



City Council Memorandum

To: Mayor Fasbender & City Councilmembers

From: Justin Fortney, City Planner

Date: February 3, 2020

Item: 2nd Reading\ Public Hearing: City Code Amendment 155.01, Rezoning and Comprehensive Plan Amendment – Shepherd of the Valley Lutheran Church of Hastings (1450 4th Street West)

Council Action Requested:

Consider 2nd Reading and hold a public hearing for the following requests:

- Amendment to Hastings City Code Chapter 155.01 – Zoning Code-Zoning Map to rezone the eastern two acres of the parcel located at 1450 4th Street West from R-1, Low Density Residence to R-3, Medium-High Density Residence
- Comprehensive Plan Amendment to re-designate the entire parcel from Institutional to Medium Density Residential. (this action is required to rezone property, which would be inconsistent with our comprehensive plan.)

Approvals require a simple majority of the City Council.

Background Information:

See the attached Planning Commission staff report for a complete background of the request.

Financial Impact:

Site development or even a sale would place property on the tax roll.

Advisory Commission Discussion:

At the January 13, 2020 Planning Commission meeting, the applicant amended the request to only apply for rezoning of the east half of the parcel. The Planning Commission voted 6-1 (Martin opposed) to recommend approval of the amended request with much discussion. Commissioner Martin stated the rezoning request should come from a developer with a plan for what is intended for construction. Commission Chair Johnson stated the rezoning request is in line with all of the surrounding zoning. He added that this request is only for rezoning and that future development will require another public hearing and review process. He mentioned that details related to drainage, lot sizes, access, and buildings would be reviewed at that time in detail.

During the public hearing, several residents spoke of concerns that a four-story high rise could possibly be built on the property if rezoned. This is may be due to the nature of their own development, which is zoned R-3 **PRD**. Their developer and the city agreed to develop a mix of single-family, townhomes, and apartment/ condos with an overall

density to R-3 standards, but in a PRD (Planned Residential Development) they may spread that density into different concentrations. There were many townhomes, constructed, but also low-density single-family homes, which allowed a density credit for development of two apartment/ condo sites. After townhomes and single-family homes were built, a large four-story condo was constructed in 2005, as planned, but was never shared with home buyers. This had a caused a great deal of angst among area residents.

It was explained several times at the meeting that the applicant's proposed rezoning of R-3 would not be allowed the density for a high-rise building.

Council Committee Discussion:

N/A

Attachments:

- Resolution - Comprehensive Plan Amendment
- Ordinance Amendment – Zoning Map Change
- Planning Commission Memo – January 13, 2020
- Planning Commission Meeting Recap – January 13, 2020

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS AMENDING THE CITY OF HASTINGS 2030 COMPREHENSIVE PLAN

Councilmember _____ introduced the following Resolution and moved its adoption:

WHEREAS, The City of Hastings, owner of the property described below, has petitioned for an amendment to Figure 2.5, Planned Land Use of the City of Hastings 2030 Comprehensive Plan. The City requests that the following property be re-guided from “Institutional” to “Medium-Density Residential”:

Lot 1, Block 1 Schumacher 3rd Addition, Dakota County, Minnesota

WHEREAS, the proposed change is consistent with the medium density nature of the area; and

WHEREAS, On January 13, 2020 the Hastings Planning Commission recommended approval of the amendment as presented; and

WHEREAS, The City Council has reviewed the request and concurs with the recommendation of the Planning Commission.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

That the City Council hereby approves the amendment as presented to the City Council subject to the following conditions:

1. Approval by Metropolitan Council.

Council member _____ moved a second to this resolution and upon being put to a vote adopted by those present.

IX-01 & X-B-01 & X-B-02

Adopted by the Hastings City Council on February 3, 2020, by the following vote:

Ayes:

Nays:

Absent:

ATTEST:

Mary Fasbender, Mayor

Julie Flaten,
City Clerk

(City Seal)

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 3rd day of February, 2020, as disclosed by the records of the City of Hastings on file and of record in the office.

