

**APPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
MAY 14, 2013
7:00 PM**

CALL TO ORDER:

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission of May 14, 2013 to order at 7:00 P.M.

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Judy Coughlin, Mathew Engstrom, Mark Lobermeier, and Frank Storm.

Members Absent: Ken Meyers.

Also Present: Zoning Administrator Fred Weck, Council Liaison Roger Elmore.

DETERMINATION OF A QUORUM:

Chairman Storm determined a quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

“An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate.”

No members of the public spoke.

APPROVAL OF MINUTES:

- 1. Consider approving the minutes of the Regular Meeting of the Wyoming, Minnesota Planning Commission for April 9, 2013.**

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER COUGHLIN, SECONDED BY PLANNING COMMISSION MEMBER ENGSTROM, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR APRIL 9, 2013.

Voting Aye: Coughlin, Engstrom, Lobermeier, and Storm.

Voting Nay: None

Abstain: None

NEW BUSINESS

- 2. NONE**

PUBLIC HEARINGS

- 3. Zoning Ordinance Amendment – Deleting as a Permitted Use Social, Fraternal, or Charitable Organizations from the CBD and C Districts and adding as a Conditional Use Social, Fraternal, or Charitable Organizations in the A, R-1, R-2, R-3, R-4, and R-6 Districts.**

Zoning Administrator Weck explained to the Commissioners that after Grace Church submitted the application to amend the Zoning Ordinance to allow churches as a conditional use in the Commercial (C) District that he asked the City Attorney to review the application and the

ordinance. The City Attorney's opinion is that the City Comprehensive Plan and Zoning Ordinance have the (C) District for retail and services businesses and recommended that churches and social, fraternal and charitable uses not be in the (C) and Central Business (CB) Districts. Chairman Storm opened the Public Hearing at 7:06.

Joe Tromburg, Treasurer for Grace Church, stated that he served on the Chisago City Planning Commission and knows that it's hard to go against the city staff recommendation but would like the Planning Commission to do so. He said that organizations such as the Lions, YMCA, VFW, food shelves, Salvation Army, Goodwill, Family Pathways, etc. expect to be seen in business areas with higher traffic and parking availability. He also stated that some non-profits operate as for profits and that they provide goods and services and increase and improve commercial employment. He said that the uses may not always fit in certain areas and suggested that the Planning Commission recommended to the City Council that the social, fraternal, and fraternal organizations be kept in commercial areas but as Conditional Uses.

David Van Ackers, a Pastor for Grace Church, wanted to say that that churches and non-profits should be in higher traffic areas and where people congregate. That people want to work and live in a community that support non-profit organizations; that they are an asset to the community; that they help neighboring businesses by bringing in customers and that they also act as a buffer to other businesses. He also said that the parishioners that the church brings in from other communities use businesses such as Tasty Asia when they are here.

David Ching said that he commutes weekly from St. Paul to attend services and that he will buy food and gas in the city and that by allowing Grace Church to expand that that would bring in more patrons to the city.

Daniel Patsa, a Pastor for Grace Church, read a letter from Kyle Puelston a Chisago County Sherriff Deputy and an Elder for Grace Church, the letter read that as a deputy he has seen the needs that the community has and that Grace Church has intentionally tried to serve the community through community dinners and the farmers market and that thought those events serve physical needs they also serve the spiritual. The church is strategically placed to allow people to walk in just because they saw it there. That the benefits that the church provides are not financially tangible but the benefits are still there. And that the church wants to be at its location for the good of the people and community and can do that through the purchase of the building.

Chairman Storm reminded the audience that the public hearing was regarding a change to the ordinance and has nothing in particular to do with Grace Church.

Ron Deyo, owner of the building that Grace Church is leasing, has owned the building for 35 years and that he has three units empty and said that the ordinance amendment would limit who he would be able to rent to.

Dave Hebert, Forest Lake, asked the audience how many of them live in the City of Wyoming, no one raised their hand. He stated that he is a commercial realtor that represented Family Pathways when they purchased buildings in Forest Lake and Lindstrom, and that they like other businesses want to locate in areas where there is high traffic and where the demographics will support them. And that as they grow they need to find new spaces, possibly in Wyoming, and that the amendment would limit where they could go. He represents a lot of non-profits and they want to be located in a central business district.

Kathy Laurence, former mayor of the City of Stacy, said that the City of Stacy has social, counseling and churches in the heart of their city and that it would be a detriment to exclude them and is a benefit to have them here.

There being no further public comments Chairman Storm closed the public hearing at 7:28 and asked for discussion from the Commissioners.

Commissioner Lobermeier thanked the audience for their concerns and the discussion tonight, but that what might be being overlooked that the amendment would open up more area to the city than what is currently available, more than 10 times the area, and that is a benefit to the uses.

Commissioner Engstrom stated that he agrees with most of the points that have been brought up, and that he thinks that it is an overreaction by the city to eliminate the uses in the districts because churches are not allowed there. That removing the uses from the commercial districts where they are permitted uses and adding them to the other areas as conditional uses, and that living near two churches and that he would disapprove of having another traffic generator in his neighborhood. That he understands wanting to reserve these areas for commercial uses but that non-profits have been permitted for a long time, and that there is a lot of empty commercial space and that he doesn't know if there is a problem with losing commercial space. That the conditions have changed since the City Council discussed Grace Church in the (C) District and that the city should encourage any development moving into the city's vacant spaces. That businessmen use non-profits and that the city could be a bad message to send to those businessmen if a non-profit they use or support is not able to expand.

