

PLANNING COMMISSION MEETING
July 12, 2005

MEMBERS PRESENT: Steve Bowers, Bob Craggs, Sharon Lee, Joe Paiement, Chris White

STAFF PRESENT: Jim Gillis, Chris Wallberg

OTHERS PRESENT: Roy Baker, Joan Berggren, Vern Berggren, David E. Brown, Joseph Bush, Sanford Cobb, Glen Hinz, Wendy Hinz, Bob Livingston, Gary Mau, Lyle Merriman, Dan Rohricht, Leslie Rohricht, Jeri Ryan, Molly Shodeen (DNR), Todd Zwiefelhofer

1. **CALL TO ORDER** by Chair Joe Paiement at 7:06 p.m.
2. **PLEDGE OF ALLEGIANCE** was said.
3. **MEETING MINUTES** – Review and approval of June 7, 2005 PC meeting minutes. **M/S/P (Craggs/White) to approve the minutes of the May 3, 2005 PC meeting. Motion passed.**
4. **CONDITIONAL USE PERMIT APPLICATION FOR AFTON CHIROPRACTIC**

A. Public Hearing on an Application by Dan Aldridge for Conditional Use Permit for Afton Chiropractic at St. Croix Business Center/44 St. Croix Trail South

1. **Call to Order** by Chair Paiement at 7:08 p.m.
2. **Introduction of Application** – Wallberg opened that Afton Chiropractic has been operating at St. Croix Business Center; draft included outlines items as approved for St. Croix Business Center; where it refers to chemical and pollutant storage, they have none at this time; included because it takes care of potential for need of chemicals at any level.
3. **Public Comments** – none
4. **Written Comments** – none
5. **Hearing Closed** at 7:14 p.m.

B. Discussion & Recommendation

Craggs questioned who tenant replaced; SCBC CUP lists 7 tenants with separate CUPs for each tenant; other issue traffic flow because they have tried to monitor; wondering scope of additional traffic, but hours of operation appear to be same as Center. Wallberg not aware of tenant Afton Chiropractic replacing. Paiement's first hand experience, being in same building, is they are located on second floor in space previously held by Hecker Mortgage Company who used portion of space; parking adequate; doesn't think there has been much change to Business Center since they have been there – last 3-4 months. Wallberg added that built into their CUP, referring to building's CUP, they are confined to parking space available; if it becomes issue, they would handle with owner of building and that CUP as opposed to CUP for Afton Chiropractic.

M/S/P (Craggs/Lee) to recommend the City Council approve the application by Dan Aldridge for a Conditional Use Permit for Afton Chiropractic at the St. Croix Business Center, 44 St. Croix Trail South. Motion passed.

5. **SUBDIVISION APPLICATION BY J. P. BUSH & ST. CROIX VALLEY UNITED METHODIST CHURCH**

A. Public Hearing on an Application by J. P. Bush & SCVUM Church for Subdivision at 16700 7th Street South

1. **Call to Order** by Chair Paiement at 7:14 p.m.
2. **Introduction of Application** – Wallberg introduced application for subdivision of existing church property; proposing three lots; church and Joe Bush co-applicants and can answer any questions PC may have (isolated two lots and street itself to help with discussion).
Joe Bush, J. P. Bush Homes, Inc. Addressed two proposed lots from large visual demonstration located on wall [which outlined more detailed representation of entire church property]; present to discuss improvement of 5th Street to gain quality access to lots 1/2 which come off of 5th Street South; two residential lots being proposed for subdivision. Paiement referred to application calling for improvement of 5th Street, and Bush commented that was suggestion of what might help access and turnaround; presently 5th Street asphalt road with no turnaround that would assist in accessing proposed residential lots - so proposed relocation and upgrade of 5th Street; also discussed with Wallberg and Gilles that proposed 5th Street is further south than

current boundaries of where 5th Street should be to protect existing tree line and part of school parking lot actually over boundaries of 5th Street; church is suggesting partial use of their land to create convenience of keeping trees and natural settings in existence in exchange for vacating part of 7th Street which will continue what already vacated for Johnson's subdivision couple years ago [impervious surface calculations lost with 5th Street square footage that intrudes onto church property]. Paiement said for purposes of initial application, trying to clarify subdivision as proposed calls for improvement of 5th Street, not 7th Street; easement from 5th Street to two properties. Bush responded they are actually not creating easement because that is part of property, so lots actually front road; intent of improvement of 5th Street and dropping location for convenience of existing tree line and to improve a quality turnaround that meets restrictions of safety equipment, etc. so lots well-defined and accessible. Paiement asked if application also called for common areas created with two lots. Bush said during application process, Wallberg and Gilles inferred it would be helpful if they were to create the two residential lots, what the church might be doing with their remaining properties, and if it was possible for overall discussion that people understand what they might do or are planning to do; during that process, they brought up everything relevant to some concepts including relocation of volleyball playground and proposed outdoor worship area, something conceptual from church's part for discussion purposes, but not part of formal application for subdivision; not asking for anything formal on application regarding SCVUM's requests; showing ideas and how they might relate to what they are doing.

