

Planning Commission
Tuesday, February 12, 2019
6:00 p.m.
St. Cloud City Hall Council Chambers

ROLL CALL

Members Present: Jake Anderson, Jared Becker, Marty Czech and Sheila DeVine
Members Absent: Dennis Ballantine, Luis Estevez and Bill Mund
Council Rep. Present: -
Staff Present: Matt Glaesman and Ashley Skaggs

OPEN FORUM

No one present to speak.

Consent Agenda

APPROVAL OF STAFF REPORTS FOR FEBRUARY 12, 2019 AS PART OF THE OFFICIAL RECORD

APPROVAL OF MINUTES FROM THE DECEMBER 11, 2018 & JANUARY 22, 2019 PLANNING COMMISSION MEETING

ACTION TAKEN: Anderson/Becker/Approved (4-0)

Public Hearings

**REZ2019-01 / JIM-DEES LLC, EAST SIDE OIL CO INC & JAMES DE FENEIS REVOCABLE TRUST / 19, 23 & 29 17TH AVE S;
1720 & 1740 W ST. GERMAIN ST**

**VAC2019-01 / JIM-DEES LLC, EAST SIDE OIL CO INC & JAMES DE FENEIS REVOCABLE TRUST / 19, 23 & 29 17TH AVE S;
1715 1ST ST S; 22 WASHINGTON MEMORIAL DR**

PLAT2019-01 / PRELIMINARY PLAT OF JBF LLC

PLAT2019-02 / FINAL PLAT OF JBF LLC

ACTION TAKEN: DeVine/Anderson/Denied (0-4)

Glaesman explained a request to rezone several properties from C4, Fringe Central Business District to C5, Highway Commercial District. The original application included the rezoning of 19, 23 and 29 17th Ave S to accommodate a potential redevelopment. Staff felt it was appropriate to initiate rezoning of two additional properties at 1720 and 1740 W St. Germain St.

Czech opened the public hearing for the rezoning action and invited testimony. The following persons testified:

Jim Feneis, 920 10th St NE, Sauk Rapids – The block between 17th Ave S and Washington Memorial Dr has been largely underutilized. The redevelopment project is anticipated to un-blight the corner at the former Wendy's. He has attracted two major retailers. The project will polish the entire block and make it a block that the city is happy with.

Adam Huhta, 36 S 9th St, Minneapolis – He is an attorney from Huhta Law Firm representing East Side Oil Co, Inc. Jim Feneis resigned from the board in 2016 and is not an employee of the company. The proposal is not made on behalf of the company, which owns two of the subject properties.

Jim Feneis stated that he and his brother are joint owners in East Side Oil, and the previous speaker does not represent East Side Oil.

Kyle Hart, 3333 S 7th St, Minneapolis – He is an attorney from Fabyanske Westra Hart & Thomson representing Dan Feneis. East Side Oil and Dan Feneis do not support the rezoning, vacation of the alley or the replatting of the properties. Jim Feneis formally resigned from the company in 2016. He is not an officer or an employee of East Side Oil. At best, Jim Feneis is a 50% shareholder. There is a pending lawsuit between the brothers to settle ownership of the company. Due to the fact that there is pending litigation, the project should not move forward. There are also several problems with the request. A public notice sign was not posted on the property, and a copy of the application was not mailed to the applicant as East Side Oil.

Jim Feneis stated he stepped down as CEO of East Side Oil in 2016 due to health issues. There is a risk of losing a major tenant if this process is delayed. If MnDOT has any reason to close the egress from TH23, the project will not move forward.

Hart noted a letter in the packet from MnDOT stating that “there will be no direct access to State Highway 23.”

Glaesman noted that there is a distinct difference between the rezoning action and the vacation and replatting actions. The rezoning action simply grants additional zoning rights to the property as it exists today.

David Gaida, 2105 Red Fox Rd – He owns a property to the north of the proposed redevelopment. He does not oppose the project itself but is concerned with the alley vacation. He also opposes any assessments as a result of the vacation action.

Jim Feneis stated he is still having discussions with MnDOT regarding access to the property from TH23.

Becker made a motion to open the public hearing for the vacation action. The motion was seconded by Anderson and carried unanimously. Czech invited testimony regarding the vacation action as well as the rezoning action.

Dan Feneis, 909 13th Ave SE – He is 50% owner of East Side Oil. This project is a personal endeavor of Jim Feneis’s.

Glaesman noted that the applicant’s intention is to create a single parcel. The vacation action would vacate the north/south alley. The preliminary and final plats combine all the parcels into one. Staff has engaged MnDOT regarding access to the site at TH23. Their position has been that the access point be closed with any intensification of commercial use on the site; however, discussions are ongoing.

Huhta stated that access from TH23 is vital for East Side Oil’s business to continue on the site. He does not believe the properties owned by East Side Oil should be included in the plat since they are not owned by Jim Feneis.

There being no one else wishing to speak, the public hearing was closed. DeVine made a motion to approve the rezoning and table the vacation and plat requests. The motion was seconded by Becker. DeVine stated she does not have a problem with the rezoning of the property, but she is concerned with the ownership arguments. Becker agreed. Anderson expressed concern that the dispute may not be settled in a month’s time.

