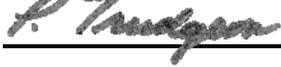


  
**REQUEST FOR COUNCIL ACTION**

DATE: 3/22/2010  
ITEM NO: 12.c

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Department Approval:



City Manager Approval:



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Item Description: Request by Twin City Chinese Christian Church for approval of a ZONING TEXT AMENDMENT to allow contemporary church uses at 2755 Long Lake Road and in General Business (B-3) Districts generally (PF10-006)

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**1.0 REQUESTED ACTION**

Twin City Chinese Christian Church has proposed a ZONING TEXT AMENDMENT to allow churches in General Business zoning districts, pursuant to §1016 (Amendments) of the City Code.

**Project Review History**

- Application submitted and determined complete: February 5, 2010
- Sixty-day review deadline: April 6, 2010
- Planning Commission recommendation (4-0 to approve): March 3, 2010
- Project report prepared: March 11, 2010
- Anticipated City Council action: March 22, 2010

**2.0 SUMMARY OF RECOMMENDATION**

Notwithstanding the recommendation of the Planning Commission to approve the proposed ZONING TEXT AMENDMENT, Planning Division staff recommends denial of the request; see Sections 5-7 of this report for more information and Section 8 for recommendation details.

**3.0 SUMMARY OF SUGGESTED ACTION**

Pass a motion denying the proposed ZONING TEXT AMENDMENT, pursuant to §1016 (Amendments) of the City Code; see Section 9 of this report for the detailed action.

#### **4.0 BACKGROUND**

Twin City Chinese Christian Church (T4C) is considering the purchase of the property at 2755 Long Lake Road, which has a Comprehensive Land Use Plan designation of Regional Business (RB) and a zoning classification of General Business (B-3) District. This request for a ZONING TEXT AMENDMENT has been prompted by the applicant's desire to relocate to a new facility that they would construct on the subject property that better meets of the congregation.

#### **5.0 OPEN HOUSE MEETING**

T4C held the required open house meeting pertaining to the application on February 3, 2010, but only members of the applicant congregation were in attendance.

#### **6.0 STAFF COMMENTS**

- 6.1 As Planning Division staff discussed the proposed ZONING TEXT AMENDMENT, we quickly concluded that the fundamental question to be answered was not whether a church was appropriate on the identified property, or even whether a church was appropriate in the B-3 District since all zoning districts will be replaced in the months ahead at the conclusion of the ongoing zoning code update process. Instead, the question that required the most thought was whether a church is an appropriate use in areas guided by the Comprehensive Land Use Plan for RB uses.
- 6.2 The Regional Business land use category is described in the Land Use chapter of the Comprehensive Plan as follows:
- Regional Business uses [sic] are commercial areas with a collection of businesses that provide goods and services to a regional market area. Uses found in Regional Business areas include regional-scale malls, shopping centers of various sizes, freestanding large-format stores, freestanding smaller businesses, multistory office buildings, and groupings of automobile dealerships. Regional Business areas are located in places with visibility and access from the regional highway system (Interstate 35W and State Highway 36).
- 6.3 While the sort of traffic impact anticipated with the various aspects of the proposed use as described in the applicant's narrative (included with this staff report as Attachment C) is not inconsistent with other uses that are appropriate in RB areas, churches tend to be tax-exempt entities and Planning Division staff has determined that the Comprehensive Plan means to reserve the valuable land in RB areas (as well as Office and Industrial areas) for revenue-generating, commercial uses. There are, of course, situations in which a revenue-producing property could be made tax-exempt through a change in property ownership – even though the use of the property is essentially unchanged – and the City would have no control over such situations, but the City has the opportunity to deny a proposed change in the zoning rules that would allow additional tax-exempt uses.
- 6.4 Clarity about the following point is important: the determination that a church is not appropriate in RB areas has nothing whatsoever to do with the religious aspect of a church. Instead, churches, schools, theater companies, museums, and a broad range of other typically not-for-profit uses fit into the “Institutional” land use category of the Comprehensive Plan, which directs such institutional uses to places outside of what have become the primary revenue-generating areas of Roseville. Moreover, in the process of reviewing T4C's ZONING TEXT AMENDMENT application, Planning Division staff has discovered that the current B-3 zoning allows many uses that are very similar to the

proposed church use, as is also pointed out in the applicant's narrative; because these uses seem to be inappropriate in Regional Business, Office, and Industrial areas of the city, they will have to be reevaluated in during the current zoning update process to ensure that the new zoning code contributes to achieving the goals of Roseville's Comprehensive Plan.

- 6.5 Another important fact to take into consideration is that contemporary churches can be dramatically different from conventional churches or religious institutions that are located within residential neighborhoods, among the homes of their members, and that have a few worship services over the weekend in addition to weekly educational activities and occasional community events. This difference between traditional and contemporary churches would seem to be due in no small part to the fact that residential areas are not so culturally, ethnically, or religiously homogeneous as they once were; people today choose where they'll live for different reasons than in the past and, consequently, faith communities have become more geographically dispersed. In addition to the simple fact that modern religious institutions have greater traffic impacts than they used to because few members live close enough to walk to services or other events, some contemporary churches offer their congregations many more religious, cultural, educational, and community activities than their traditional counterparts.
- 6.6 The purpose of the preceding paragraph is to help explain the fact that a church, like the one T4C is proposing, might no longer be appropriate in the middle of a residential neighborhood. Whereas church properties have traditionally been regulated by the same single-family zoning requirements and have fallen into the same residential category of the Comprehensive Land Use Plan as their residential neighbors, Roseville's current Comprehensive Plan guides church properties for Institutional land uses. Moreover, Planning Division staff expects to create a new institutional zoning district during the current zoning update process to better regulate churches, temples, schools, and so on because the conventional R-1 Single-Family District has not adequately addressed the unique requirements of institutional uses.
- 6.7 Through reviewing the Comprehensive Plan's descriptions of land use designations, Planning Division staff has concluded that a church or other religious or secular institution is appropriate on land guided specifically for Institutional uses and within the Community Mixed Use area (which also explicitly allows institutional uses, among others). Areas guided for high-density residential uses might also be appropriate locations for institutional land uses because such areas tend to be located near major roadways instead of within single-family neighborhoods, but the current description of the High-Density Residential land use category doesn't address institutional uses and, if such a proposal were submitted, the City would have to carefully weigh it against Roseville's goals of increased residential density and choice of housing types.