Roy Baker, Chairman of SCVUM Building Committee. During intricate process, they were asked to project what fully developed church property might look like; items are best estimate how church would utilize remaining property.

Wallberg explained part of planning process is their Ordinances do not infer you have piecemeal subdivisions; prefer to have understanding going into situation with church that City's Ordinances will not defer them to, five years from now, make another subdivision; not planning for that contingency, the reason the church was asked to project what they were planning to do with their property so everyone understands and is clear. Paiement referred to number of issues the subdivision Ordinance the City adopted, and one Wallberg brought up, which is issue not favoring successive subdivision. Bush added church understands and responded what planned at this time; until application complete, assumes this is what they are applying for.

3. **Public Comments –**

Vern Berggren, 16666 5th Street. Only residence on 5th Street South; wanted to know who determines width of 5th Street; at present 10' with no base, so will have to be completely dug out and frost base installed because during spring, it sinks; also wanted to know who would determine width of driveway coming in; appreciates looking at plans and seeing protected existing tree line; tree lover and has transplanted almost 200 trees or planted new trees in his lot; just purchased 70 acres in Afton to protect trees on land he heard to be developed and taken down; what concerns him is talk about protecting trees and they angle driveway through trees instead of going at an 'L'; wants to be good neighbor, but can't figure out why they want to angle through woods. Bush said looking at what will happen with driveways through trees, the entire intent is to clearly protect as many and get the necessary access for drive; driveways 12-14' in width for private driveway; as long as they are within boundaries, they will probably lose couple of trees in any scenario; has agreement that any tree that goes down during production of house has to approved by them because they are of the same impression of necessity to keep tree barrier alive and intact; only way to access was what proposed, and they will be very sensitive to that; want to put driveway on curve, based on sizeable trees they want to interact with [referred to smaller version of plans with more detail]; thinks it very attractive to homeowner to have private entrance if you can create 'tunnel' affect through trees; will work with Berggren, and any trees between driveway access and his house, he will confer with him and will be very sensitive to that. Craggs asked specific requirements that Bush and SCVUM have to address in terms of access; his understanding from reviewing Ordinances you have to provide access to both lots, and asked if there was anything more beyond that to help explain using angle opposed to 'L' shape; spoke with Berggren and thinks his point is possibility going parallel to tree line and straight in. Bush said it takes into consideration possible setbacks that might occur with proposed church addition; building setback line from lots very close, so trying to cover both circumstances.

Roy Baker, SCVUM Building Committee. One thing the church very concerned about was maintaining screening of mature trees that exist separating church property from proposed residential lots; went to extreme to insure in their agreement with Bush that screening maintained; by angling two driveways, they have from church's prospective minimized visual intrusion of driveways looking at them from church side of property; other things to take into account –72 preschoolers enrolled in Rainbow Christian Preschool using area directly east of church as play area; they desire to maintain area as secure environment for those children; don't want to introduce traffic of any kind into area; in addition, on north side of church is memorial garden with deceased members of church interred; is area maintained as quiet, peaceful setting for friends

and relatives to meditate; desire to minimize to absolute minimum traffic flow on east side of church, what they think they have done by proposing driveways as they have. Bush said his concept, if allowed, is to place a number of large trees to create a boulevard effect.

Vern Berggren, 16666 5th Street South. Insulted by Baker; it's all right to bring more traffic to public school, but not kids at church; that is an insult. Lee not clear why that particular configuration will minimize traffic. Bush doesn't know relevancy of cutting more parallel and then in, rather than way proposed, other than how it may affect trees; existing tree line will be cut either direction; coming in at 90°, you come in similarly but probably more perpendicular, which may affect less trees; but if intent is for less trees, and he notices that is something that might happen, they will be bringing in more trees to recreate what taken; certainly all about that when designing ultimate location once trees actually plotted on survey; doesn't believe a parallel and 90° degree entrance would affect less or more trees; subject to how creative you are when you know where trees are and work with existing tree structures.

Roy Baker, SCVUM. One reason to move 5th Street improvement south was to maintain trees to separate 5th Street from A-L School; otherwise existing 5th Street right-of-way would have required trees be removed.

Bob Livingston, 660 Quixote Ave. N. Asked clarification regarding school playground and 5th Street; has seen children playing just south of 5th Street and asked whose children they were. Craggs said his understanding is public school children when school in session will certainly be on north side of 5th Street, so believes when Livingston seeing children either when school not in session or there are activities at church.

