

PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on February 9, 2010, at 6 p.m. in the St. Cloud City Hall Council Chambers. Members present were Anderson, Andzenge, Chirhart, DeVine, Goerger, Holtberg, and Radaich. Council representative Pederson was also present.

Open Forum: No one was present to speak at the open public forum.

Consent Agenda: Goerger moved to approve the consent agenda as follows:

Acceptance of staff reports for February 9, 2010, as part of the official record.

Approval of minutes from the January 12, 2010, Planning Commission meeting.

The motion was seconded by Anderson and carried unanimously.

Vacation Request/Glasgow Land Development Company: Matt Glaesman, Planning Director, stated that the request is to vacate an easement at the south end of Rilla Road on Lot 15, Block 1, Buettner's Ridgewood Estates 14th Addition (Location: 790 Rilla Road) (VAC-2010-01). In 2008, the Planning Commission and City Council approved a replat of that area to allow conversion of use from townhouse to single family detached homes. At that time an easement was dedicated between lots to transport stormwater from the end of the cul-de-sac to the drainage system. Applicant is requesting that the easement be vacated and relocated to the western edge of the property which will still accommodate the public purpose. Staff's recommendation for approval is conditioned on the property owner and the private utility company addressing the private utility within the easement and that prior to City Council consideration, the property owner must enter into an agreement that the stormwater system must be constructed before building permits will be issued for Lots 9 through 12 of Buettner's Ridgewood Estates 14th Addition. Holtberg said he recalled discussion of a bike path going from that development across the Sauk River. Glaesman commented that during the platting and

replatting of the property, discussion of a bike path did take place. The expense and the circuitous route around the stormwater pond are the reasons why that connection was not recommended. Goerger moved to recommend to the City Council approval of the vacation subject to the recommended conditions. The motion was seconded by Holtberg and carried unanimously.

Right-of-Way Acquisition for the Southern Segment of a Four-Way Signalized Intersection at Highway 23 and the Principal Entrance to Crossroads Mall and the Preliminary

and Final Plat of St. Cloud Plaza: Matt Glaesman, Planning Director, stated that for a number of years staff, adjoining property owners, and travelers have hoped to align the entrance of the Crossroads Shopping Mall with the areas to the south. There would be a benefit for those properties south of Division St. and beyond with construction of a potential backage road from Waite Ave. to Park Ave. CSM, the owner of two properties along Division St. in this area, contacted the City because one of their current tenants wishes to expand on their property, and because they would like to re-investigate reconnection of the traffic signal to the south. CSM has a contractual agreement to acquire the Daniels property (art gallery) which is located between the Best Buy store and Pearle Vision to the east. Staff's proposal is to realign the intersection about 200' to the west utilizing the Daniels property and connecting into the private drive that already exists between Hoye Home Furnishings and the residential facility to the south leading out to Park Ave. Reconfiguration of the Crossroads Mall parking lot and the MTC operations within the Mall parking area would be necessary. Staff has contacted the mall owner, General Growth Partners, about this concept, and the reconfiguration would result in an increase in Mall parking. The MTC has expressed some concern because currently buses drive straight to the front door of the Mall from the existing lighted intersection. The new design would require the buses to make several 90 degree turns. The City has not yet received final approval from General Growth Partners. The City has met with CSM and the property owners to the south, and they generally concur that there will be benefit relative to redevelopment of the area; however, they do have some assessment concerns.