## **7.0 PUBLIC HEARING**

- 7.1 The duly-noticed public hearing for this application was held by the Planning Commission on March 3, 2010; aside from representatives of the T4C congregation, no members of the public commented during the public hearing and no communications have been received by staff pertaining to the application. After discussing the application and reviewing the analysis provided by staff, the Planning Commission voted

unanimously (i.e., 4-0) to recommend amending the text of the B-3 District to permit churches. Draft minutes from the public hearing are included with this staff report as Attachment D, but a few of the more significant issues are further discussed in the following sections.

- 7.2 In recommending approval of the requested ZONING TEXT AMENDMENT, Planning Commissioners cited the goals expressed in *Imagine Roseville 2025* pertaining to encouraging diversity in the community. While Planning Division staff is supportive of goals that promote and facilitate diversity, staff believes that the fundamental question in this application is whether the RB areas are meant to include institutional uses – not, frankly, whether they are meant to include *Chinese* or *Ukrainian* or *Lutheran* institutions. More importantly though, staff believes that the institutions or other resources or facilities that support Roseville’s varied residents, who make up a relatively small part of T4C’s regional congregation, must also be located in places consistent with the Comprehensive Land Use Plan, rather than approved wherever they may be proposed.
- 7.3 Planning Commissioners also indicated very little concern about the “unintended consequences” of allowing churches in B-3 Districts in light of the fact that this district will likely be replaced in a relatively short period of time as part of Roseville’s ongoing zoning code update process; to wit, the consensus was that this specific zoning district would probably no longer exist by the time other churches submitted building permit applications for new facilities on other sites in B-3 districts. Planning Division staff finds this to be a short-sighted approach. Even though staff will be proposing replacements for B-3 and other districts in the coming months, the new business districts will have to account for all of the uses in the existing business zoning districts. Some outdated uses (e.g., “physical culture”) and some overly specific uses (e.g., “picture framing”) can be easily removed from the new zoning code in favor of something more appropriate, but removing a newly-permitted use that has been added *during the zoning code update process*, would be a considerably more complicated proposition. After all, if institutional uses are today found to be appropriate in areas guided for RB uses through the approval of the presently-proposed church, determining them to be inappropriate in 6 months’ time would seem to be rather arbitrary.
- 7.4 Several times during the public hearing, Planning Commissioners erroneously suggested that the only way to accommodate a new institutional use would be to replace an existing institutional use because the Comprehensive Plan does not guide any vacant land for Institutional land uses. Planning Division staff wishes to offer the reminder that the Comprehensive Plan does allow institutional land uses in the Community Mixed Use area – which generally corresponds to the redevelopment area known as Twin Lakes – as well.
- 7.5 Finally and, perhaps, most importantly, Planning Division staff is concerned that the Planning Commission might not have given adequate consideration to the question of whether or how the Comprehensive Land Use Plan allows institutional uses in Regional Business areas. As described in the Staff Comments section of this report, Planning Division staff has given considerable time and attention to the Comprehensive Plan and has determined that areas guided for RB uses are meant to accommodate commercial businesses. Ideally, these businesses will individually generate commercial traffic that will benefit the other businesses in the area, resulting in a synergistic, mutually-supportive commercial environment that will, in turn, strengthen the City’s tax base.

Roseville relies heavily on tax revenues from its commercial and industrial areas to keep residential taxes as low as possible. Increasing the number of tax exempt uses in commercial areas, therefore, incrementally shifts the tax burden toward homeowners.

## **8.0 RECOMMENDATION**

8.1 Based on the comments in Sections 6-7 of this report and the findings below, Planning Division staff continues to recommend denial of the proposed ZONING TEXT AMENDMENT:

- a. Contemporary churches, like many other institutional uses, might have traffic impacts similar to regional commercial uses, but such institutional uses tend to be exempt from property tax assessments;
- b. The Comprehensive Land Use Plan is intended to reserve the valuable lands designated as Regional Business land use areas for revenue-generating, commercial uses; and
- c. Other locations guided for Institutional or Community Mixed Use land uses are designed to accommodate institutional uses.

8.2 If the City Council wishes to consider approving the requested ZONING TEXT AMENDMENT consistent with the recommendation of the Planning Commission, Planning Division staff would urge that the City Council give due consideration to the guidance of the Comprehensive Land Use Plan. The Regional Business land use designation must support institutional uses if the Zoning Code is to be changed to allow the proposed church as a conditional or permitted use.

