

**WASHINGTON COUNTY DEVELOPMENT CODE AMENDMENT
WASHINGTON COUNTY
ORDINANCE NO. 173**

The Board of Commissioners of Washington County ordains:

SECTION 1: The Washington County Comprehensive Plan and the Washington County Development Code be amended to rezone 7.3 acres of property legally described as that part of the South Half of the Southwest Quarter of Section 31, Township 29, Range 20, Washington County, Minnesota, described as commencing at the northeast corner of said South Half of the Southwest Quarter of Section 31; thence on an assumed bearing of South 89 degrees 56 minutes 33 seconds West, along the north line of said South Half of the Southwest Quarter of Section 31, a distance of 1926.15 feet to the point of beginning of the property to be described; thence South 0 degrees 03 minutes 16 seconds East a distance of 474.21 feet; thence South 89 degrees 56 minutes 44 seconds West a distance of 49.51 feet; thence South 0 degrees 04 minutes 58 seconds East a distance of 552.52 feet to the northerly right of way line of Interstate Highway No. 94 per MN/DOT Right-of-Way Plat No. 82-36 and Final Certificate No. 694842; thence westerly and northerly along said right of way line of Interstate Highway No. 94 to said north line of the South Half of the Southwest Quarter of Section 31; thence North 89 degrees 56 minutes 33 seconds East, along said north line of the South Half of the Southwest Quarter of Section 31, a distance of 420.29 feet to the point of beginning.

from Single Family Estate to Commercial/Industrial-Rural.

SECTION 2: The Washington County Zoning Administrator is hereby directed to amend the Washington County Development Code, including zoning maps, in accordance with the foregoing amendment.

SECTION 3: Effective date. This ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Passed by the Board of County Commissioners of Washington County, Minnesota this 18th day of April, 2006.

Bill Pulkrabek, Chair
Washington County Board of Commissioners

ATTEST:
James R. Schug
Washington County Administrator

Approved as to form and legality:
Linda C. Krafthefer
Assistant Washington County Attorney

**BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, MINNESOTA**

Resolution No. 2006-052

DATE April 18, 2006
MOTION BY COMMISSIONER

Peterson

DEPARTMENT County Attorney
SECONDED BY COMMISSIONER Hegberg

**Resolution Amending the Washington County 2020 Comprehensive Plan
and Approving a Rezoning Request of Holiday Stationstores, Inc.
Ordinance No. 173**

This matter came on for public hearing before the Washington County Board of Commissioners on April 4, 2006 and continued on April 11, 2006 on an application by Holiday Stationstores, Inc., hereinafter Applicant, to amend the Washington County Comprehensive Plan and to rezone property in West Lakeland Township. This hearing was held under the auspices of MINN. STAT. § 394.25, subd. 10 and Chapter 1, Section 14 of the Washington County Development Code. Having heard the testimony of Applicant and all interested parties and having reviewed the recommendation of the Washington County Planning Advisory Commission and being otherwise advised in the premises, the Washington County Board of Commissioners makes the following:

FINDINGS OF FACT:

1. The Applicant is the owner of 7.3 acres of real property for which application was made, which is legally described as

That part of the South Half of the Southwest Quarter of Section 31, Township 29, Range 20, Washington County, Minnesota, described as commencing at the northeast corner of said South Half of the Southwest Quarter of Section 31; thence on an assumed bearing of South 89 degrees 56 minutes 33 seconds West, along the north line of said South Half of the Southwest Quarter of Section 31, a distance of 1926.15 feet to the point of beginning of the property to be described; thence South 0 degrees 03 minutes 16 seconds East a distance of 474.21 feet; thence South 89 degrees 56 minutes 44 seconds West a distance of 49.51 feet; thence South 0 degrees 04 minutes 58 seconds East a distance of 552.52 feet to the northerly right of way line of Interstate Highway No. 94 per MN/DOT Right-of-Way Plat No. 82-36 and Final Certificate No. 694842; thence westerly and northerly along said right of way line of Interstate Highway No. 94 to said north line of the South Half of the Southwest Quarter of Section 31; thence North 89 degrees 56 minutes 33 seconds East, along said north line of the South Half of the Southwest Quarter of Section 31, a distance of 420.29 feet to the point of beginning.

This 7.3 acres is a portion of a more or less 60 acre parcel owned by Applicant located in the northeast quadrant of the intersection between Interstate 94 (I-94) and County State Aid Highway (CSAH) 15 in West Lakeland Township.

