

**APPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
MAY 28, 2013
7:00 PM**

CALL TO ORDER:

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission of May 28, 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, Ken Meyers, and Frank Storm.

Members Absent: None.

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 May 14, 2013.**

Commissioner Coughlin questioned if she had included a reason why she was not in favor of a VFW in a residential district and if she had she wanted it (traffic) included in the minutes.

Commissioner Meyers stated that he was absent for the meeting and so he could not have seconded the motion to adjourn.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER MEYERS, SECONDED BY PLANNING COMMISSION MEMBER ENGSTROM, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR MAY 14, 2013 AS CORRECTED.

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

Voting Nay: None

Abstain: None

NEW BUSINESS

- 2. 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.**

And

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

Chairman Storm read from the agenda the Zoning Ordinance amendments that had been tabled at the previous meeting.

A MOTION WAS MADE BY PLANNING COMMISSION CHAIR STORM, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO REMOVE FROM THE TABLE THE TWO ORDINANCE AMENDMENTS THAT WERE TABLED ON MAY 14, 2013.

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

Voting Nay: None

Abstain: None

Zoning Administrator Weck explained to the Commissioners the information he could find about charitable organizations including a table showing where surrounding communities and Chisago County allow churches and charitable organizations to be located, a chart showing tax exempt properties in the county, the State Statute listing all tax exempt properties, and a partial list of charitable 501 (c) (3) organizations in the State.

Chairman Storm asked whether the staff recommendation had been provided by the City Attorney; Zoning Administrator Weck responded yes. Chairman Storm asked the Commissioners if they had any questions or comments.

Commissioner Engstrom reviewed the table showing what the surrounding communities allow.

Commissioner Coughlin commented that the ordinance does not define “social, fraternal and charitable organizations (SFCO)” but it does define “clubs and lodges”. She offered whether definitions for SFCO and clubs and lodges should be brought more into alignment and whether they should be in such a broad category or separated, and if by doing so would it help the Commission to make a decision.

Commissioner Meyers asked how much is being paid in property taxes for the parcel that Grace Church occupies and what would be paid if they bought the property. Chairman Storm reminded the Commission that the Commission is considering the Zoning Ordinance amendments, not Grace Church specifically. Commissioner Meyers asked the property owner, Ron Deyo, if he is paying taxes on the whole parcel even though the church is leasing some of the space; Mr. Deyo responded yes he is. Commissioner Meyers that asked what is being paid in taxes for the parcel. Joe Tromburg responded that the property pays approximately \$24,000 a year in taxes and that they want to purchase half of the property.

Commissioner Lobermeier reiterated Commissioner Coughlin’s comments about the definitions and stated that he would like to get away from SFCO and stay with churches and clubs and lodges, but wonders how that would affect the ordinance. Weck responded that the League of Minnesota Cities brochure that is in the staff report only mentions SFCO in relation to churches and not clubs and lodges. Commissioner Lobermeier responded that most of the communities in the table do not use SFCO, but instead use clubs and lodges or quasi public.

Storm reopened the Public Hearing at 7:20.

Joe Tromburg, Treasurer for Grace Church, stated that most of the audience tonight is from Grace Church and that they thought about going door to door to let business owners know about the meeting and that it could restrict who they could sell or lease their property to, and he doesn’t think that they know because they don’t read the public notices. He also said that these organizations operate like businesses but that they just don’t pay property taxes. And that right now the city only has the church and Family Pathways that are in commercial districts and that as the city grows more commercial businesses will locate here and that will balance out those organizations that don’t pay property taxes but do belong in business areas. He offered a

compromise, to allow churches and SFCO in the Commercial District but to not allow them in the Central Business District.

Dan Hebert, Forest Lake, asked what is Fairview Hospital classified as; Weck responded that the hospital including the emergency room does not pay property taxes, but that they due pay a PILOT (payment in lieu of taxes) to cover city expenses for providing services such as police and fire protection, and that the clinic spaces in the hospital complex do pay property taxes. Mr. Hebert also said that not all non-profits purchase some of them lease and the property would still be paying taxes.

Ron Deyo, owner of the building that Grace Church is leasing, said that if the city adopts the amendment to remove SFCO from the commercial districts that the city should hang a sign at the entrance to the city saying "we don't want you organizations". He then said that SFCO need to be in business areas for the visibility and traffic flow and that people in the residential areas are not going to want them there because of the traffic flow. He also said that as a business owner that this would restrict who he could rent to. He understands why the city attorney is making his recommendation because the city does not want a discrimination lawsuit against it.

There being no further public comments Chairman Storm closed the public hearing at 7:36 and asked for discussion from the Commissioners.

Commissioner Engstrom asked what is to prevent someone from starting a church in their home. Weck responded that they would be regulated as a conditional use and that they would have to comply with the conditional use standards in the ordinance and that if they do apply that the ordinance states that the city may grant the conditional use permit not that it shall issue the permit.