## **9.0 SUGGESTED ACTION**

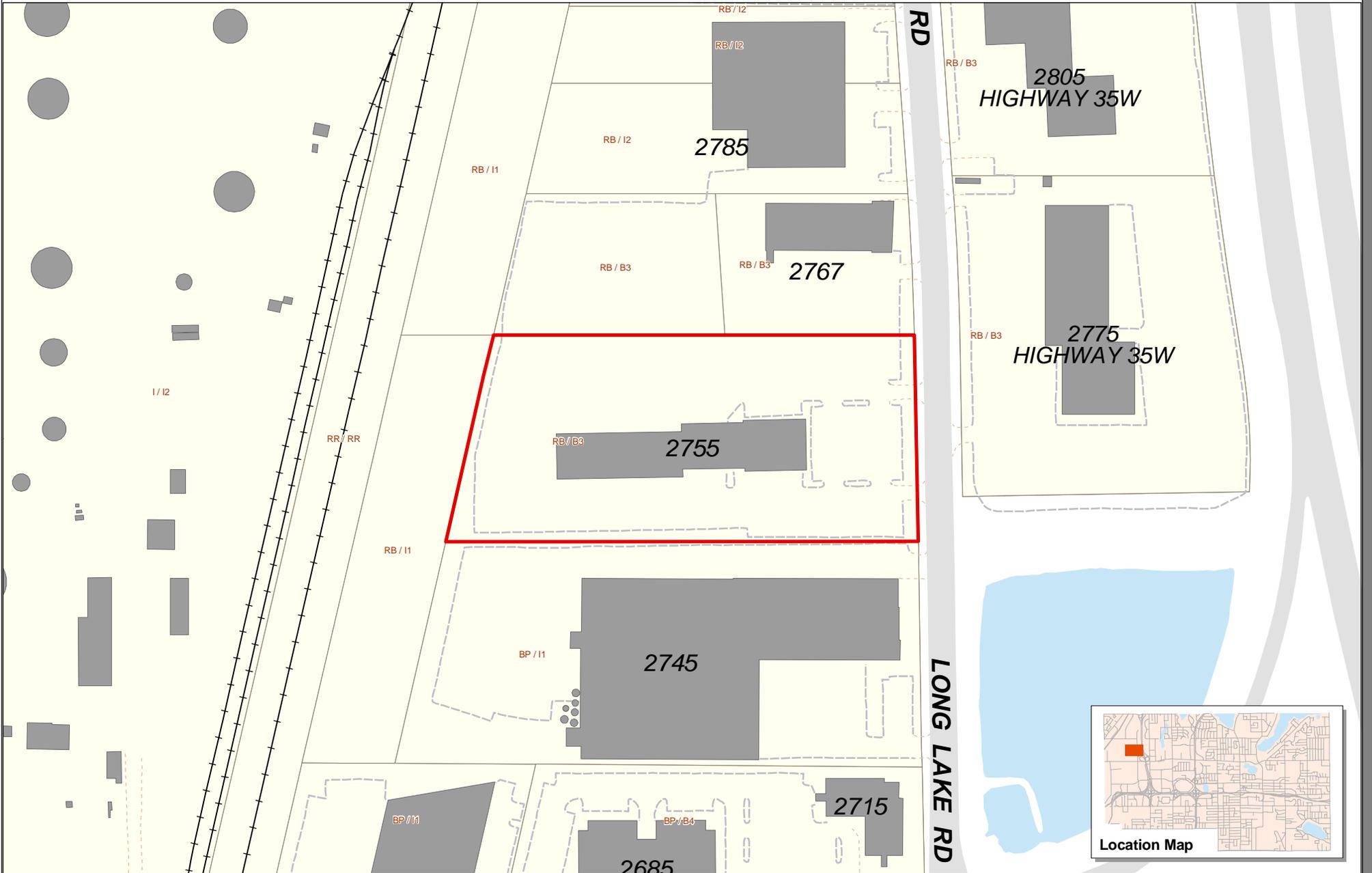
9.1 **By motion, deny the proposed ZONING TEXT AMENDMENT** for Twin City Chinese Christian Church to allow churches in the General Business District, based on the comments of Section 5-7 and the findings of Section 8 of this report.

9.2 Or, if the City Council wishes to approve the proposed ZONING TEXT AMENDMENT, direct staff to prepare a Comprehensive Plan amendment to allow for institutional land uses in Regional Business areas. Because the process to amend the Comprehensive Plan would require the City to hold an open house meeting, before the public hearing held by the Planning Commission and subsequent City Council action, Twin City Chinese Christian Church would need to extend the timeline for resolving the ZONING TEXT AMENDMENT application until the conclusion of the Comprehensive Plan amendment process.

**Prepared by:** Associate Planner Bryan Lloyd (651-792-7073)

Attachments: A: Area map C: Applicant narrative  
B: Aerial photo D: Draft public hearing minutes

# Attachment A: Location Map for Planning File 10-006



Prepared by:  
Community Development Department  
Printed: February 24, 2010



**Site Location**

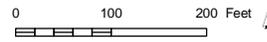
LR / R1 Comp Plan / Zoning Designations

**Data Sources**

\* Ramsey County GIS Base Map (2/4/2010)  
For further information regarding the contents of this map contact:  
City of Roseville, Community Development Department,  
2660 Civic Center Drive, Roseville MN

**Disclaimer**

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



mapdoc: planning\_commission\_location.mxd

# Attachment B: Aerial Map of Planning File 10-006



Location Map



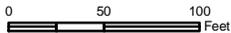
Prepared by:  
Community Development Department  
Printed: February 24, 2010



Site Location

**Data Sources**  
 \* Ramsey County GIS Base Map (2/4/2009)  
 \* Aerial Data: Kucera (4/2009)  
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February 5, 2010