Roy Baker, SCVUM. Another utilization made of church property very frequently is Boy/Girl Scouts; variety of uses, sponsored by church, conducted on property and may be one of situations Livingston viewed.

4. **Written Comments** - none
5. **Hearing Closed** at 7:39 p.m.

B. Discussion & Recommendation

Paiement concluded Public Hearing advising City has adopted model subdivision Ordinance originally put out to entire Washington County area for consideration in 1971; in 1980 was adopted by City; standard by which they act on application; not whether they personally like idea or not, it is whether or not it is in best interests of City as dictated by Ordinance. Bowers said one item that stood out was that in Scenic St. Croix River District they have 20% requirement on impervious areas; sees good plan work for what they want to do, but about 10% over-committed; looks to be 29.3% impervious area when done, which puts them 1/3 over area allowed; asked how that would affect lots. Craggs clarified Bowers talking about remaining property for church in terms of 'L' shape. Baker introduced their architect, Todd Zwiefelhofer, representing Elliot Architects from Hudson; in receipt of letter that arrived that morning from Wallberg addressing issue of impervious surface; letter dated July 6 and mailed July 11, so obviously have not had time to react to it; preliminary calculations done and knows, assuming church sells two proposed lots and River District line of demarcation is western boundary of railroad right-of-way, if that is case, the amount of church's remaining property that lies within River District less than 7%. Todd Zwiefelhofer, Elliot Architects, said after letter received from Wallberg, his understanding the westerly line of right-of-way of vacated railroad is really line of River District, and remaining property in R1 District; that according to City's Comp Plan as well; questions whether they apply River District to remainder of church's property or strictly property to east of boundary line; district provisions under boundaries of Lower St. Croix (401.02) indicates boundaries of an urban and rural district within River way includes all land riverward of legally described boundary line of official copy of Lower St. Croix National Scenic Master Plan which is also the comprehension plan they adopted; indicates area DNR and/or City may be concerned about relevant to St. Croix River is westerly line of right-of-way; looking at legal description of what line is, it runs right through property; thinks Ordinance very clearly says on Comp Plan anything east of line is River District and an overlay district, and anything less of that is R1; in R1, they are 50% impervious; that is how they arrived at comfort level meeting those needs. Wallberg responded City Attorney advice is that it is a River lot, all to be considered a River lot governed by St. Croix River District Ordinances; City Attorney gave opinion to that effect, not only recently, but over last generations of plan; based on his opinion, not hers; anymore than what proposed subdivided, property also subject to St. Croix River District because it is on River; church property remaining no different. Paiement asked church representatives if church's attorney responded to that particular issue. Baker said again, since they received letter today, there hasn't been time to involve attorneys; as far as he aware, there has been no conversation between City's Attorney, Mark Vierling, and Emerson Ward, attorney for SCVUM on particular subject. Zwiefelhofer said obviously he is an architect talking like an attorney so should probably just be quiet; asked intent of River way District – to protect land, and it indicates on Ordinance 'to protect the natural scenic values of the resources of the Saint Croix River;' at some point, the City along with DNR decided anything west of that property line or right-of-way line isn't part of River way District because it doesn't affect River; seems logical that why, if 6 or 7% of church property in River District, should Ordinances apply to rest; if they are going to apply to whole site, are they applying one acre