Glaesman stated that there are two actions necessary for the new road connection. The first is action on the land acquisition as required by City Charter. The proposal would be for the City to acquire the Daniels (north-south) parcel and the existing parcel to the south of Best Buy owned by CSM that would accommodate the east-west connection. The second action that is necessary is replatting, and applicant is proposing replatting into one lot. The proposed Best Buy expansion would occur between the existing Best Buy building and the Michael's building. Two parcels would be created for acquisition by the City for street construction. Glaesman stated that staff supports the acquisition and replatting and hopes to proceed with construction by early summer. DeVine asked staff to address congestion that may arise relative to traffic on Park Ave. because there is no traffic signal. Glaesman answered that issue could be addressed in the future. He stated that traffic volumes would not justify a signal where the new public road (1st St.) will access Park Ave.; however, it will be used as a route to get to the businesses in the area. The character of the area will probably change. DeVine stated that Park Ave. is already congested at 2nd St. for vehicles making a left turn. To address increased traffic, Glaesman stated that access points could be consolidated, and median openings could be closed at appropriate intersections. The new four-way intersection at the entrance to Crossroads will help concentrate turning movements in the correct locations. He added that the median at Park Ave. and 2nd St. may be closed in the future. Chirhart asked if the purchase agreement and plat are contingent on agreement with General Growth Companies, and Glaesman answered that General Growth must be in agreement with the plan. Chirhart questioned where the \$1.4 million dollars will come from for the acquisition and construction costs. Glaesman responded that the City would not want to take on bonding; the funding would be from City reserves. Radaich noted that the two small businesses to the east of the Best Buy parking lot and the east side of the new road currently have right lane access. He asked how those two lots would be accessed. Glaesman responded that the design detail has not yet reached that level. Access control would be through Stearns Co. Staff does favor the dedicated left turn for the southbound movements to stack and wait to access those properties. Those properties already have joint access agreements in place.

Goerger stated that the map on the overhead shows a road connection to Park Ave, but doesn't show it going west. He pointed out that the plat they received tonight shows a road connection to the west. Glaesman clarified that the short term intention is to utilize the road surface as it is and connect it into the new north-south roadway. A turnaround may be constructed for snow plow movements. The long term plan is to connect that roadway through to the west, depending on the right to cross the Shopko property and the property formerly occupied by Sportsmans Warehouse. Goerger moved to recommend to the City Council approval of the acquisition of property for right-of-way, and Holtberg seconded the motion. Holtberg questioned if there could be jurisdictional problems with Waite Park. Glaesman answered that Waite Ave. is the boundary between Waite Park and St. Cloud. However, a design is already in place for the improvement of Waite Ave. that would include median construction and concentration of that access point at midpoint. There would be a median opening at that point. Anderson noted there is a temporary access drive on the north into the site and asked if that would be maintained. Glaesman answered that is only a temporary easement during construction. Anderson asked if there will be a problem if all traffic (both eastbound and westbound) wishing to access Best Buy during the busy holiday season will use the new intersection. Glaesman stated that they will use the public intersection and then travel 200' to the south to enter the site. Anderson asked if that is enough space so that vehicles do not back up into the intersection during the busy holiday season. Glaesman answered that 10-11 vehicles could stack from the new access point on Division St. to the next access point to the south; it should not be a concern. The motion carried unanimously.

Goerger moved to recommend to the City Council approval of the preliminary and final plat of St. Cloud Plaza. The motion was seconded by Holtberg. Anderson asked if the City could include the provision in the plat for the temporary access drive to become permanent if it were deemed necessary in the future. Glaesman stated it would be a decision of Stearns County; the City would not be able to require that. The motion to approve the plat carried unanimously.

Discussion of Accessory Building Setbacks in the Westwood Parkway PUD: Matt Glaesman, Planning Director, stated that the Westwood Parkway PUD is the largest PUD in the City.