Zoning Text Amendment Application, Twin City Chinese Christian Church

7. Additional Required Information

- a. **Legal Description and PIN:** Nly Part, Measuring 318.29 Ft On W Line Of Long Lake Rd & 326.47 Ft On Ely Line Of Nsp Co R/w, Of Fol Tract; Part Of Se 1/4 Lying S Of Blk 2 Parranto Industrial Park & Between Sd Power R/w & Long Lake Rd In Sec 5 Tn 29 Rn 23, PIN 05.29.23.43.0002.
- b. **Open House Summary:** An open house was held on Wednesday, February 3, 2010, from 6:30 p.m. to 10:00 p.m., at the Rose Room, Roseville Skating Center, 2661 Civic Center Drive, Roseville, Minnesota, 55113. Open house invitations were sent on January 23, 2010 to all 45 addresses provided by Mr. Thomas Paschke, Roseville City Planner. Two informational PowerPoint presentations, two informational handouts, comment forms, and refreshments were prepared for the meeting. None of the invited guests attended the open house, but 19 members from Twin City Chinese Christian Church, including three Roseville residents, attended the open house.
- c. **Written Narrative:** Twin City Chinese Christian Church (T4C) is a vibrant, large, established, regional, ethnic church that is characterized by a diverse congregation from throughout the Twin Cities metro area. T4C's vision is to build up three interdependent congregations as one church to become the center of discipleship and outreach to the Chinese in the Twin Cities. T4C's mission is to manifest God's glory, experience His love, and bring hope to all. T4C is committed to continuing its 30-year history of reaching out to families, and serving the needs of youth and the underprivileged in Roseville and the surrounding area.

T4C is the largest Chinese-American Christian church in Minnesota, and has outgrown their existing facilities in Lauderdale, Minnesota. The church established site criteria for a new location in 2003, and an active search was commissioned in 2005. Due to its centralized location in the metro area and other factors that satisfy the site criteria, T4C is considering purchase of a former Denny Hecker automobile dealership located at 2755 Long Lake Road, Roseville, Minnesota.

While "church" use is not currently a permitted use under the existing B-3 zoning of the site, T4C's component uses and character as a large regional church are consistent with the permitted uses of that zoning district. With a regular weekly attendance of approximately 500 churchgoers, the property will generate traffic patterns similar to a retail business, with the majority of traffic on evenings and weekends. The need for regional access from throughout the Twin Cities metro area, and the level of generated traffic, are not conducive to a traditional residential neighborhood environment. T4C's proposed use for the former Denny Hecker site is in harmony with the Roseville Comprehensive Plan's general description of a Regional Business District (RB) site. Appropriate revisions to Roseville's zoning code will permit this property to be

repositioned to a use consistent with community service opportunities and current market conditions.

**T4C's Background Information**

T4C is the largest Chinese-American Christian church in the Twin Cities and greater Minnesota. A non-denomination church, it was established more than 50 years ago, and has resided in a 24,000 sf. facility for over 35 years in Lauderdale, Minnesota, three miles south of the former Denny Hecker Long Lake Road site. T4C's current location is 1795 Eustis Street, Lauderdale, Minnesota 55113, Phone: 651.644.9321, Email: [contact@tcccc.org](mailto:contact@tcccc.org), Web Site: [www.tcccc.org](http://www.tcccc.org)

Current weekly Sunday assembly attendance is approximately 500 churchgoers within three interdependent language-specific congregations. Current growth levels are 2% per annum. Congregational meetings occur throughout the week with primary times being Sunday worship services and Friday evening educational and fellowship meetings for children, youth, families, and adults. T4C has planted two sister churches in the Twin Cities metro area in the last five years.

T4C's congregation resides in Roseville and other parts of the Twin Cities Metro area. Approximate one-way driving times for member families have been approximated at:

<u>Drive Time</u>	<u>Number of Member Families</u>
10 minutes	39
15 minutes	71
20 minutes	16
25 minutes	49
30+ minutes	11

The map below illustrates the dispersion of the T4C congregation's residences:



Roseville. T4C is also active in helping the area Hmong Community, and supporting civic events such as the Lauderdale "Day in the Park".

**T4C's Search for a New Facility**

As T4C has continued to grow and reach the limitations of their current site, they established a site search criteria for a new location. Preliminary analysis shows that the site at 2755 Long Lake Road meets all of these criteria, including:

- 1) Located centrally in the Twin Cities (within Highways I35-E, 100, 694, and 62)
- 2) Lot size of 5 acres with enough area to support a 55,000 sf. building (1000 seat assembly rooms)
- 3) Raise the majority of funding in equity proceeds before purchasing a new facility
- 4) Total cost of property, building and construction/remodeling of between \$4 -\$6 million dollars

The 2030 Comprehensive Plan adopted by the City Council on 10/26/09 outlines the site as a Regional Business (RB) area defined as:

*'Regional Business uses are commercial with a collection of businesses that provide goods and services to a regional market area. Uses found in regional Business areas include regional-scale malls, shopping centers of various sizes, free standing large-format stores, freestanding smaller businesses, multistory office buildings, and groupings of automobile dealerships.'*

T4C's proposed use of the site is consistent with both the accessibility demands and traffic volume considerations given under the current definition. The regional nature of T4C as the largest Chinese-American Church in the metro area, and its unique structure of serving three language centered congregations, lends to the regional appeal of the church.

More specifically, the site provides the appropriate level of highway access and eliminates the concern of moving significant traffic volume into and through residential neighborhoods. This benefit and type of use is consistent with the currently allowable uses under the general Regional Business Comprehensive plan designation, as well as the existing B-3 classification.