Commissioner Coughlin asked if the American Legion and VFW pay property taxes; Weck responded that in Forest Lake that they do. She then said that if we adopt the amendment that takes them out of the Commercial and Central Business Districts that they would only be allowed in the residential districts; Weck responded that may also be considered a club or lodge. She went on to further say that because of their hours and traffic that they would not be able to meet the conditions of a CUP. And because that most of the land that would be available for them is rural without city sewer and water they would not be able to locate there. Furthermore because of traffic and the type of business they are they do not belong in residential areas and are more suited for the commercial districts. The city needs to think long term; in the future when the city grows what types of SFCO's will want to be here and where should they go? From the League of Minnesota Cities website she found that for 2012 Wyoming's commercial tax capacity was only approximately 1% lower than the State average. Looking at other cities in the area clubs and lodges are located in business districts. And from her notes during the Comp Plan and Zoning ordinance updates she didn't find where it was questioned about putting them in the business districts. She also said that the city should consider the League's suggestion for churches and use a sliding scale depending on the size of the church.

Chairman Storm commented that Roseville uses a sliding scale; less than 100 and over 100 people and when they get over 100 they need to move into a different district.

Commissioner Meyers asked if the acreages shown in the staff report are the current acres available. Weck responded that those are the acres available from the comp plan map when the city is zoned according to the comp plan. A discussion continued regarding the percentage of area available in the CB District in comparison to the total area available in the city for development. He also agreed with Commissioners Coughlin and Lobermeier's prior comments about definitions.

Commissioner Lobermeier said that the staff recommendation does increase the area available for SFCO. He gave an example of a church moving into a vacant building in an Industrial District in St. Paul which brings up the question of separating a church from those conflicting uses. His opinion is that stay with the definitions for churches and clubs and lodges as two different uses and that clubs and lodges do not belong in residential areas. Maranatha is in the R1 District and in the Comp Plan in the Mixed Use District, and Family Pathways is also in the Mixed Use District and they will both continue to be conditional uses in the Mixed Use District, and that they do not belong in the CB District not only because of the tax base but because the stated vision for the community in the Comp Plan and Zoning Ordinance.

Chairman Storm asked what the comp plan wants in the CB District; Commissioner Coughlin provided her copy and it was shown that retail, service businesses, and high density housing are planned there but not churches and SFCO. Chairman Storm asked the Commission if they wanted to send a revised recommendation to the City Council. Commissioner Lobermeier said yes and that SFCO should be removed as a use from the C and CB Districts and if that is done we need to decide where they will be permitted as a conditional use.

Commissioner Engstrom asked that if someone had a parcel that was currently zoned residential and if the comp plan had it as commercial and if they wanted to change it to commercial whether there would be a public hearing; Weck responded yes. Commissioner Engstrom went on to say that conditions can change in the future and that the commission should consider changes for what is right for today knowing that changes can be made in the future.

Commissioner Coughlin was concerned that if we are only thinking about today and not tomorrow, that someone could come in and want to put a SFCO in a residential development, what could prevent that from happening unless it was a conditional use and not a permitted use. The Commission has to consider the future because this is the guidance that the city is giving the public in where these businesses can and cannot go and she thought that the city made a good decision when SFOC were placed in the C and CB Districts because they shouldn't be in residential. She offered that maybe SFOC should be separated by including clubs and lodges.

Commissioner Meyers agreed with separating out clubs and lodges from SFOC.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER LOBERMEIER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO:

- 1. TO DELETE SOCIAL, FRATERNAL AND CHARITABLE ORGANIZATIONS AS A PERMITTED USE IN THE COMMERCIAL (C) AND CENTRAL BUSINESS (CB) DISTRICTS.**
- 2. TO ADD CLUBS AND LODGES AS A CONDITIONAL USE IN THE COMMERCIAL (C) DISTRICT.**
- 3. TO ADD CHURCHES AS A CONDITIONAL USE IN THE COMMERCIAL (C) DISTRICT.**

Discussion

Commissioner Engstrom asked what is to prevent a club or lodge from saying that the city allows churches in this district so we can be there too. Weck responded that RLUIPA does not work in reverse, it protects churches not SFCO's. Commissioner Lobermeier also responded that by separating the definitions to allowing clubs and lodges it provides some clarity.

Commissioner Meyers asked if Grace Church is currently in the C District and if they would need a CUP. Weck responded that they are in the C District and that if the motion passes the Planning Commission and the City Council that the church would be a conforming use and that if they wanted to expand they would have to amend their CUP.

Commissioner Lobermeier asked if the Planning Commission needs to look at the other districts, such as the Mixed Use District, in regards to SFCO's and decide if we want them there. Weck responded that the current motion addresses the applications in front of the commission and that the commission can look at the ordinance later to get it where we want it.

Commissioner Coughlin said that the commission will need to go back through the ordinance and replace SFCO with clubs and lodges and then let the charitable organizations be addressed by the service they provide.

Chairman Storm called for a vote on the motion:

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

Voting Nay: None

Abstain: None

Commissioner Coughlin asked if a new public hearing needed to be done because the motion was not exactly what was in the public notice. Weck explained that the public notices addressed what was discussed in the public hearing and that based on the information and discussion in the hearing this is where the commission rested, but that if there was a total disconnect from the notice to the motion another notice should be done but this is not the case.

Commissioner Coughlin said that while she was researching tonight's question that her notes during the Comp Plan update do not match the Comp Plan on the city website and asked Zoning Administrator Weck to look into it.

SCHEDULED PUBLIC HEARINGS

3. None

OLD BUSINESS

4. NONE

COMMUNICATIONS:

6. NONE

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER ENGSTROM, SECONDED BY PLANNING COMMISSION MEMBER LOBERMEIER, TO ADJOURN THE REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR MAY 14, 2013 AT 8:15 P.M.

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

Voting Nay: None

Abstain: None