One of the unique provisions of the PUD General Development Plan (GDP) is the 20' setback from all property lines for detached accessory structures. This has become a concern from both an enforcement standpoint and also the number of requested variances from that standard. The Zoning Board of Appeals denied those requests on the basis that there was no uniqueness, but rather a question of the policy decision. Glaesman referred to the aerial photo of the accessory structures in the Westwood PUD and the immediate surrounding area. He noted that most of the accessory structures outside the PUD would not meet the 20' setback which is required within the PUD. Prior to adoption of the Land Development Code (LDC), the Zoning Ordinance required a setback of 2 1/2' from property lines; the LDC requires a 5' setback. Glaesman explained that a number of the accessory structures within the PUD that do not meet the 20' setback did not require building permits as they are less than 100 sq. ft. in area. The Planning Commission has several options in addressing this issue. It could decide to maintain the existing 20' setback requirement, or it could request that a public hearing be scheduled notifying property owners within the PUD to get their input on whether the current requirement should be amended. Chirhart asked if the lots were oversized, undersized or if there was no consistency when the PUD was established in 1996. Glaesman answered that there are a variety of sizes. Chirhart said he assumed that people who bought the lots had an abstract with the PUD GDP attached but just didn't follow it, and Glaesman stated that is correct. Holtberg inquired if there is an association for this PUD. Glaesman responded that there are not associations for all of the areas within the PUD. There are associations for those phases of the development that have common area. However, traditional suburban lots that front on a public street do not. Holtberg asked if residents in the Westwood PUD have been following fencing guidelines. Glaesman responded that fencing can be up to the property line in the Westwood PUD just as in any other part of the City. Goerger questioned why the 20' setback was required. He noted that accessory structures would be in the middle of some of the smaller lots with the 20' setback requirement. Glaesman answered that it would create a sense of open space for all property owners. Goerger pointed out that the GDP requires the accessory structures to also be screened by landscaping and asked if that requirement

has been met. Glaesman stated that some are screened by fences, but not all by landscaping. Goerger asked if those accessory structures indicated on the aerial that are outside the Westwood PUD would meet the 20' setback required in the Westwood PUD. Glaesman responded that many would not meet the 20' setback. Goerger voiced concern about doing nothing because it would undermine the provisions of this PUD and future PUDs and eliminates the reason for having rules and guidelines. He asked if those people who are in violation would have to move their accessory structures if the 20' setback requirement remains in place. Glaesman answered that they would have to move them within a reasonable period of time. Goerger commented that he thinks the 20' setback requirement should be changed to the 5' setback requirement of the LDC if this is the only area in the City that has that requirement. Holtberg concurred with Goerger's comments. Radaich said he would like to have a public hearing to receive input from residents in that neighborhood, particularly those who have not violated the accessory structure setback requirement. DeVine agreed that a public hearing should be held. Chirhart felt a public hearing would be appropriate because some of the property owners have complied with the requirement. Andzenge asked if any homeowners that are in violation have been contacted by the City. Glaesman stated there are a limited number of property owners who are aware of the situation as violations usually come to the City's attention on a complaint basis. Anderson stated that as a resident of the Westwood Parkway PUD, he is a member of an association and doesn't think association members comply with the rules about fences, etc. Accessory structures on small lots can become intrusive. Goerger asked how many of the accessory structures are prefab that could be moved, and Glaesman responded that many of them are prefab and could be moved. Chirhart moved that staff set a public hearing and that if there are associations in that area, they be notified. The motion was seconded by Radaich and carried unanimously.

Discussion of Off-street Parking Requirements in the C4, Fringe Central Business District, and Impact upon Redevelopment Potential: Matt Glaesman, Planning Director, stated that staff is asking that the Planning Commission decide whether to schedule a public hearing to amend the LDC or do nothing relative to the regulations currently in place. He stated that the