On a national level, many consider the current model for large churches, including T4C, as a "mall of ministry" with services that include multiple types of assembly. These assembly types include music, dance, video and speaking performances, formal and informal dining, child care centers with indoor play areas, classrooms for all ages and recreational and social use areas. In the case of T4C, unique cultural and language opportunities for assembly also occur. These gatherings center around a conditioned circulation space supported by generous parking and monitored by trained staff.

Today's regional churches like T4C require sites much different than traditional small neighborhood churches.

**T4C's Request to the City of Roseville**

We appreciated your willingness to meet with us on January 11, 2010 to discuss our proposal, your email of January 21 confirming your desire for a pre-submittal letter, and the application guidance you provided by email on February 4, 2009. We respectfully submit this Zoning Text Amendment Application to amend the text of the city code, sections 1005.015 and 1005.05, to allow church, worship/service, and/or school use as a permitted or conditional use. We thank you in advance for your help with fulfilling our goal for a regional site that supports the planned usage of the new facility and the growth of the T4C congregation.

- d. **Other Information:** Please see the attached site plan, "PRELIMINARY SITE STUDIES 12/31/09, TWIN CITY CHINESE CHRISTIAN CHURCH". In addition, we submit this additional supporting commentary:

**Additional Supporting Commentary**

**How does the proposed use of the 2755 Long Lake Road site by T4C fit with current Business Land Use Regulations (adopted July 2006)?**

The current zoning of the site is "B-3" General Business District and is described in Sect 1005.05 as follows:

*'The B-3 General Business District is designed for general retail uses in individual buildings or strip centers which face and front on a state or county road, It allows for larger indoor and exterior sales and fast food sales than the B-2 District. The B-3 General Business District is intended for certain areas designated as B Business area in the Comprehensive Plan.'*

As mentioned above the regional nature and unique character and uses of T4C are appropriate to the existing B-3 classification, although not currently permitted:

Permitted, Accessory and Conditional uses are shown in Section 1005.015:

This table identifies "churches" in the same line as "public/private colleges and schools" and only allows their inclusion by Conditional Use Permit in the B-1 Zoning District of all the zoning districts. There are several significant differences between T4C and public and private schools or colleges, in that the children are almost always accompanied by their parents as a family, arriving together from around the metro area by automobile once or twice a week, instead of the segregated daytime use of the schools which would be locally populated with more typical foot traffic. The scale of the church is also much smaller-- on a building scale vs. the campus scale of the colleges.

The 1005.015 table also allows following “Permitted” Land Uses that also closely describe the component uses of Twin City Chinese Christian Church (T4C) and many other churches and as the following as a “Permitted Use” in the B-3 Zoning District:

- Cultural Institution
- Meeting Halls
- Offices (business & professional)
- Private Cultural Institutions
- Public Uses
- Recording, broadcasting, or TV studios
- Restaurant Class I- Traditional (no liquor and drive-thru allowed, including café, buffet, coffee shop, deli.)
- Schools of Music or Dance
- Theatre

Likewise, there are no component uses of T4C programs and facilities that are not permitted in the listed B-3 zoning uses.

It should be noted that only the Office use is permitted in the B-1 District, and the School of Dance or Music is allowed under CUP. The balance of the above church-like uses which are permitted in the B-3 District are not permitted in the B-1 District.

It should also be noted that the description of the B-1 Limited Business District in Sect 1005.02 as *‘limited range of office or professional services at the periphery of residential uses or integrated with residential uses’*.

Since the 2755 Long Lake Road site is neither at the “periphery” or “integrated” with any residential use (and is at least 1,500 feet from the nearest residential zoning district) it seems to be less appropriate to re-zone to the B-1 classification, than it is to modify the B-3 classification text,

The current site complies with intent to *‘face or front on a state or county road’* since it fronts on the west frontage road connecting County Rd C2 west of I-35W.

It seems that the intent of the 2006 zoning code was to locate churches within or at the edges of residential areas. With the trend to consolidate smaller churches into larger churches and the unique nature of this church which serves an ethnic population scattered throughout the metro area, it seems reasonable and appropriate to expand the sitting of such uses similar to the B-3 classification on a regional business district on a “state or county road” that acts as an arterial route, rather than through a residential neighborhood.

T4C currently services 500 churchgoers once or twice each week and has plans to have the ability to serve up to 1,000 churchgoers in three distinct language assemblies at a single site. This allows couples with diverse language skills and their English-speaking children to share the assembly, teaching and social times together in one building. As the largest Chinese-oriented church assembly in the metro area with over 50 years of history and strong ties in community service in the Roseville community area, T4C would be a significant Cultural Institution with spaces for Meeting Hall, Business and Counseling Offices, Music & Dance instruction and performance, for Traditional dining in line with the Restaurant I classification-- all currently permitted uses in the B-3 District.

Minimum Requirements for the Business Zoning Districts are shown in Section 1005.01. They are identical between the B-3 zoning classification and the B-1 that allows the church use.

**How does the use of the 2755 Long Lake Road site by T4C fit with future Institutional Zoning Classification possibly to be proposed in the pending zoning changes in the fall of 2010?**

The pending changes are specifically unknown at this time and it is anticipated that an application will be submitted and acted upon before the revisions to the zoning code are drafted and adopted this coming fall.

That said, planning staff has suggested a possible new Institutional Zoning District classification that would apply to large campus-type land use areas so labeled on the comprehensive plan, and might apply to some of the smaller church and social club parcels also currently labeled as Institutional on the Comp Plan. This designation might be considered a spot-zoning overlay responding to-- and intended to better regulate-- existing campus-type use patterns for school, civic, social, and possibly religious uses.