Czech questioned whether it was appropriate to rezone properties when a joint owner is not in favor. Glaesman stated that the Planning Commission’s action is a recommendation made to City Council. He is

comfortable with the requests moving forward with the understanding that it will not move forward to City Council until an ownership decision is made. DeVine asked Mr. Gaida if he would like to include his properties in the rezoning action. Gaida stated he does not wish to rezone his property for fear of property tax increases. Glaesman stated that property taxes will not be affected as a result of the rezoning action.

DeVine withdrew her original motion and made a motion to approve the rezoning, vacation and plat requests noting concerns regarding ownership rights. The motion was seconded by Anderson and failed unanimously.

**REZ2019-02 / EICH HOLDINGS / 37, 45, 47 & 53 COOPER AVE N
PLAT2019-03 / PRELIMINARY PLAT OF EICH MOTOR 2ND ADDITION
PLAT2019-04 / FINAL PLAT OF EICH MOTOR 2ND ADDITION**

ACTION TAKEN: DeVine/Anderson/Approved (4-0)

Glaesman explained a request to rezone several properties from I2, General Industrial District to C5, Highway Commercial District. The applicant is proposing to rezone the industrially zoned property into the same commercial zoning as the rest of their property to accommodate development of a new auto dealership building on the eastern portion of the site. A second action would consolidate ten parcels into two.

Czech opened the public hearing and invited testimony. There being no one wishing to speak, the public hearing was closed. DeVine made a motion to approve the rezoning and plat requests. The motion was seconded by Becker and carried unanimously.

LDC2019-01 / ARTICLES 2 AND 18

ACTION TAKEN: DeVine/Anderson/Approved (4-0)

Glaesman explained a request for three amendments to the Land Development Code. The first amendment includes regulations regarding small cellular technology in historic districts. The second amendment changes the maximum projection of a sign into the right-of-way located in the C3 and C4 districts from 24" to 36". The third and final amendment revises sign regulations for institutional uses located within residential districts.

Czech opened the public hearing and invited testimony. There being no one wishing to speak, the public hearing was closed. DeVine made a motion to approve the amendments as presented. The motion was seconded by Anderson. Czech asked for clarification of the small cell technology amendment. Glaesman stated that installation of small-scale antennae on streetlight poles in historic districts will require a Heritage Alteration Permit. Czech called for a vote, and the motion carried unanimously.

New Business

CDBG PY2019 & FIVE-YEAR CONSOLIDATED PLAN

ACTION TAKEN: None

Glaesman presented information regarding the CDBG Program Year 2019 Annual Action Plan and the Five-Year Consolidated Plan. A public hearing will be held in March to review funding applications and make a recommendation to City Council.

HERITAGE PARK SKATE PLAZA

ACTION TAKEN: DeVine/Anderson/Approved (4-0)

Glaesman explained a request to construct a replacement skate plaza within Heritage Park. Scott Zlotnik, Parks and Recreation Director presented plans for the new skate plaza including a 117-sq. ft. restroom building and a

24' hexagonal open-air park shelter. Although the new skate plaza will be 1,000-sq. ft. smaller than the previous facility, the new design has almost 800-sq. ft. more skateable surface.

DeVine made a motion to approve the request. The motion was seconded by Anderson and carried unanimously.

Old Business

SOUTHEAST ST. CLOUD LOCAL HISTORIC DISTRICT

ACTION TAKEN: DeVine/Anderson/Denied (1-4 Anderson, Becker and Czech opposed)

Glaesman explained a request for recommendation regarding the creation of a new Southeast St. Cloud Local Historic District including portions of George Friedrich Park, Riverside Park, Kilian Boulevard and Selke Field. The HPC conducted a public hearing on January 22, 2019 and has unanimously recommended approval. Creation of the district will require properties within to obtain approval from the Heritage Preservation Commission before any alterations can be made.

Becker stated he does not feel an additional level of review is needed for City owned properties. Any future changes to Kilian Blvd will already go through heavy review, as will the parks. Selke Field is owned by St. Cloud State University, which as a state-owned property is exempt from local regulations. Anderson asked if creation of the district would create additional complexities with the restoration of the Mississippi River bank in Riverside Park. Glaesman stated the district would not be an impediment to soil corrections.

DeVine noted the HPC public hearing was lively and almost everyone there was passionate about the HPC having review of the properties and protecting the historical nature. Anderson asked if Talahi Woods will be included in the district. Glaesman stated the district could be extended to include Talahi Woods in the future. Anderson questioned whether the HPC could prohibit a certain project from moving forward. Glaesman stated that any decision of the HPC can be appealed to City Council.

DeVine made a motion to recommend approval of the creation of a Southeast St. Cloud Local Historic District. The motion was seconded by Anderson. Anderson expressed concern for creating more regulation on properties already heavily regulated and owned by public entities. Becker agreed. DeVine spoke in support of protecting the historical intent of the sites. Czech called for a vote, and the motion failed (1-3, Anderson, Becker and Czech opposed).

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:17 p.m.