Julie Flaten, City Clerk

This instrument drafted by:
City of Hastings (JJF)
101 4th St. E.
Hastings, MN 55033

ORDINANCE NO. 2020-_____, THIRD SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING SECTION 155.01,
ZONING CODE OF THE CITY CODE HAVING TO DO WITH:**

OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Hastings that approximately 2 acres of property generally located at the northwest Corner of 4th Street West and Whispering Lane, legally described as follows, is rezoned from R-1 – Low Density Residence to R-3 – Medium-High Density Residence, subject to approval of the concurrent Comprehensive Plan Amendment by Metropolitan Council:

That portion of Lot 1, Block 1, SCHUMACHER 3RD ADDITION, Dakota County Minnesota located east of the following described line: Commencing at the southeast corner of said Lot 1; thence South 89 degrees 43 minutes 53 seconds West, assumed bearing, along the southern property line of said Lot 1 a distance of 371.80 feet to the point of beginning of the line to be described; thence North 00 degrees 09 minutes 57 seconds West, assumed bearing, to the intersection of the northern property line of said Lot 1, thence terminating.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

ADOPTED by the Hastings City Council on this 3rd day of February, 2020.

Mary Fasbender, Mayor

ATTEST:

Julie Flaten, City Clerk

IX-01 & X-B-01 & X-B-02

I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 3rd day of February, 2020, as disclosed by the records of the City of Hastings on file and of record in the office.

Julie Flaten, City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (JJF)
101 4th St. East
Hastings, MN 55033



Planning Commission Memorandum

To: Planning Commission

From: Justin Fortney, City Planner

Date: January 13, 2020 -**Updated request amended to only rezone the eastern half**

Item: Comprehensive Plan Amendment and Rezoning R-1 to R-3 – 1450 4th Street West

Planning Commission Action Requested:

Hold a public hearing and review a request to rezone property from R-1, Low Density Residence to R-3, Medium-High Density Residence. The Planning Commission is asked to make a recommendation to the City Council on both items.

Background Information:

After rezoning the entire site, the applicant (Shepard of the Valley Lutheran Church), intends to sell the eastern two acres to a land developer for the development of townhomes that are consistent with the surrounding area. The applicant's concept plan illustrates what could be developed on the site. However, there are any number of products and configurations besides the applicant's general concept plan.

When approached by the applicants for direction on the proposal to sell some of their land, staff commented that it may be prudent to locate a potential developer prior to rezoning. The applicant found that developers did not want to consider the purchase until that land was rezoned.

The applicant originally requested the entire site to be rezoned to R-3 to provide design flexibility to a developer as the exact extent of land to be sold could vary slightly due to a developer's proposal. The applicant has stated: They have no intention to discontinue church operations and even if that were to become a future reality, the highest and best use of the lot and building is as a church and not townhomes, so full redevelopment is not our purpose or secondary option.

The applicant amended the application to leave the church zoned R-1. Doing so may require a future rezoning request if a potential developer sought some additional property beyond what is proposed for sale to make their development fit the site.

The use of a church fits just as well in the R-3 as an R-1 zoning district.

Comprehensive Plan Classification

The property is guided as Institutional in the 2030 Comprehensive Plan. Although churches are allowed in virtually all zoning districts, they fit best into the institutional district. A few years ago, the applicant applied for a rezoning to PI - Public Institutional.

This was to facilitate a secondary use of the site as a fitness center. The rezoning was denied and the fitness center proposal was modified to fit as an allowed accessory use. Reasons for the rezoning denial may have been related to neighborhood concerns of an intensely used fitness center or other possible uses allowed in the PI district (government buildings, hospitals, education facilities, community gymnasiums and fitness centers)

The surrounding area is guided as medium density residential. Although the site is guided as Institutional, it is reasonable to amend the guided use of the entire parcel consistent with the surrounding area. Additionally, since the neighborhood and City Council had concerns with the site being zoned Public Institutional, as currently guided, re-guiding the entire site including the church to Medium Density may be more in line with our actions and visions for the property.

