this is a very complex and important matter—important to the Churches, but also very important to all the citizens of the City of Lake Elmo. Thank you for your kind consideration. I am sure that after hearing this, and what others have to say, you will want to send this ordinance back to committee for the appropriate and fair revisions it requires!



September 14, 1998

Lake Elmo Planning Commission
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

SUBJECT Public Hearing
 Revised PF Zoning District Ordinance
 MFRA #8815

Dear Commissioners:

Thank you for the opportunity to have input on the revisions to the PF Zoning Ordinance. Before making specific comments, we would like to give a brief history of events that pertain to our site.

In 1988 the Apostolic Bible Church purchased approximately 38 acres of property on 10th Street North in Lake Elmo. The intention was to build a church on a portion of the property and so, the church proceeded in 1989 to have 14.352 acres of the site rezoned to "PF." Since that time, the City's Comprehensive Plan Maps and Zoning Maps have shown this area as a Public Facilities site.

It is still the church's intention to build on this site. In November 1997, representatives from the church met with the Lake Elmo City Planner and informed the City that the church had retained an architect and that construction would begin in 1998. We were told that the church was a permitted use in the PF Zoning District and then given a copy of Chapter 3, Section 300, Subsection M., Public Facilities and Quasi-Public Uses, We were also told that in addition to a building permit we needed permits from the Valley Branch Watershed District and Washington County Public Works Department.

The basic design of the church was completed during the winter months and in June 1998, we again met with City staff to review the initial site layouts. To our surprise, we were informed that without notification to us, a moratorium had been placed on the development of PF Zoned properties. That action has interrupted the schedule the church had presented to the City and has now prevented us from beginning work this year.

We since have been advised that the City was revising the PF Zoning portion of the Ordinance and that our first opportunity to participate in the process would be the public hearing on September 14, 1998. The following are our initial comments, which generally compare the proposed revisions to the existing Ordinance which was used in the planning of our site.

- Item 1** Subd. 1, Purpose and Intent – We suggest the word “subordinate” be replaced with the word “appertaining.” The word subordinate implies uses of less importance while the work appertaining implies uses that are naturally associated with the other overall land uses.
- Item 2** Conditional Use versus Permitted Uses – This is a substantial change from the existing Ordinance and involves much more than just adding an additional level of process. Our existing PF Zoned site has been through the public hearing process and has been planned and zoned prior to any abutting development activity. This change in the Ordinance severely hampers this church’s or any church’s ability to build under a phased program, since every phase could be subjected to a different set of rules.
- Item 3** ISTS Restrictions – Any church ISTS design will include a dosing tank which will gradually discharge peak daily flows (Sunday) throughout the remaining days of the week. Two of the restrictions, 235 gallons per day per net acre of land or 5,000 gallons per day system are reasonable limits. The 3.0 SAC units per 3.5 acres is much more restrictive and does not have technical basis for being so. We would like to suggest combining the subsections 2(b)2 and 2(b)3 and using 235 gallons per day per net acre of land or 5,000 gallons per day, whichever is more restrictive. This would also allow the church to examine a common ISTS that would serve both the church and some abutting residential sites.
- Item 4** Athletic Facilities – We do not understand the exclusion or prohibition of athletic facilities in church campuses. Weekly play activities are a big part of every church community’s life. Fellowship halls double as recreation areas, open areas are used for organized activities during daily vacation bible school, etc. We recommend that this subsection either be deleted or rewritten to allow reasonable athletic activities that are typically associated with modern churches.
- Item 6** Structure Uses – Church structures help provide space for many community needs beyond those directly related with the church’s religious programs.

Examples would be senior citizen activities, scouting activities, polling stations, recitals, day care, special schooling (tutoring), and many others that need the space and facilities that a church can provide. A church is a quasi-community center and we sincerely request these uses be allowed.

Item 7 Minimum District Requirements

- a. Lot Size Maximum – 15-acres – this is a small “maximum” limitation. All other horizontal criteria are minimums. This could be restrictive for churches unless other limitations are changed.
- b. Structure Setbacks – 75-feet – This is more than the existing Ordinance, but is reasonable for structures with a height of 50-feet.
- c. Buffering – the insertion of this requirement is an unreasonable demand and effectively prohibits the development of church sites in Lake Elmo. There are adequate setback and landscaping standards to provide buffering without this exorbitant demand.

The Ordinance as written prevents the development of a viable church facility in the City of Lake Elmo and places most, if not all existing churches in an untenable, non-conforming status. Unless rewritten, it will, in our opinion, constitute a public taking of our existing property.

Throughout our meetings with the City of Lake Elmo, we have always stressed a willingness to cooperate, work within existing standards and develop a church facility which will be a benefit to the entire community. That is still our objective and we will continue to work with the City towards that end.

Sincerely,

McCOMBS FRANK ROOS ASSOCIATES, INC.



Jeffrey J. Roos, P.E.

JJR:pry

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