In being applied to churches, this would mark a significant change in the zoning model where church use has traditionally be broadcast around the city within smaller, neighborhood-centered churches located within the residential areas they serve. The growing contemporary model of regional scale churches based on size and differentiating aspects, such as the ethnic focus of T4C, seems to be more appropriate to the Regional Business (RB) areas shown in the Comprehensive Plan with proximity and identity to major arterial access, rather than funneling this traffic into and through residential neighborhoods.

It also should be noted that current land use planning relating to churches must be directed by federal regulation respecting the Religious Land Use & Institutionalized Person Act (RLUIPA)]

1 **PLANNING FILE 10-006**

2 **Request by Twin City Chinese Christian Church for approval of a ZONING TEXT AMENDMENT to**  
3 **allow contemporary church uses at 2755 Long Lake Road and in General Business (B-3)**  
4 **Districts generally**

5 Chair Doherty opened the Public Hearing for Project File 10-006 at 7:07 p.m.

6 Associate Planner Bryan Lloyd reviewed staff's analysis of the request by Twin City Chinese Christian  
7 Church for a ZONING TEXT AMENDMENT to allow churches in General Business zoning districts,  
8 pursuant to Roseville City Code, Section 1016 (Amendments); in the former Denny Hecker automobile  
9 dealership.

10 As detailed in Section 6 of the staff report, Mr. Lloyd noted that the fundamental question was whether  
11 a church was an appropriate use on the identified property or in any B-3 District, with all zoning districts  
12 currently being reviewed as part of the Zoning Code Update; and whether a church was an appropriate  
13 use in areas guided by the Comprehensive Land Use Plan for Regional Business uses.

14 Mr. Lloyd advised that staff did not support this specific application when other locations in the  
15 community were guided for Institutional or Community Mixed Use; and therefore advised that the  
16 Planning Division recommends DENIAL of the proposed ZONING TEXT AMENDMENT for Twin City  
17 Chinese Christian Church to allow churches in the General Business District; based on the comments  
18 of Section 6 and the findings detailed in Section 7 of the staff report dated March 3, 2010.

19 Discussion included whether the lack of staff support was based on preference to segregate tax exempt  
20 uses, with staff advising that the rationale was that with the upcoming Zoning Code update church uses  
21 would not be appropriate for areas guided toward Regional Business uses, such as the proposed  
22 location intended for revenue-generating, commercial uses; and was not determined on the religious  
23 aspect of a church use, but inclusive of a broad range of other typically not-for-profit uses that would fit  
24 into "Institutional" land uses (i.e., churches, schools, theater companies, museums) with those uses  
25 directed outside of the primary revenue-generating areas of Roseville.

26 Further discussion included church uses now allowed as Conditional Uses in R-1 Zoning Districts;  
27 comparisons to other communities for neighborhood-focused uses; unknowns historical perspective in  
28 locating churches in R-1 Districts; building code impacts for group-gathering uses and difficulty in  
29 retrofitting churches in other areas (i.e., strip malls); and unavailability of other locations in Roseville in  
30 which to locate a new church other than in the Twin Lakes Redevelopment area in Community-Mixed  
31 designated areas.

32 Commissioner Gisselquist observed that, unless able to expand on existing church property, unless you  
33 had built a church in the 1930's or 1940's in Roseville, there was no option for growth of a church or a  
34 new church to be started; and opined that this seemed to be a disconnect in the community's zoning  
35 code.

36 Commissioner Boerigter opined that, given potential impacts of contemporary rather than traditional  
37 churches on surrounding areas (i.e., traffic, cultural and community uses), they may be a better fit in a  
38 business rather than residential area. Commissioner Boerigter noted that the current Comcast Cable  
39 site, guided for multiple-family uses, may be more appropriate for a church location, rather than a  
40 location in the middle of a residential neighborhood.

41 Chair Doherty opined that the location of churches as the community developed may have not been a  
42 conscious decision and not guided.

43 Mr. Lloyd opined that past land use guidance was intentional and logical, but that some errors in the  
44 process could have been made or uses overlooked.

45 Additional discussion included other locations; logic for churches located in Institutional Zoning areas,  
46 but not Commercial or Industrial areas; consideration of the Metropolitan Council's mandate for  
47 accommodating residential growth of all densities (i.e., multiple family zoning at the Comcast site); and  
48 a lack of consensus in justifying the logic in proposing a better site for a new church to locate than the  
49 one proposed.

50 Community Development Director Patrick Trudgeon clarified that, under the new Comprehensive Plan  
51 guidance, and proposed rezoning toward Regional Business areas, this type of use is not supported in  
52 an area proposed for large-scale businesses. Mr. Trudgeon noted that, if the request was granted to  
53 consider a Zoning Text Amendment for this type of use in Regional Business Districts, it would impact a  
54 broader scale than this one request. Mr. Trudgeon cautioned the Commission that this type of use  
55 does not fit in the Comprehensive Plan schemes and guidance along the interstate, and would be akin  
56 to spot zoning.