minimum lot size or 2.5 acres. Craggs wants to insure he understands argument Zwiefelhofer making; suggesting 1.3 acres that remains composes 6-7% of overall remaining property church has. Zwiefelhofer said correct; on impervious site plan, church's remaining property approximately 13.8 acres; less than one acre of that 13.8 is east of westerly property line or westerly right-of-way; in other words, 6.67%, less than one acre in River District; remaining 12.8% in R1; thinks Wallberg's letter suggesting that because portion of church's property in River District that entire church's property should be looked at under River District Ordinances which includes 20% impervious surface. Craggs said letter from City basically conveying position City had in past when any portion of lot abutted River; consequently, being consistent. Zwiefelhofer said if they look in their Ordinances how to decide or where line of zoning district is, whether R1 or any particular district, boundaries established on official zoning map which is their Comp Plan, and boundary lines intended to follow street right-of-way lines, street center lines, or lot lines unless otherwise indicated on map; in case of un-subdivided property or where street or lot lines not used as boundaries, such as in this case, district boundary lines determined by use of dimensions or scaled as appears on map; if not following any street and scale just as you would further to south and north gets you to westerly line of railroad right-of-way; doesn't think if City's Comp Plan indicates where line is, and it is a legal description of where that line is, that just because their site happens to go on both sides of it they can change line to follow around their site. Lee said whenever there is issue of difference, it always follows more restrictive zoning. Wallberg not clear how Zwiefelhofer's comments apply to two lots suggested being subdivided which are also split by what used to be a railroad; didn't know why it would be different for his situation. Zwiefelhofer said he is not necessarily an attorney; when he looks at this and thinks of it logically, and looks at what intent of code is, what intent of overlay district; asked them to keep in mind this an overlay district, the St. Croix River District; in this particular case, an overlay on an R1; what is intent of that, to protect River way; it has been decided the line that impacts River, and here is property that doesn't, so because of their property situation to say they need to apply all restrictions or that particular code out to St. Croix Trail doesn't necessarily in his opinion at least meet with intent of Ordinance because area isn't in River area. Paiement clarified Zwiefelhofer is saying those two lots are conforming to impervious surface requirements after subdivision occurs, then it should be in conformance; shouldn't be looking at entire church parcel to determine whether or not it meets impervious surface requirements. Zwiefelhofer said they should; how that line, whether you need 20 or 50%, applies to two lots, not sure either; looking at it logically, and what he thinks intent of code is, you don't change where line is because line was set in City's Comp Plan; can't change that line to say it covers rest of site. Wallberg said to do that on this particular lot would not be consistent with how they address; most River properties have same situation, and they don't consider what east of that has one set of regulations and what west has another; it is a single lot regardless of site configuration; this in reference to what proposed to be new church property that extends to River; much narrower than it was, but does extend out to River; that is a River lot and it must meet requirements of River District Ordinances; her attempt to suggest they need their attorneys discussing and not sure they can solve that; can advise very clearly and specifically, and Gilles will back her up; City Attorney has said that is a River lot and that is how they have addressed it from beginning. Roy Baker's, SCVUM, understanding reason they have impervious coverage codes is to insure no excessive runoff, in this case between St. Croix River; would appear, and he is not proposing and is hypothetical, that if church were proposing to sell all of its River front property there would be no problem; church would then be able to develop same piece of property to a 50% level, and on top of that, whoever owned that piece of property would be able to cover with an additional 20% impervious surface which seems to him absolutely going in wrong direction from what they are trying to accomplish. Craggs said in light of statement and what position has been by City, his recommendation would be consistent with Wallberg's that this be one issue they allow attorneys to discuss; argument Zwiefelhofer made should also be considered; agreed with Zoning Administrator this is issue they need to address, and haven't had opportunity to look at as comprehensively as they would like; also makes sense to put aside as issue for more discussion. Zwiefelhofer said 29.3% projected as to what the church may or may not do; planned edition in 2005 gets them under that 20% or right at 20%, and they can tweak that; at Wallberg's and Gilles' request, they tried to show what the church may do in the future, and that happened to end up being 29.3%. Craggs clarified reason for asking because Zoning Ordinance requires they understand where present user of property will go relative to use; more a question of whether there will be additional subdivision; appreciates comments, but in terms of calculating impervious surface, they have to look at it in that respect. Bush understands need to discuss legalities of issue regarding church, but asked if relevant to subdivision of two lots. White said if they were to go ahead and do the subdivision, and then the church decides they want to do other pieces and now they can't, they have caused a future problem; trying to avoid that. Bush understands but if agreement or legal decision ends up at 20%, the church understands they have to abide by that; relevancy of what they have shown at 29% something that was under their impression at 50%; if determined to be 20% at a later date, that is what people will have to live with; relevancy of that not part of what they are proposing today. Paiement and White both thought relevant because City creates situation by their action on application; Paiement personally doesn't think they can ignore. Bush said