2. The entire 60 acre parcel, including the subject 7.3 acres is currently planned and zoned for Rural Residential housing under the Washington County Comprehensive Plan and Zoning Ordinance.
3. Applicant wishes to amend the Comprehensive Plan designation and rezone the 7.3 acres of land which is more fully described in paragraph 1 above from Single Family Estate to Commercial/Industrial-Rural. Application to amend and rezone was made and completed on January 3, 2006.
4. The remaining more or less 60 acres owned by Applicant will continue to be planned and zoned Single Family Estate under the Washington County Development Code.
5. Applicant proposes to use the subject 7.3 acres to build and operate a convenience store with gas dispensing facilities.
6. Pursuant to MINN. STAT. § 394.25, subd. 10 and Chapter 1, Section 14 of the Washington County Development Code, the application was submitted to the Washington County Planning Advisory Commission for its review and recommendation. On January 24, 2006, a hearing was held on the matter, and the Planning Advisory Commission recommended the request to amend and rezone be denied.
7. The Washington County Board of Commissioners conducted public hearings on Applicant's request to amend and rezone on April 4, 2006 and April 11, 2006. Notice of the public hearing was given in a manner required by MINN. STAT. §§ 394.26 and 375.51.
8. The Applicant extended by 60 days to 120 days from the date the completed application was received by the County the time necessary for the County Board to grant or deny the application.
9. Most or all of the 60 acres owned by the Applicant, including the subject property, is currently being used for sod farming.
10. Because of its close proximity to I-94 and the attendant noise generated by the highway, it is doubtful whether the subject property is suitable for residential development.
11. As it currently stands, the subject property does not have access to sewer and water and most likely the earliest it would have such access is in the 2020 time frame.
12. The lands adjacent to three sides of the zoned property and located in the Cities of Lake Elmo, Woodbury and Afton are zoned for some type of commercial

development with the adjacent land in Lake Elmo and Woodbury earmarked for professional business office use and the contiguous land in Afton currently home to a truck terminal.

13. None of the adjacent lands located in Lake Elmo, Woodbury and Afton have sewer and water and probably will not have sewer and water until the 2010 to 2020 time frame.
14. During the study for the County's current Comprehensive Plan, it was determined that the location of the subject property would in all likelihood be eventually developed as business commercial, but not until sewer and water were in place.
15. Washington County will begin a study in 2008 on a new Comprehensive Plan.
16. The zoning for the subject property under the West Lakeland Township Ordinance is at odds with the County's and is classified by the Township's Zoning Ordinance as HC-B, Highway Commercial/Business District, which allows a convenience store and service station as a conditional use.
17. Applicant has been granted a conditional use permit and variance by West Lakeland Township in order to operate a gas station and convenience store on the subject property.
18. Although Applicant's request is not in conformance with Washington County's Comprehensive Plan, there is strong likelihood that the land will change designation to Commercial following the 2008 Comprehensive Plan study, or at least when sewer and water are in place.
19. The concerns with water, soil, water contamination, traffic and aesthetics attendant to siting and construction of the proposed facility will be subject to the permitting process under the Washington County Development Code.
20. Although there may be problems in constructing and operating a gas station and convenience store on the proposed 7.3 acres, the 7.3 acres can accommodate, if sited properly, such a facility that meets the criteria set forth in the County's Development Code.
21. If the proposed gas station and convenience store cannot meet the conditions set out in the permitting process, it will not be allowed to operate.
22. Although the proximity of the proposed station to the intersection of CSAH 15 and I-94 pose access problems, the development of the subject 7.3 acres does not require any extraordinary and burdensome road improvements.
23. The gas station and convenience store will not require additional security measures.

- 24 The gas station and convenience store will provide an essential service to the surrounding community and, thus, a benefit to the public in general.
- 25. Because the proposed zoning would be consistent with the commercial development of property adjacent to the subject property, the rezoning of the land would not constitute spot zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners grants the request of Holiday Stationstores, Inc. to amend the Washington County Comprehensive Plan and the Washington County Development Code to rezone the parcel legally described as

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as Commercial/Industrial-Rural.

BE IT FURTHER RESOLVED, that the Washington County Zoning Administrator is directed to make the changes set forth in the Washington County Development Code and cause the same to be published and codified according to law and from and after the effective date of the Amended Ordinance No. 173.

ATTEST:

James R. Schug
COUNTY ADMINISTRATOR

Bill Pulkrabek
CHAIRMAN, COUNTY BOARD

PULKRBEK
KRIESEL
HEGBERG
PETERSON
STAFFORD

YES	NO
X	
X	
X	
X	
X	