amendment would relate to the City's interest in redevelopment along the West St. Germain St. corridor. A target area plan in this area was part of the 2003 Comprehensive Plan update. That area is proposed to be a pedestrian corridor with less automobile dependence. The issue was raised by a property owner questioning if the current parking requirements are consistent with that vision. Glaesman stated that the C-3 zoning district (the Downtown) has no off-street parking requirements because of the availability of parking in parking lots and ramps. Beyond the C-3 district, full parking requirements are in effect. Several options available are to reduce the parking requirement in the C-4 or to waive parking requirements in the C-4. The question is whether that offers protection for adjacent neighborhoods. For example, during the Southside University Neighborhood Master Plan process, people voiced the opinion that they do not want to live in this area if all of the on-street parking is consumed by students. Glaesman stated that some private reinvestment has already taken place on the West St. Germain corridor. One of the redevelopment projects is one block west of the library, and that was a result of a variance for off-site parking. He noted that the Mark Sues property has been on the market for some time, and the sale for a more intense use has been hindered due to the limited off-street parking. DeVine said she thinks there should be a change in the C-4 parking requirements as those property owners have a different parking use than in the C-3. The C-4 district has some limited off-street parking as well as on-street parking, but the on-street parking cannot be counted as part of the required parking. Off-street parking requirements in the C4 could be reduced in an attempt to fill vacant commercial space. She believes the east and west C-4 areas should be considered separately. DeVine suggested that a public hearing be scheduled. Radaich asked if changing the requirements would have a negative aspect. Glaesman answered that the downside would be that an individual property owner or business could overburden the on-street parking supply. The question is whether the desired character of this area to be more pedestrian oriented is accurate. Holtberg asked if staff has looked into other Cities' requirements. Glaesman answered that they vary. Chirhart believed a public hearing would be appropriate. He asked how many of the homes along West St. Germain St. are still used as residences. He asked the justification for granting of the

parking variance for the mall that went in behind Papa Murphy's Pizza. Glaesman responded that was not a variance for a reduction in the number of spaces required, but rather a variance for off-site parking to apply toward the requirement for off-street parking. Relative to DeVine's comment about considering the eastern and western C-4 districts separately, Glaesman stated that the Comprehensive Plan did not acknowledge that the C-4 areas to the south and east of the West St. Germain corridor would change character. The Commission already recommended an overlay district to implement the vision for the West St. Germain St. corridor with design standards, height limitations, etc.; however, that was not approved by the City Council. Glaesman said he hoped that the overlay district would be reconsidered in the future. Goerger concurred with DeVine that the C-4 district west of the downtown should be treated separately from the other C-4 districts within the City. He would object to reducing requirements in the 5th Ave. Live redevelopment area near SCSU which would only worsen the congested parking situation. Chirhart moved to set a public hearing regarding amending parking requirements for the C-4 district along West St. Germain. The motion was seconded by Goerger and carried unanimously.

Recommendation Regarding Land Swap with ISD 742 for Property Within and Adjacent to Neenah Creek Regional Park (Location: 33rd Street South and County Road 74): Chirhart recused himself. Matt Glaesman, Planning Director, explained that Planning Commission action is required by the City Charter for land acquisition. Approximately 10 years ago, 10 properties were identified by the Natural Parks and Trails Coalition for the City to consider for acquisition. One of the sites is the ISD parcel adjacent to Neenah Creek Park. It was identified through the Environmentally Sensitive Areas (ESA) process as an important parcel and was also identified during the Neenah Creek Master Plan process as an attractive amenity to be added to the Neenah Creek Park system. The proposed transaction would be swapping the 40 acres west of Neenah Creek currently owned by the City for property owned by ISD 742 which is encumbered by ESAs. Neenah Creek (trout stream) runs through the City property; however, the ISD property is much more encumbered by both MN County Biological Survey designations or through the City's ESA ordinance. The swap would allow