Zoning Administrator Weck explained the reason for making the uses conditional uses in the residential district is because they impact those residences and the conditions that could be placed on them are intended to minimize those impacts.

Commissioner Coughlin stated that she has a concern "That we may be opening a can of worms" by removing the uses from the commercial districts and putting them in the residential districts, and getting a VFW wanting to move in and that is something that people are not going to want next to them. And that with the amount of traffic that comes to Family Pathways that she doesn't think that it will fit in well in a residential district. She understands that we need to preserve the commercial base but wonders if there are other options.

Chairman Storm agreed and said that he also has concerns about where the uses can go, and wondered if the zoning map needs to be looked at again and maybe increase the area where they can go. He also stated that when the Planning Commission was working on the Comprehensive Plan and Zoning Ordinance that issues being addressed tonight had not been brought up, and offered the opinion that the amendment be tabled for more information.

Commissioner Engstrom offered that maybe the uses be allowed in the C & CB Districts, but be moved from a permitted use to a conditional use.

Commissioner Coughlin made a motion to table the ordinance amendment to allow more time for more information to be provided to the commission; the motion died for the lack of a second.

Commissioner Engstrom made a motion to make Social, Fraternal, and organizations conditional uses in the CBD and C districts; the motion died for the lack of a second.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER COUGHLIN, SECONDED BY PLANNING COMMISSION MEMBER LOBERMEIER, TO TABLE THE ORDINANCE AMENDMENT TO ALLOW MORE TIME FOR MORE INFORMATION TO BE PROVIDED TO THE COMMISSION.

Voting Aye: Coughlin, Engstrom, Lobermeier, and Storm.

Voting Nay: None

Abstain: None

4. Zoning Ordinance Amendment – To include Churches as a Conditional Use in the Commercial (C) Zoning District.

Chairman Storm opened the public hearing at 7:50 and explained to the audience that what was said in the previous public hearing will be reflected in the minutes for this hearing as well.

Joe Tromburg said that the two hearings are related and asked that the City Attorney's memo to staff be explained. Zoning Administrator Weck explained that federal law (RLUIPA) treats churches the same as social, fraternal, and charitable organizations, and if we allow one in a district we have to include the other.

Joe Tromburg then said that Grace Church received a Conditional Use Permit from the city when they moved to their present location, but that since then the city changed the Zoning Ordinance to not allow churches in the (C) District and that the church is a legal non-conforming use and that they can continue to stay there but cannot expand. He continued to say that churches and the other organizations support community affairs. As chairman for the churches building committee they had looked at other locations, but financially and because of building code restrictions that they can't do much more than buy the location where they are at now. He said that he lives in Chisago City and if it weren't for Grace Church being here he wouldn't come into Wyoming, but since he does come here he also uses local businesses. He is just one of 60 members of the church, and they and other visitors to the church also visit local businesses. Having a church downtown is almost like having another neighborhood without having to provide streets and fire protection. The church is helping the city in other ways even with their tax exempt status. Commercial businesses located near a church are helped by the church being there and raises their property values which also helps to offset the tax exempt status. He doesn't think that the city is going to be overrun by non-profit charitable organizations and that this is an overreaction. The churches location is a difficult spot for businesses to succeed. The church wants to buy part of the connected building to provide for more classroom space. He believes that eventually they will outgrow the location and will have to move.

Kathy Laurence, the church brings good to the community, and the expansion is for the youth of the church. The church building has been used by other churches and groups for meetings.

Zoning Administrator Weck explained that the church has not lost its Conditional Use Permit, but that if the amendment does not pass they cannot expand the church.

Chairman Storm asked how many people were at last Sundays service because he counted 65 cars parked at the church. Pastor Daniel Patsa responded that there were 120 people there.

There being no further public comments Chairman Storm closed the public hearing at 8:02.

Commissioner Engstrom said that the only question he had was proof of parking but he understands that that will be addressed later.

Commissioner Lobermeier understands why the church has asked for the amendment so they can expand but that as the church grows they will need to expand again.

Chairman Storm stated that he has never had an issue like this come up before in all the time he has served on the city, township, and county Planning Commissions.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER LOBERMEIER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO TABLE THE ORDINANCE AMENDMENT TO ALLOW MORE TIME FOR MORE INFORMATION TO BE PROVIDED TO THE COMMISSION.

Voting Aye: Coughlin, Engstrom, Lobermeier, and Storm.

Voting Nay: None

Abstain: None

OLD BUSINESS

5. NONE

COMMUNICATIONS:

6. Commissioner Lobermeier said that he had been looking at the Comprehensive Plan and had noticed that it requires that the Planning Commission review the plan every 5 years and that it has been 5 years since it was adopted. He went on to say that comp plan maps in the seven county metro area match the zoning map, but in our case they do not and we have to use both of them together. An example would be the parcels on the north side of Heims Lake that are zoned RRI, and are planned for OHC, and that maybe we should start looking at making the two maps match. Zoning Administrator Weck explained that to do that with the large vacant parcels would work, but that doing that to parcels that have a current use would make them nonconforming.

Chairman Storm stated that the Commission needs to review Comp Plan in the near future.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER LOBERMEIER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO ADJOURN THE REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR FEBRUARY 12, 2013 AT 7:14 P.M.

Voting Aye: Coughlin, Engstrom, Lobermeier, and Storm.

Voting Nay: None

Abstain: None