

Zoning Board of Appeals

Tuesday, April 20, 2021

6:00 p.m.

St. Cloud City Hall Council Chambers

Due to the global COVID-19 pandemic, this meeting of the Zoning Board of Appeals was held in a hybrid format to allow the public to testify in person. Public hearing notices were published and mailed prior to the meeting and written public comment was accepted until 3:00 p.m. on April 20, 2021. All written public comments submitted were provided to the Zoning Board of Appeals members prior to the start of the meeting.

ROLL CALL

Members Present: Dick Andzenge, Susanne Barkalow, John Mathews, Emil Radaich, Natalie Ratha and Ryan Schleicher

Members Absent: Allen Bright

Staff Present: Dave Broxmeyer, Matt Glaesman, and Abby Schneider

MARCH 16, 2021 MINUTES

ACTION TAKEN: Andzenge/Mathews/Approved (6-0)

CUP-2021-03 – Tabled from March 16, 2021 ZBA Meeting

ACTION TAKEN: Approved (6-0)

Motion by Mathews, second by Schleicher to reopen public hearing. Motion passed unanimously. Public hearing was reopened.

Broxmeyer reviewed the list of 10 recommendations from staff as conditions. Broxmeyer reminded the Board that the existing day center use is allowed by-right and the conditional use permit is only required to allow the year-round overnight sheltering.

Harry Fleegel, 4020 Clearwater Rd, HHH/Lincoln Center - Spoke of conversations he had with his neighbors about solutions going forward. Thanked those who have donated and shown support. His focus of concern is with those experiencing homelessness. Shared those who are utilizing the facility right now and what they would do overnight without their facility. Barkalow and Mathews asked follow-up questions about how the community suggestions would be implemented. Fleegel provided answers about he was willing to address these and felt they were all reasonable. Mathews asked about how the police were involved and Fleegel answered with how he is working with the police to establish and enforce expectations of behavior and consequences. Radaich asked questions about overnight staffing levels and about what consequences would be for poor behavior. Fleegel

responded that not being allowed to be at the facility would be the privilege that they would lose. Fleegel responded that as the budget allows, he does have more than 1 staff member on, and the overnight staff is always a highly qualified and experienced staff member. Schleicher asked about tracking the number of nights that each individual stays when they don't stay for 45 days straight through. Fleegel talked about the log/intake system, and about how they try to get people to the next step in finding permanent housing.

Dan Feneis – East Side Oil – Feneis commends Fleegel for his attempts but spoke of the same problems continuing. Reiterated some points from his submitted letter about concerns of his employees and customers.

Robert Cornelius – Human Services Coordinator for Benton County – Discussed the East side issues of the City of St Cloud, along with the county being involved in this decision the entire time. Wants time to develop a long-term plan for success for human services, along with supporting the current businesses and drawing new businesses. The county would like to be more involved as they see more of the financial burden of these shelters and homeless population.

Denise Fale – President of Central MN NAACP – Fale spoke of the strategic planning that Benton County is involved in. Spoke of helping marginalized communities and partners with Benton County. Fale spoke of their homelessness task force, and community partnerships that are invaluable to serving the homeless. Spoke of working on protecting the marginalized populations in our communities. Fale discussed the homeless population as valuable members of the workforce.

Jared Gapinski – District 4 Commissioner for Benton County – Reiterated desire for working together on these items. Glaesman reminded the board that staff follows the procedural due process established by the land development code and is not in a position to solicit outside comment at will.

Charles Ward – 27635 Schultz Rd, Cold Spring – Owner of 630 Lincoln Ave – Spoke of the last 3 businesses in that space failing. Talked of working together as a community and coming together.

Brandon Higgins – Co Rd 4 – Staff member at Lincoln Center – Talked about services that are provided by Benton County currently at Lincoln Center. Spoke of the increased weight on Benton County being more because they are at actual centers and receiving services. Hoping for more services and helping the homeless population.

Patti Carlson – 1206 Riverside Drive – Carlson spoke of concerns to the safety of the building and thoughts that there would be better locations.

Public hearing closed.