57 **Applicant Representatives**

58 **Ron Wong, 2340 East 121<sup>st</sup> Street; Burnsville, MN, Chair of Trustee Committee at Twin City  
59 Chinese Christian Church (T4C)**

60 Mr. Wong thanked staff for guiding the church through the application process and areas of the zoning  
61 code. Mr. Wong, as a twenty-year member of the church, opined that the T4C truly cared about its  
62 people and had a great sense of community, while building strong families who in turn built strong  
63 communities. Mr. Wong briefly reviewed the history of this non-denominational Christian church,  
64 established more than fifty (50) years ago, and the largest of its kind in a five (5)-state area. Mr. Wong  
65 advised that the church's current location was in Lauderdale, MN with congregational meetings held  
66 twice/week on Sunday and Friday, with other assorted ad hoc events occurring during the week. Mr.  
67 Wong advised that the current attendance was approximately five-hundred (500); and that the  
68 congregation had a composition with three (3) separate language-specific dialects. Mr. Wong noted  
69 that the trend for the Chinese congregation was to be drawn to higher learning institutions, and that  
70 they had been searching for a suitable site for over seven (7) years, and that given the proximity of this  
71 site to the University of MN, this site matched their search criteria in many ways.

72 Mr. Wong displayed a Preliminary Site Plan, proposed accessibility and amenities; and opined that this  
73 would be a great addition to the City of Roseville; and with the central location would provide good  
74 access to their congregation from throughout the metropolitan area, in addition to resolving parking and  
75 traffic issues being experienced at their current site, as well as other negative implications for a  
76 traditional neighborhood.

77 **Thomas Peterson, Station 19 Architects, 2001 University Avenue SE, Mpls, MN**

78 Mr. Peterson reviewed his firm's past experience specializing in church architecture; and their work  
79 over the last several years with the T4C before this site became available for purchase. Mr. Peterson  
80 reviewed the feasibility of such a use, even though not permitted at this time, based on the needs of the  
81 church; direct access off I-35 and collector streets; size of the site providing sufficient parking for a  
82 regional church; site-specifics and proposed improvements with little investment other than for  
83 stormwater treatment; accessibility of the current church from the main level for all entries; and other  
84 uses that could be allowed in a B-3 District if not labels as a "church," but with similar gathering  
85 functions. Mr. Peterson asked that the Commission consider this "friendly correction" to City Code as  
86 part of the rewrite of the current code, with many of those permitted uses part of the hospitality ministry  
87 of the church. Mr. Peterson referenced the City's *Imagine Roseville 2025* visioning process and  
88 supporting diverse cultures in the community, and how this use would fit with that vision, even though  
89 the Comprehensive Plan seemed to be mute on locating churches. Mr. Peterson noted that the cost of  
90 redeveloping this site for a new use versus developing on a new site was more cost-effective, and  
91 would be funded entirely by the church membership without any public incentives or monies, as a  
92 private entity investing in a currently vacant building, providing a service to the community, in addition  
93 to an auditorium that could accommodate public gatherings.

94 **Jeff LeFavre, Integrust Development Group, 3116 Chelsea Court, Burnsville, MN**

95 From his expertise as a Real Estate and Development perspective, Mr. LeFavre reviewed the long-time  
96 regional search throughout the metropolitan area for an acceptable site based on traffic patterns and  
97 location requirements; opining that a commercial area seemed to be the best fit. Mr. LeFavre reviewed  
98 the current automobile industry in this economy, and cities concerned with long-term vacancies of  
99 buildings such as this. Mr. LeFavre opined that this site would be ideal for this use, concurring with  
100 those reasons as previously stated; and would benefit and be complementary to other property owners  
101 in the area. Mr. LeFavre advised that, at the recent open house, no one attended from surrounding

102 businesses, leading them to believe there were no objections. Mr. LeFavre reviewed current  
103 development and redevelopment trends, opining that the pattern of mixed use in such commercial  
104 areas would continue.

105 **Ron Wong**

106 Mr. Wong concluded by reviewing the T4C's perspective on serving the community; their support for  
107 networking within the community and serving at-risk youth; their involvement in the Roseville Rock  
108 Youth Center another family support organizations; their pastoral staff's involvement with other pastors  
109 within the community; and their partnerships with Hmong service organizations in the metropolitan  
110 area; as well as their support of civic events in the area. Mr. Wong estimated that nine percent (9%) of  
111 their congregation is from Roseville, with the remainder from the Twin Cities regional area. Mr. Wong  
112 noted that the T4C is a vibrant, growing church actively investing in children and families, and would  
113 have a positive impact on the community; and respectfully requested approval of their application.

114 Commissioner Wozniak opined that this location seemed isolated from the remainder of the community  
115 with no nearby residents, if their intent is to be significantly involved in the community; and questioned  
116 how people would observe their location in such an industrial area.

117 Mr. Wong advised that the nature of their church is that they are a regional church, and the regional  
118 geographic location for the congregation is more important with this site fitting that need in the center of  
119 the Twin Cities area, located off major through-fares off I-35, compared with their present location  
120 isolated in a neighborhood with no regional visibility. Mr. Wong noted that their church has a heart and  
121 ministry for U of MN students, with a student bus service provided several times on Sunday, with other  
122 transportation options also available to the site.

123 **Public Comment**

124 Chair Doherty closed the Public Hearing at 8:08 p.m., with no one appearing for or against.

125 Commissioner Boerigter noted that this was a difficult decision for him, as in analyzing other uses in  
126 permitted in a B-3 District, how was a church use any different, when the district allowed for private  
127 cultural institutions and, given the potential negative impacts of a regional church in a residential  
128 neighborhood, this zoning district would seem to have less impact on the community. Commissioner  
129 Boerigter questioned where else this use could be directed in the community; questioning if the Guthrie  
130 Theater was interested in locating in that area, what would the City's response be. Commissioner  
131 Boerigter suggested that it seemed to come down to a tax exempt issue, and questioned further if such  
132 a use should be discouraged.