they are talking about a hypothetical proposed addition to a church not being applied for and has ability to be adjusted to meet requirements determined by law; knows and understands that if they approve two lots and they have 20%, he can't go beyond 20%. Craggs explained because he is a co-applicant with the church and church is involved in remaining piece of property, and looking at future use of the property once subdivision is made, that is why relevant; understands Bush' point, but more than just legal question; back to intent of Code and what City comfortable with; asked he set that aside and discuss other issues. Lee, going back to subdivision, one issue is 614.02 that indicates each lot shall front upon a public street. Wallberg said technically to meet that they would also have requirement the lot width fronting the street meet 130'; thinks what they are looking at here is part of working to mitigate an issue that exists and is part of this process, that exception can be moved; Lee is right, technically what is lot front is where addresses will be, which is probably 5th Street; and then there should be whole width of that. Craggs clarified the way the Ordinance is drafted suggests the front of lot should abut a public street; what proposed is access street that is private driveway to public street. Bush commented they are saying the Ordinance indicates the property has to have the front lot line face the street; that is not what it says; it says it has to front a street; in other words, some portion has to be attached to a street. Craggs apologized; trying to make distinction between private driveway and street itself. Wallberg said useful or not, generally in Lakeland, your address is where you meet the street. Bush said that is part of how they came to realization this doable because Ordinances have other languages in them that correspond with what they are talking about when getting into adjacent properties; that is why proposing as they are with setbacks, because it is their interpretation what could be done. Craggs asked who owned driveway on private access and confirmed it is owned in part by one purchaser of the property and part by another purchaser of the property; will be owned up to cul-de-sac as proposed. Bush pointed out part of lot; there is one each individual arms of the lots that attach to 5th Street. White asked where each driveway planned. Bush said based on trees, they would like to create individualism; could be anywhere within setbacks; thinking separate driveways because they will be on their own land, so will be going through trees twice. Lee asked how that affects impervious surface issues for church if one of the reasons they are looking at changing setback lines and vacating south end. Bush asked if she were talking about arms that go up; actually figured into individual calculations of square footage requirements for 2.5 acres on lots; lots have impervious calculations that show proposed house, driveway, and hard surface that meet 20%; remaining impervious surface comments prior are remaining properties, the 29.3%. Lee asked on plan with parcel one and parcel two, Bush has proposed dry cover 19.6% on parcel 1 and 19.7% on parcel 2; then they have setback areas of 4.4% and 7.5%; asked if the 4.4% and 7.5% already counted into first figures or separate. Bush said they should actually be included; setback areas can be included in impervious calculations; looking at houses, he ran up as high as he could and as close to 20% just to show the proposed house could be as big as that square; obviously looking at size of those squares, that would be huge, more than anybody would put on lot; just showing that area could and will support house [130 x 100/126 x 100]; you can very easily get a conforming situation for lots at 20%, including three off street parking locations which are under requirements; took into consideration 15' wide driveway, all of the necessary off street parking that would be outside those requirements, and house itself for impervious. Lee asked looking at cul-de-sac situation, did he contact Fire District as far as requirements. Bush knows what they are from other subdivisions done and it meets City of Lake Elmo and many requirements done in Chicago area; probably on same lines; on application, they indicated their engineer will probably do some work to insure it meets requirements of City's individual situation; engineering still to come for actual calculations of road design; also know by moving south, if they needed to make cul-de-sac larger, they wouldn't necessarily change configuration of lots. Lee asked Gilles what involved in altering road on north side. Gilles said it looks like north where they have platted would probably be about south side of where road is now; they have 45' radius; designed and built as City street so would have 45' radius and 26' wide roadway; once built, contractor would turn over to City who will maintain. Paiement asked if they considered accessing from 7th Street which would allow lots created by subdivision to truly abut street in a sense that it would front and also allow future development of third lot, keeping additional traffic away from playground adjacent A-L School and Rainbow playground area. Zwiefelhofer said proposed third lot not something being considered; actually have proposed sanctuary area for private use of the church; if road came off 7th Street, it would create distinguished separation to additional lot which is not intent; right now, they don't have in their minds that is a third lot; ends up looking like third lot because they understand minimum requirements; looking at lots, they are down to minimum requirements what they can do, and it still leaves them nice attractive part of their plan for using and accessing; looking at design of what done, it would also destroy integrity of what they are trying to create for intimacy of protecting trees and concept of views they want to protect. Baker, SCVUM, thinks they have to understand how land regarded by church back to mid-1980's when acquired; there are those who would say it a miracle, but it was a miraculous set of circumstances; Hamline University owned property and a group of men, from the church operating outside the church, actually bid on land, won bid, turned around and gifted it to church; church has had 25 years to contemplate use of land, and over that period of time, he can't begin to tell them number of conferences,