Motion made and seconded from last meeting (Mathews/Radaich) to approve this CUP is already on the table. Discussion began. Mathews confirmed the role that the ZBA has on this by asking Glaesman to clarify. Glaesman explained that conditional uses are appropriate uses for the specific zoning district subject to meeting the defined

criteria. Typically, conditions are physical design elements, although operational conditions have been approved occasionally. Mathews reiterated that the burden of establishing findings either in the positive or negative falls on the board. Schleicher asked about the overnight hour control in relationship to the community impact. Asked Fleegel back up to respond, and Fleegel talked about the balance between keeping rule violators in the facility instead of kicking them back out into the neighborhood.

Andzenge spoke of the prison in St Cloud and that being part of the increase in the homeless population and the need for homeless facilities.

Barkalow reviewed the conditions required.

Mathews motion to amend the staff recommendation/second by Andzenge – motion passed. 3 items added to staff recommendations.

Barkalow called for a vote and the motion passed unanimously.

SEP-2021-01 – Murphy Art Studio

ACTION TAKEN: Approved (6-0)

Broxmeyer reviewed uses for Special Exceptions Permits and discussed the history of the use for that building.

Desi Murphy – 702 6th Ave N – As a resident of Hester Park, respects the neighborhood feel. The art studio will enhance the neighborhood.

Closed the public hearing.

Andzenge asked if the hours of operation changed if they would need to do anything different.

Motion to approve the application by Andzenge with condition that hours will not permanently change. Radaich second. Motion passed.

VAR-2021-02 – Oak River Properties

ACTION TAKEN: Approved (6-0)

Broxmeyer gave update as to the need for need for a parking spot as there is no off-street parking.

Public hearing opened.

Danny Waldron – 343 Territory Rd NE, Blaine – representing Oak River Properties – Reiterated that need for an off-street parking space due to no off-street parking for this house during the daytime hours.

Public hearing closed.

Radaich made a motion to approve the variance subject to staff recommendations. Second by Mathews. Barkalow called for a vote. Motion passed unanimously.

CUP-2021-04 – Center City Housing Corporation

ACTION TAKEN: Approved (6-0)

Broxmeyer explained that this CUP was approved back in 2008 and the North side of the property has sat vacant since that time and now they are wanting to use it as assisted living housing. It is a permitted use, the only reason it's coming before the ZBA is because of the prior CUP.

Mathews asked why the site plan conditions are added to CUPs. Broxmeyer said it's a common condition of CUPs to ensure knowledge of how the site is being used.

Public hearing opened.

Nancy Cashman – Center City Housing Corporation and Nicole VanWie – LHB – Cashman discussed plans for new building as an independent living facility, with some on sight services. Work with River Crest as the next step in their living. VanWie discussed the sight and how they would use it, and reviewed floor plans.

Dan Feneis – neighbor – Wanting definition of what is planned to go in there as he's hearing different stories. Discussed neighborhood issues from River Crest.

Barkalow invited Cashman to address the issues that Feneis brought forward.

Public hearing closed.

Mathews motion to approve, second by Andzenge.

Discussion followed, with Mathews looking at standards set forward by land use development code and reiterating that this is a permitted use.

Barkalow called for a vote. Motion passed unanimously.

VAR-2021-03 - Kaehler

ACTION TAKEN: Approved (5-1)

Broxmeyer explained that the applicants are making changes to an already existing building. Staff recommends denial as is, but acceptance if one story instead of 1 ½ stories. Mathews asked why the story concern as typically footprint is all that's concerned. Broxmeyer explained that because it is already non-conforming, staff is comfortable with keeping it as is, but not expanding the bulk of the building.

Public hearing opened.

Michael Kaehler – 325 3rd Ave S – Built in 1935 on a foundation from a much larger property that was destroyed by a fire, and property was subdivided into 3 properties. Discussed the issues with the current attached garage and breakfast nook/storage area. It is a family home, and not a rental. Emphasized that the home is currently 1 ½ stories and would stay at 1 ½ stories.

Dr. Sheila Moriarty – 321 3rd Ave S – Supporting the addition to the home, feels they have a good plan.

Public hearing closed.

Schleicher motion to approve the application subject to staff recommendations. Andzenge second.

Radaich asked staff if the owner's assertion that the house would still stay 1 ½ story changes their opinion at all. Broxmeyer asserted that the staff's recommendation would not change. Schleicher discussed how this one is a little harder for the ZBA because the staff recommendation for denial is different than the applicant's request. Mathews discussed that it is a very unique lot, and that, while typically building on a footprint is the right way to go, in this case, it may be better to allow for some extra leeway to increase the property value, not decrease. Ratha discussed that the other homes look similar to the applicants' plans and so the extra bulk would not be so noticeable.