133 Chair Doherty concurred that this was a very complicated issue and not an easy decision to make in  
134 basically approving a church use of this property. Chair Doherty referenced the *Imagine Roseville 2025*  
135 community visioning process, and the many diversity issues brought forward; the need for additional  
136 community spaces; and a need for organizations that serve the needs of the community. Chair Doherty  
137 opined that T4C) would be an asset to the community. While recognizing the need to enhance property  
138 tax revenues, Chair Doherty opined that this proposal may be a negative for additional tax revenues,  
139 but it brought other positive things to the table, noting the changing face of the community with an  
140 increase in then number of Asian residents in the community compared to ten (10) years ago and  
141 suggested that this might fit very well for accommodating this sort of arrangement or facility. Chair  
142 Doherty noted that he is not a proponent of spot zoning, and that was his only concern with this  
143 approval, further noting that he wouldn't advocate changing all B-3 Zoning Districts to include such a  
144 use, but would support this request.

145 Commissioner Boerigter concurred with Chair Doherty's comment to not be afraid to allow churches in  
146 B-3 Districts, given the information provided to-date; and questioned how the impact of a church use  
147 could be any different that a permitted use for a hospital, mortuary or theater. Commissioner Doherty  
148 questioned the aesthetics of the church wishing to be next to other businesses; however, noted that this  
149 was their decision to make.

150 Chair Doherty expressed concern that there may be unintended consequences that were unknown at  
151 this time.

152 Commissioner Boerigter noted that, once the zoning code was rewritten, and unless there was a run of  
153 church use applications between now and that rewrite, the B-3 District would no longer exist so the  
154 problem would not exist.

155 Commissioner Gisselquist concurred with Commissioner Boerigter; observing that the Comprehensive  
156 Plan provided no guidance for church uses; and that if you were “grandfathered in” you were fine, but if  
157 not, there were limited options available. Commissioner Gisselquist opined that he was not supportive  
158 of spot zoning, and he personally didn’t like to contribute to something that could be perceived as such;  
159 however he noted that the Commission was attempting to make do with the zoning currently in place.  
160 Commissioner Gisselquist noted that his initial reaction when reviewing the proposal had been that this  
161 seemed to be an overly broad solution to a unique situation; however, when listening to the rationale of  
162 Commissioner Boerigter, he concurred with his comments. Commissioner Gisselquist noted that newer  
163 churches were beyond the smaller neighborhood, traditional churches, with a multitude of different  
164 service options; and opined that this may be an appropriate location for a church of this size.

165 Commissioner Wozniak noted that when he first saw the proposal, his reaction had been negative,  
166 given the location next to a car dealership that appeared inappropriate; however, he noted the parallels  
167 between a regional business and regional church use such as this; and opined that he was persuaded  
168 by the arguments of the City’s *Imagine Roseville 2025* community vision. Commissioner Wozniak  
169 opined that this is not the right site for a church due to its isolation; and concurred with staff that a  
170 location in the Twin Lakes Redevelopment Area would be more appropriate.

171 Commissioner Boerigter recognized staff’s recommendation, noting that he seldom criticized their  
172 rationale; however, he questioned whether the bottom line was that this site was seen as more valuable  
173 for a tax revenue-generating use than the church us.

174 Commissioner Wozniak opined that he would prefer to remove the tax issue from consideration, and  
175 focus on land use only; further opining that he was persuaded by the arguments that tax revenues were  
176 equitable on one side of I-35 or the other; but continued to oppose the proposed location due to its  
177 isolation and inappropriateness with adjacent business uses.

178 **MOTION**

179 **Member Boerigter moved, seconded by Member Gisselquist to RECOMMEND TO THE CITY**  
180 **COUNCIL APPROVAL of the proposed ZONING TEXT AMENDMENT for Twin City Chinese**  
181 **Christian Church to allow churches as a permitted use in the General Business District.**

182 Commissioner Wozniak sought clarification from staff on the ramifications of the proposed action.

183 City Planner Thomas Paschke advised that staff would take action for approval into consideration as it  
184 proceeded with the zoning code rewrite and whether this as a permitted use under the B-3 Zoning  
185 District, if ultimately approved by the City Council and whether additional parameters should be created  
186 to allow churches in the future in regional business districts or whether to rezone this site as a different  
187 zoning distinction through clarifying textual information under that land use designation.

188 Discussion among Commissioners and staff included an alternative to zoning code text amendment to  
189 allow the proposed use, with staff clarifying that the only option for the Commission at this time was to  
190 support or deny the request; using the PUD process or an amendment to the existing Conditional Use  
191 under the current zoning ordinance, requiring the request to return to the Commission as a new  
192 application providing for few additional advantages; the need for future discussions on appropriate sites  
193 for institutional uses or modifications to the existing regional business zone to support those uses; and  
194 revising the zoning chart if the use is allowed, indicating that a church would be a permitted use with  
195 additional review needed to determine negative impacts beyond those already analyzed.

196 **AMENDMENT TO MOTION**

197 **Boerigter moved, Gisselquist seconded, modification of the motion to read that churches are a**  
198 **permitted use in General Business Districts, with no need for a Conditional Use Permit.**

199 Further discussion included clarification that the Planning Commission's decisions needed to be based  
200 on land use considerations only; and that the City Council could be tasked with whether the decision  
201 significantly impacted revenue generation of this site.

202 **ORIGINAL MOTION AS AMENDED**

203 **Ayes: 4**

204 **Nays: 0**

205 **Motion carried.**