seminars, visioning exercises, etc. that people have gone through; everything from building a sanctuary overlooking St. Croix River to Senior Citizen's Retirement facility, a dream of another group of people; church membership has developed very strong affinity and connection with St. Croix River; at time they made decision to sell any church property, that not an easy decision for congregation to make; had it been in terms they would sell entire riverfront property, he is confident that would never have passed muster; church logo identifies them with River; nautical terms used in their church bulletins, they sponsor Boy Scouts and Girl Scouts who use property on regular basis, have held Sunday morning church services on bluff overlooking River; in short, congregation has very strong bias toward maintaining connection and they choose, because of location of lower area directly opposite the main part of church, to save that area; maybe an emotional thing, but history behind basically says the church has no desire or need to further divide property from rest of church property; relative to Rainbow Christian Preschool and other activities, it would totally change the character of church's surroundings if they were to bring in road from 7th Street, and so chose not to do that; there is already a road running past the school, and they are proposing to improve that; still access by a road into that area right now, it is a public street; they are not putting in a road where there isn't one; in his mind, bringing in an extension to 7th Street is bringing traffic into church proper, right into area they are carrying on their activities; road would be visible from church, and road they are proposing would not be visible, the reason they did it that way being diagonal through tree line; from church property, you will hardly see two driveways. Paiement asked about cost. Bush said he didn't have concept of cost; looking at 7th Street as option not discussed by church as something they wanted to do so not something he spent energy to investigate; from beginning, he has never seen anything but 5th Street access. Baker, SCVUM, stated this is obvious point but needs to be made, bringing a driveway in from 7th Street separates church property into two parcels. Zwiefelhofer said if there was a road from 7th going north, based it would be a City street, it would be a 66' right-of-way and would kill any addition and would actually make road too close for comfort to existing church so they would not be able to expand anywhere to east and would cut off literally the piece of property the church intends to retain; if simply a driveway, then the two lots wouldn't comply because they need to touch a City street; there needs to be a north/south City street connected to 5th Street; could not come off cul-de-sac because of requirements of maximum dimensions of a street with a cul-de-sac. Craggs wanted to commend Bush and church, as well as staff, for hard work to get here; obviously much time and effort spent, and thought behind how to make this work within Ordinances; can sense frustration on both sides; thinks many questions PC have asked is to insure (1) they understand how to apply Ordinance, and (2) they understand what their thought process was to get here; goal to understand options there are; to go back to 7th Street option there is initial thought going down 7th Street so nothing by school; thinks Zwiefelhofer's explanation in terms of process the church and Bush put into this makes sense; trying to keep in mind integrity of property for church and its purposes he respects and is sensitive to; had chance to walk property last night and Johnson who lives on south side met him halfway on property with his two dogs wanting to know what he was doing, recognized who he was, and expressed support for project; evident they are using property, and specifically the small third leg, already for activities, and looking at it visually, it makes sense to him in terms of at least the way they segmented it keeping in mind Ordinances; complimented their thinking around this; challenge for PC is how to address concept of providing access to residents based on Ordinances; doesn't think method they proposed only way to approach, but one that works with cul-de-sac and private drive; needs to get sense of comfort how wide drives are and whether they will have one or two; also how many trees will be brought down. Bush said on a number of occasions, he attempting to assess whether a shared driveway such as Johnson and Ross; considered some of those options; looking at trees in that area, he actually believes that two separate driveways favorable; looking at several driveways commonly shared, but there are some situations where they meet up; looked very closely at how far apart the two driveways would be and whether there would be trees between, a boulevard effect, privacy issues, and he truly believes that with addition of other trees and trees there, he sees them as two separate driveways with very distinct separations with trees between that are very attractive - like a private boulevard effect; thought to put more trees in, probably more to church side, but will be subject to what the owners, when they purchase lots and he designs for their needs and requirements, ultimately dictate; with a shared driveway, the distance you would travel on shared driveway seemed to be a bit longer than he would like to have in any situation; you could always make wide enough, but then it becomes a very wide double passable private driveway; looking at distances created by what they did, and there is a lot of room for a 15' driveway and additional trees to be put in to create beauty and separation; in process right now of plotting trees; part of requirement for final approval to identify trees, size, and species; homeowner might request specifics, so relevancy of what he shows them might not be what proposed in end. Craggs mentioned question about utility easement that hasn't been recorded by County and asked if that addressed. Zwiefelhofer said utility easement comes right alongside properties; during process, they discovered easement was approved by church and somehow never recorded; it is desire by Bush to have that easement, and he is fairly certain he wants water service to come through there; they will reassign necessities to put through and record. Wallberg said in last