the City to utilize the ISD property as an addition to the Neenah Creek Park as a natural area and to use part of it as an expansion of the 33rd St. So. corridor. ISD may consider a school campus site in that area of the City. The City's property would be more appropriate for that use. The swap would be for the City to trade its 40 acres for 49 acres of ISD 742 property. Glaesman stated that the District would retain the buildable portion of the property they currently own. That property would be available for sale and may be considered by the City for purchase at a future date. Holtberg asked staff to address the connectivity of the ISD property to the remainder of Neenah Creek Park and also to address how the school would access the current City parcel. Glaesman stated that the City has been approached by the property owner to the north of Neenah Creek Park and east of the School District property expressing an interest in selling the property. That would provide a connection from the formal part of the park through to what would be the new park property. It would also bring the entire Creek into City ownership. The access for vehicles to the School District property (currently City property) comes from 43rd Ave. from the south. As that section of land to the south of the current 40-acre City parcel develops at urban densities, a local street system will be constructed offering other access into the 40-acre parcel. The City parcel was identified as an undetermined public use or a potential private development site through the Neenah Creek Master Plan. Goerger asked Glaesman to clarify his statement that the 49 acres owned by the School District are not conducive to development. Glaesman stated that it would not be impossible to develop; however, an EDT (Environment & Development Team) would become involved to determine how much development would be allowed on the site. Goerger noted the estimated land values that he assumes came from the City. Glaesman responded that appraisals were done as required by the DNR for the land swap. Goerger assumed that the figures were manipulated to be even, but the acreage was probably changed. Glaesman stated that the manipulation that has occurred is a negotiation point – what is the value of the non-buildable limited suitability property. The City has suggested 75% of the appraised value to the School District. Glaesman pointed out that the buildable land is based on an appraisal. Goerger said he believes there is a high probability that no one would buy the “non-buildable” property

for \$17,000/acre. He said it doesn't seem like a good deal for the City. Goerger asked what criteria should be considered in making a decision. Glaesman stated that the Commission must consider the transaction's consistency with the Comprehensive Plan relative to whether the site is appropriate for purchase to achieve a goal or vision of the Plan. The Charter gives the Commission the option of taking a position on the monetary issue and whether the benefit is worth the monetary value. Goerger asked if it would be appropriate to make a motion stating that the land exchange is appropriate but that the City should negotiate for a better deal. He added that allowing the School District to retain the 17 buildable acres is probably not in the City's best interest. Goerger said it makes sense to acquire the property and preserve it as natural area, but he is not in favor of the financial terms. Glaesman suggested that there be separate motions relating to the actual land swap and the monetary issue. DeVine stated that she was a member of the Neenah Creek Park Master Planning Committee. The land swap has been under consideration for some time. Although there was contentious discussion, the majority of the membership supported the swap. Due to the fact that the ESA is not developable, is very close to the park, and has access from 33rd St., the land swap is desirable. DeVine generally supported the acquisition of the school district property finding it consistent with the park master plan. However, DeVine agreed that the incorporation of the 17 acres into the transaction was important to off-set the less buildable acres being acquired. Glaesman stated that appraisals were done for both the City and School District properties, and they both were appraised at \$22,000/acre. The 17 acres would be the same value as the 40 acres currently owned by the City. Goerger said he isn't arguing with the appraised values. However, he contends that if both the 49 acres of environmentally sensitive land and the 40 acres of park property on high ground were for sale, there would almost be no chance of selling the 49 acres.

Goerger moved to recommend to the City Council that a transaction occur to swap properties with the School District, and the motion was seconded by Holtberg. The motion carried by a vote of 6-0-1 (Chirhart abstaining).

Goerger moved that the Planning Commission not endorse the transaction as proposed as it is not to the City's advantage. Glaesman requested that the motion be stated in the affirmative. Goerger withdrew his motion. Glaesman suggested possible wording to state that the City should pursue increasing the acreage acquired by the City of St. Cloud to offset values between buildable and non-buildable lands. Goerger moved to aggressively pursue a deal that is better for the City. The motion was seconded by Anderson. Radaich inquired who is responsible to get the better deal for the City. Glaesman stated that it is staff's responsibility to continue to work with the School District on the terms of the transaction. The first step may be to ask the School District to increase the acreage to include more if not all of the 66 acres. The motion carried by a vote of 6-0-1 (Chirhart abstaining). Glaesman asked the Commission to consider use of Development Fund monies if some cash is needed to complete the transaction. Goerger stated that another alternative to the transaction would be for the City to offer fewer acres to the District.