Zoning Classification

The property is currently zoned R-1, Low Density Residence, which allows single-family homes, schools, parks, and churches. This low-density designation is not consistent with the residential density of the area and likely not a prime site for large lot single family development, due to the surrounding townhome developments and location.

If the property were rezoned to R3, Medium-High Density Residence, essentially the same uses would be allowed, but with higher density, including multi-family dwellings. The zoning ordinance would allow up to 17 townhomes on two acres. This density would likely not be achievable due to the shape of the site, necessary road(s) and stormwater requirements. Based on their concept plan and area developments, they could likely fit between 10 and 14 homes. The current R-1 zoning would allow half as many homes.

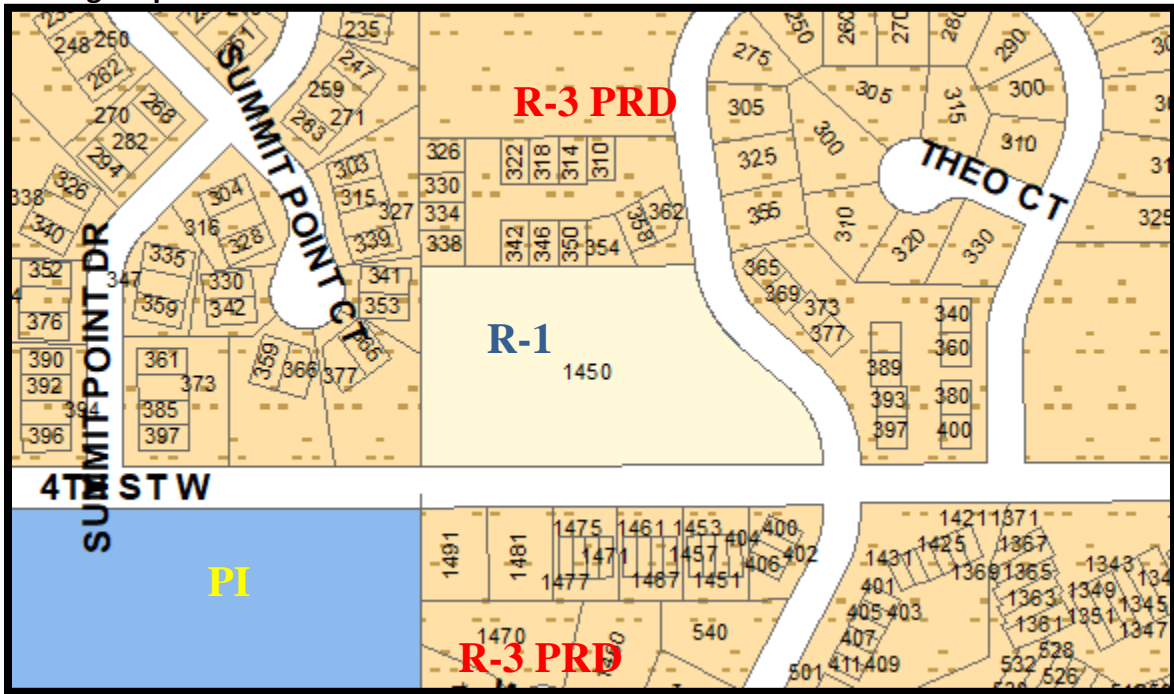
Adjacent Zoning and Land Use

The following land uses about the property:

Direction	Use	Comp Plan District	Zoning District
North	Townhomes	High Density	R-3 PRD
East	Townhomes	Medium Density	R-3 PRD
South	Townhomes	Medium Density	R-3 PRD
West	Townhomes	Medium Density	R-3 PRD

The surrounding properties are zoned R-3 PRD (Planned Residential Development), which allows the same density as the applicant’s proposal of R-3, but with one important difference. In an R-3 PRD district, the density of R-3 may be concentrated into high-density in some areas and low-density in others, as long as the overall density is medium. This is why some areas of the surrounding R-3 PRD neighborhood have townhomes, single-family homes, and multi-family four-story buildings.