Mathews moved to accept the applicant's plans as is, subject to the staff member's conditions and HPC requirements. Ratha second.

Barkalow called for a vote. Motion passed 5-1.

CUP-2021-05 & VAR-2021-04 – Dallas Place

ACTION TAKEN: VAR-2021-04 - Approved (3-2)

CUP-2021-05 – Approved (6-0)

Broxmeyer reviewed the history of the property being approved as a homeless day center is November 2020. The temporary shelter facility requires a conditional use permit and a variance to the separation requirement from another shelter facilities. Mathews asked if a variance was granted for the day center, and Broxmeyer replied that a variance was not required for the homeless day center use. Staff is recommending approval.

Public hearing opened.

Denise Fale – Dallas Place – Discussed the history of Dallas Place, and the history of her work. Discussed their work with individuals at Benton County and the Benton County Sheriff Troy Heck. Fale highlighted the medical services and partnership with the St. Cloud Police department. Fale also emphasized her community relations that extend beyond just through Dallas Place. Fale discussed all the different uses and initiatives that are part of Dallas Place. Discussed her systems, processes and requirements. Talked about when you allow those to have exceptions. Fale discussed the physical requirements that her building maintains.

Mathews asked more about the variance specifically for why the facility is needed to be there versus a different location. Fale responded that it came from community collaboration. Glaesman responded that the building layout is well suited to meet the growing need for sheltering and services in the community, while the proximity to Salvation Army allows potential for coordinated services that cannot be accommodated at Salvation Army.

Jared Gapinski -Benton County Commissioner – Reiterated that the county would like to be involved in these decisions. Concerned about the extreme level of variance needed for this facility.

Harry Fleegel – Support of Denise and Dallas Place.

Barkalow asked about single adults versus families. Broxmeyer said those are not in the conditions.

Public hearing closed.

Mathews motion to approve the variance, second by Radaich.

Discussion – Mathews brought up that the variance is a larger problem for him, as why do allow variances in some situations. Radaich understands Mathews concern, but feels as common-sense overrides in this one, as the shelters are working together to complement each other. Andzenge spoke to the concept requiring temporary

shelter facilities being separated by a certain distance. Glaesman said that because the facilities are so close together they have the unique opportunity to work together, rather than be duplicative services in the same general area. Schleicher asked staff for examples of other separation standards in the ordinance. Glaesman explained that billboards, telecommunications towers and TSFs all have spacing requirements. Schleicher expressed concern over granting variances based on arbitrary reasons and if it's in their prevue to approve. Glaesman reiterated staff's position that the proximity of the two facilities does present a unique physical surrounding and practical difficulty that Salvation Army cannot expand. Andzenge recused himself from the vote and further discussion due to being on the board of the Salvation Army. Mathews does not feel Andzenge's involvement on that board would be a conflict of interest, ultimately is up to Andzenge.

Barkalow called for a vote. The motion passed 3-2.

Mathews motion to approve CUP subject to staff recommendation. Radaich second.

Discussion Mathews reiterated that the burden falls on the city to establish a finding for denial of the CUP and feels all 4 requirements are met. While appreciates Benton County's concern, does not feel like it is on the ZBA board to address the county concerns about not being involved, as that is more a policy decision that ZBA would not be involved in. Schleicher concerned about this kind of issue being a board issue, and not a legislative issue. Radaich feels like the ZBA starts the conversations, and then the higher powers come in later.

Barkalow called for a vote. Motion passed unanimously.

SEP-2021-02 - AIT

ACTION TAKEN: Approved 6-0

Broxmeyer discussed the history of the property, and the code allows for this. Staff recommends approval.

Public hearing opened.

Jason Smith – President of AIT – Discussed plans for the facility, but also bringing more vitality to the East Side.

Public hearing closed.

Schleicher expressed gratefulness for someone using that location.

Shleicher made the motion to approve the SEP subject to staff recommendations. Andzenge second.

Barkalow called for a vote. Motion passed unanimously.

OTHER BUSINESS

No other business from staff.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:48 p.m.



Abby Schneider, Recording Secretary