communication she had was that City Attorney sent to church's attorney and it is in process. Roy Baker, SCVUM, said in conversation with their attorney and City's attorney, their attorney did determine there never was a request for easement filed and the City Attorney essentially agreed and also thought in 1981 there was a document the church had signed authorizing pipeline to go through; he was going to search his files; they already searched theirs and find no evidence, but as Bush indicated, at such time as it is filed, they would certainly approve. Bush reassured that Berggrens will have very clean existing access off end of cul-de-sac, and they understand by pulling this back creating larger area that he will have straight access off end; trying to avoid bringing cul-de-sac right down to property line; intended for multiple purposes, leaving him good quality access he already has, creating wide enough access for decent driveway, and to meet Ordinances. As far as impervious surface calculations, Craggs asked if it was correct to say he has done calculations on remaining property, for existing property plus proposed 2005 edition, and also for existing property, proposed 2005 edition, and possible expansion; under proposed 2005 edition and existing property, they would be at 20.3%; going with 'possible' expansion, they are at 29.3% which Zwiefelhofer confirmed. Zwiefelhofer said calculation takes into account impervious surface the improved 5th Street would have on site but not vacation of 7th Street; if they vacate at 7th Street, their impervious surface would go down slightly. Craggs said from his perspective, staff has done good job in terms of interpreting Ordinance; thinks it good they encouraged church to calculate it both ways because ultimately PC and CC have to take into account what is being proposed and what is likely to happen, as well as what potentially would happen in terms of overall review; bottom line as stated in their letter is they will move forward with addition, the other has been done in conjunction with process; suggesting PC look at both; and also consider vacation, if that is part of proposal to consider, they need to take that into account in terms of calculations. White definitely wants to know type of trees, size trees, location, etc. Bush plans on taking out; also would like the neighbors to check out trees he plans taking out; realizes Bush indicated that whoever purchases the property could have other ideas, but they need to consider fact that if they approve or consider that this is what he is looking to do because it is a part of the plan he is presenting; if he creates two driveways, she asked Bush how much space he would have between the two. Bush said he believes there is only a 5' easement between the two properties, so they could be as close at 10'; looking at what he has done to scale, it probably doubles that, and they are probably 20-25' apart in diagram; proposed staking center of driveways so they could go out and view. White said also along with that, she would be curious to see where he is planning to plant other trees. Bush said it would be determined where the property line is, where center is; actually, he can almost tell them proposed driveway he showed; wanted that much linear feet for impervious surface, but the driveway is certainly going to wind through because of trees already there. White asked if she understood correctly that Bush has checked out every possibility of a shared driveway based on saving trees. Bush answered affirmatively, and for logistics of distance, they would have to share for possible encumbrance of the two parties; did consider tree scenario because you have to make wider than 15' for possibility they would meet, which would certainly be in his opinion less likely to be friendly to trees. Wallberg covered process; as they work their way through this, CC will probably suggest roadway with cul-de-sac or whatever final decision is based on final approval by City Engineer; wonders if this discussion might be best served by their findings and whatever approval made being based when Bush comes to the place he is actually say, 'these are the trees that are going to come out' - one option for them to address as part of process, but doesn't make Bush accountable today for what he might be doing 18 months from now; that consistent with process throughout all their applications. White addressed Roy Baker, SCVUM, regarding letter of July 11, 2005 from church's attorney to City Attorney, 'You stated that it was represented to you that the Board of Directors or other governance body of the church has indicated a policy/priority of remaining in ownership of property that would provide it access to the River;' to clarify, doesn't it disagree with what he said earlier. Baker said no if they understand how the church functions; the governing body of the local church is called 'church conference' which basically consists of all members of church enrolled on roles of church and body that meets under direction of district superintendent and charged with making ultimate decision in regard to the local church; it is same body, however, that also votes on all matters related to what they have proposed this evening; that is the body, when they voted on whether or not they were willing to sell two lots at the very beginning, who expressed a grudging willingness to sell two but by no means all of the church's Riverfront property; it did not write out or publish an edict or epistle that specifically stated to the church for the next 50 years, 'thou shalt never, ever sell that piece of Riverfront property;' it expressed its intent and meaning through it votes and the spirit of that vote, but they don't have anything engraved in stone to say they will never, ever sell that piece of land. White asked if she also understood lot one and lot two were actually plotted out and Baker said that was correct. White continued it was plotted based on trying to get 2.5 acre minimum and access to road; asked if Baker also understood that even though on the application under property legal description it says 'see attached survey' and as part of the survey all 'proposed' and 'existing' is not actually part of this application. Zwiefelhofer said his understanding, in talking with Wallberg, is that any addition to the church, as long as it met all zoning requirements and/or setback requirements, would simply need a building permit submitted and not