Zoning Map



Notice

Property owners within 350-feet were notified of the proposed rezoning. Staff received the attached letter and a couple phone calls for clarification on the request. Several neighbors spoke in opposition at the meeting.

Recommended Action:

Staff finds no issues with amending the future land use plan to medium density for the entire parcel and rezoning the eastern half to R-3. All abutting properties are zoned and developed consistent with the request. The zoning of the church has no impact on its current use.

Attachments:

- Site Photos
- Aerial Map
- Comprehensive Plan Future Land Use Map Section
- Draft Concept Proposal

IX-01 & X-B-01 & X-B-02

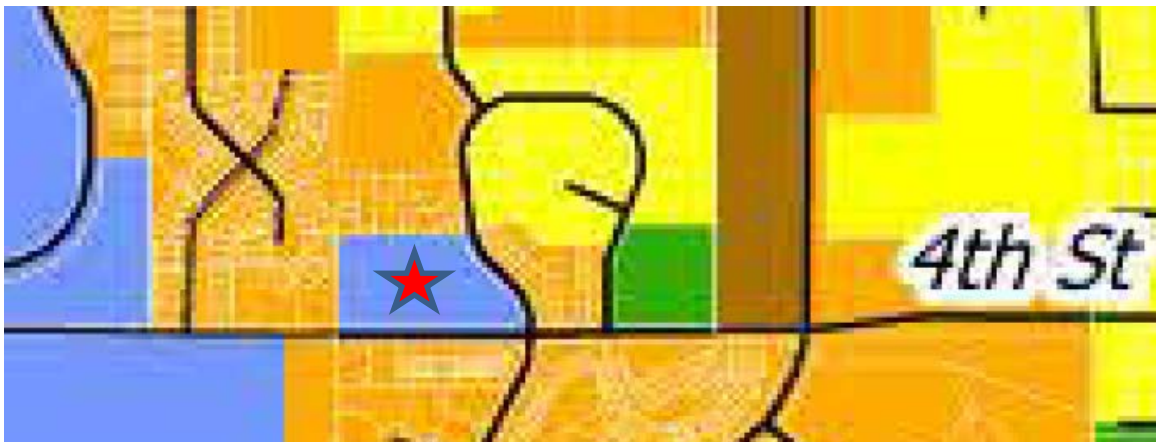
Site Photos



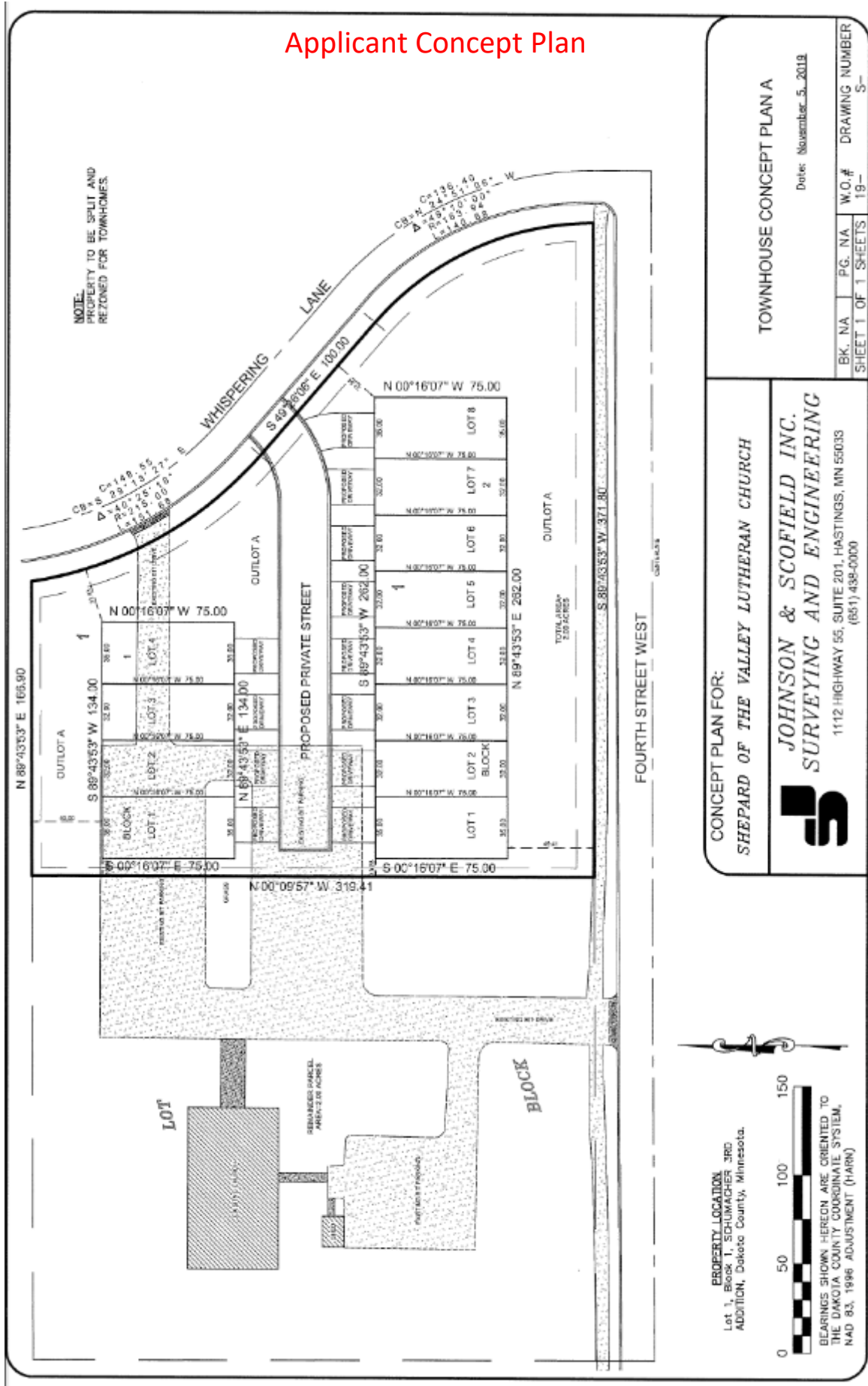
Aerial Map



Comprehensive Plan Future Land Use Map Section



Applicant Concept Plan



Letter from Neighbor

Sent: Friday, January 3, 2020 12:10 PM

To: mayormary@hastingsmn.gov

Subject: The January 13, 2020 Hastings Planning Commission Meeting

You Honor Mayor Fasbender,

I am writing to express my concern about a proposed rezoning meeting from R1 to R3 for 1450 West 4th Street to be held January 13, 2020 by the Hastings Planning Commission Meeting.

R2 would be a more appropriate change.

R2 permits townhomes and and multi-residential development.

The proposed change is apparently a repeat of a previous attempt by Shepherd of the Valley to rezone the church building for commercial use.

An underlying motive for an R3 rezoning, Shepherd of the Valley would be allowed to replace the Church building with a commercial

multi-story building on the remaining 2.5 acres. That concept is contrary to the nature of the area's 2 story structures (with one exception.)

My concern is based upon the previous attempts to commercially rezone by Shepherd of the Valley, previous hostile actions of Shepherd of the Valley

to purge their congregation, and the previous approval by the the Hastings Planning Commission to allow a dental office to be

built in a drainage ditch at Pleasant and Hwy. 55, when there are still out lot available on higher ground.

Sincerely,

Robert Wellemeyer
[365 Summit Point Court](#)
[Hastings, MN 55033](#)