Discussion of the Transfer of Economic Development Responsibilities from the St. Cloud HRA to the City of St. Cloud: Matt Glaesman, Planning Director, stated that the transfer of economic development responsibilities from the HRA to the City has an effect on the Development fund budget. The transfer will involve a change in the City's organizational structure. A department of Economic Development with an Economic Development Director and a Senior Planner/Development Specialist would fall under the Community Development Section. An Economic Development Authority Board would also be created consisting of a body of citizens knowledgeable about economic development that can advocate for business promotion. The Economic Development Director would be responsible to the Economic Development Authority Board and would also work through the Community Development Director and the City Administrator. The change in Community Development staffing would include addition of an Economic Development Director (department head), a Senior Planner within the Economic Development Department, and a Planning Aide who could assist Planning & Zoning with heritage preservation. The Planning Aide would essentially shift the current Arts Coordinator from the Recreation Department (Community Services Section) into

Planning & Zoning. The reason for that shift would be for the Arts Commission to become more of a policy direction board rather than an arts programming board. The budget suggests that one-half of the funding for the new Senior Planner and the Secretary position would come from Economic Development funds. Chirhart stated that the public would want to know that the Economic Development Authority Board is only an advisory board. Glaesman clarified that is not the case; the Board has many authorities granted by statute and would have their own enabling legislation. Chirhart asked if the Economic Development Director will report to the Community Development Director or the Authority Board and believed that problems would arise if he/she answered to both. Glaesman explained that relationship will not be significantly different than the relationship between the Planning Commission and the Community Development Director. Chirhart said he thinks the Economic Development Authority is different in that the Planning Commission has no authority over the Community Development Director. He questioned who has ultimate authority over the Economic Development Director. Glaesman answered that from an employment perspective, the Economic Development Director is a City employee and would be responsible under its chain of command; but from a daily perspective, would handle daily tasks without consulting the Community Development Director. Chirhart questioned the process if there is a conflict between the Economic Development Authority Board and the Economic Development Director. Glaesman explained that is also similar to his relationship with the Planning Commission in that they don't always agree with each other. Both sides of the issue are presented to the City Council. Glaesman added that the responsibilities of the Economic Development Authority Board will be drafted in the near future for consideration by the City Council. Goerger noted that he supported this change when he was Council President and also when he was an HRA Board member and was pleased to see this come to fruition. It will be very good for the City relative to economic development, and it will enable the HRA to concentrate on housing. Anderson asked how this change will affect relationships with the efforts of The Partnership and the Downtown Council to attract growth. Glaesman answered that the Economic Development Task Force was correct that this model works throughout the country. The group that gets the prospects is

a regional body and sells the region as a whole. When those prospects are interested in the St. Cloud Metro Area, each city attempts to sell itself. DeVine stated that the Task Force had heated discussions and finally unanimously decided that Economic Development needed to become a city department with an Economic Development Authority Board. Economic development for the City is a real need. St. Cloud will be marketed through that department. Companies interested in locating in the St. Cloud area would not know that they needed to contact the Housing & Redevelopment Authority. DeVine said she totally supports the change and would support the use of Development Fund monies to fund one-half of two positions. Chirhart noted that the Planning Director's position is currently vacant and asked how long it will remain vacant. He assumed if that position is filled, it will be funded through the Development Fund. Glaesman stated that there have been no discussions about filling the Planning Director position. He emphasized that the Economic Development Director needs to be a department head position so that he/she has a strong leadership role. Holtberg agreed that this will be a positive move for the City. He asked if the Director will also work with existing businesses that wish to expand. Glaesman answered that will be a very important function of that department. Anderson asked what benchmarks will be used to determine the success of the Economic Development Director. Glaesman noted that the City Council addressed the necessity of accountability of the Economic Development Director which will be relayed through the monthly department report to the City Administrator. DeVine added that the Task Force emphasized the need for accountability, and the Economic Development Authority Board will be responsible to hold the Director accountable.

Adjournment: There being no further business, the meeting was adjourned at 7:43 p.m.

Rick Holtberg, Secretary