necessarily have to come back through this process; what they are proposing and application consists of is sale of two lots and not any proposed additions at this point. Lee asked regarding letter, correspondence regarding remaining piece of property; church has not decided at this point to do anything with property, but there is no guarantee that down the road that would not happen even though she understands the church is deeply committed to this piece of land and its connection to River, bodies of people change; asked how church feels that in making subdivision if that was part of their contingency that there was a written statement that piece of land would be connected to the main piece of land forever. Baker, SCVUM, said there was conversation today between attorneys and he has emailed copy of letter sent by their attorney to City Attorney as result of conversation dated July 11, 2005; simply submitted that is as far as the church can go; none of them can guess what might be 15-20 years down the road, and they are not prepared to encumber property based on something no one can estimate in perpetuity. Wallberg said this is exactly why they have asked them to provide speculation about what might happen in future; neither side is etched in stone, but this perfect example of something that has been flushed out, needs to be debated, and decided on separately from this application; yet as part of application so that 20 years from now someone doesn't question perhaps the limit to impervious surface; that is reason the process takes place. Baker, SCVUM, mentioned the 2005 expansion they are proposing more than doubles the size of the existing church; that is as far into the future as any of them can possibly see or project; when asked to imagine what a fully developed campus might look like, quite frankly dash lines as further extensions of building, he has no idea what might be housed inside those lines; can tell them idea of outdoor worship area is something that has been discussed repeatedly and he is sure at some point probably will be implemented by the congregation; what form it will take, he couldn't begin to tell them. Lee said they really haven't discussed any impact as far as vacating land to south; asked implications and what involved. Gillis said one implication is the water main is very close; they may be able to vacate it or have to have right-of-way over it, so if something does happen, they would be able to repair; would go from right-of-way to easement; would only be on one corner where water main gets very close. Bowers said when talking about traffic on 5th Street, they are talking about road serving only two additional resident properties, there are no provisions or intentions for access to church. Baker said as they can see from their projected plan, all parking is toward the south which makes logical sense to bring in from 7th Street; may be off base, but something that hasn't come up was his understanding that the school would like to eliminate access to the school parking lot directly off CSAH 18 and the idea of being able to pull onto an improved 5th Street, turning into the school yard, would be a safer route for school buses to travel. Craggs said in context that Bowers and he are referring to as far as CSAH 18 Redesign, they have talked about various options and that is one; particular approach and configuration was something the school said they would prefer, but it is still on the drawing board. White asked on church's conceptual plan, number 13 and 14-proposed septic drain field and secondary septic drain field, if they worked with someone for design. Zwiefelhofer responded location more a relationship to where it is from building; couple years ago when looking at potential of senior housing, they took look quite extensively at site along with Washington County; haven't proposed to Washington County, so at this point, it is really 'what is a good location for it to be out of the way for the church to be able to utilize their property and still be reasonable accessible to the building;' his understanding it will work just fine anywhere in that area because they had much larger septic areas when considering senior housing (200 x 200 plus secondary further to west). Craggs asked Bush, based on feedback he provided, if he would be comfortable providing footprint where driveways would go based on comments from PC as well as Berggren. Bush said he could very easily stake cul-de-sac very clearly, the boundary lines of properties, and the center driveway, taking that and expanding that portion to a scaled drawing that might show it more blown up and clear with trees; can do very nice rendering of proposed for purposes of City's understanding. Lee assuming once these properties approved, he is looking at city water or well system. Bush confirmed definitely City water and private septic. Paiement went back to 7th Street issue because not convinced explored enough; going down 7th, there is no trees that need to come out. Zwiefelhofer said more trees would need to be removed; in future, should they need access to lot three, they would have access hypothetically through shared Ross/Johnson driveway extension; possibility of private entrance along area that does not have trees; have three possibilities; accessing lots the way configured takes out less trees now than 7th Street. Lee went back to vacating southern part, was it strictly a paperwork issue. Craggs confirmed the City would pay for City Attorney's time and the developer would pay for their attorney's time at minimum. Lee wondering why City would be paying for something the church is requesting. Bush said they are voluntarily moving 5th Street south to accommodate getting away from the school's parking lot and saving trees; if they don't do that, they don't need the vacation; could leave where it is, remove trees, and be right up against the school parking lot; are trying not to do that; it helps both scenarios. Bush said if cost at issue and it is at a nominal amount donation of under \$1,000, he would happily pay that on City's behalf. Craggs asked if it wouldn't be fair to say that it would make sense to do more review of the street vacation issue and Gilles confirmed; whether it makes sense to have an easement in part as well as the calculations in terms of impervious surface because it is his understanding the applicant provides the calculations

and they are reviewed; three items of information they want to have at a future meeting: (1) issue of application of River District to remaining property in terms of application of impervious surface calculation, (2) impervious surface calculations to be recalculated assuming street vacated to see specifically how that impacts those calculations (Baker thought outdoor worship garden might be part of what they might want to include in calculation if there will be some type of impervious surface as part), (3) location of driveway as Bush offered. White curious when Bush might have plotted; would like to have information prior to August 2, next PC. Bush will attempt to provide week's time or window of opportunity with very clear staking and drawings, along with his phone number so anyone who would like interpretation can contact him and he would be happy to meet.

M/S/P (Craggs/Bowers) to postpone action on the subdivision application by J. P. Bush and St. Croix Valley United Methodist Church until the August 2, 2005 PC meeting, with the understanding additional information needed and requested will be provided. Motion passed.

6. MEMBER REPORTS

White would like to know what she has to do to get her Twins back winning again; very frustrated. Craggs advised a second Open House for the CSAH 18 Redesign Project would be held on Thursday at the Fire Hall from 4:30 to 7:30; encourages them to attend; committee will be present, including Bowers and himself; looking for additional input to move forward with process; thanked Paiement for agreeing to chair meeting with limited notice; unfortunately Dahlin not able to attend due to major health issues so their thoughts are with him at this time. Lee asked regarding Open House, for those who couldn't attend, would there be any hard copy available. Craggs said map would be one item laid out at Open House with proposed surfacing, medians, curb and gutter; Bowers and he would be happy to talk with her in detail.

7. ADJOURN- M/S/P (Craggs/Bowers) to adjourn meeting at 9:36 p.m. Motion passed.

Joe Paiement, Chair

Kate Piscitello, Recording Secretary