

PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on March 9, 2010, at 7 p.m. in the St. Cloud City Hall Council Chambers. Members present were Anderson, Andzenge, Chirhart, Devine, Goerger, Holtberg, and Radaich. Council representative Pederson arrived at 7:20 p.m.

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 March 9, 2010, as part of the official record.

Approval of minutes from the February 9, 2010, Planning Commission meeting.

The motion was seconded by Holtberg and carried unanimously.

Amendment to the Westwood Parkway Planned Unit Development (PUD) General Development Plan (GDP)/St. Cloud Planning Commission: Matt Glaesman, Planning Director, stated this item was prompted by property owner inquiry, ZBA actions, neighborhood complaint, and staff identification of the issue. The Westwood Parkway PUD was one of the City's early PUDs and is one of the largest in the City. The PUD has a number of housing styles. This request relates primarily to single family housing and the garages for those properties. There are 16 single family properties in the PUD with detached garages that are in violation of the setback requirements. The PUD established a 20' setback in the rear yard for detached accessory structures (20' from the rear property line and 20' from the side property lines). The reason for the 20' accessory structure setback standard was to address aesthetics and storm water issues and give a green space/open space feel. A number of the areas within the PUD have covenants that would prohibit or require association approval for these structures. The Commission has a number of options for accessory structure setback: 1) leave the setback as is; 2) reduce the 20' setback requirement of the PUD to a specific distance; 3) reduce the setback to the 5' setback standard of the LDC; or, 4) reduce the setback to

match the interior side yard setback of the principal structure. Glaesman stated that notification of the public hearing was sent to all property owners within the PUD. Chirhart asked if there are any other developments in the City that require a 20' setback for accessory structures. Glaesman answered that the 20' setback is unique to this PUD. Anderson inquired if all the lots were platted when this PUD was approved in 1996, and Glaesman answered that they were not. Chairperson Andzenge opened the public hearing and invited testimony on a request from the St. Cloud Planning Commission to amend the Westwood Parkway Planned Unit Development (PUD) General Development Plan to reduce the 20' accessory building setback for all residential properties (DPA-2010-03). The following persons testified:

Pat Morin
917 13th Ave. SE

The rules made in '96 appear to have been made with the intention of prohibiting storage. There is too much government intrusion into the public's life and on private property. She believes the setback requirement should be changed to something more reasonable.

Patrick Shepard
6619 Yosemite St.

He owns one of the properties in violation. He said no mention of this setback requirement was made when he purchased the property. He knew he didn't need a permit because the structure was under 100 s.f. He thinks the setback in this PUD should be changed to be consistent with the setback requirement for accessory structures in the remainder of the City.

Shawn Abraham
6223 Cape East Ct.

He also has a structure that is in violation. He built the shed two years after he moved in. He didn't need a building permit, but he contacted the City and asked the setbacks for the shed. He was told it only had to be 5' from the property line. He encouraged the Commission to change the accessory structure setback requirement to 5' to be consistent with the requirement throughout the rest of the City.

Brian Fischer
1210 Cory Ln.

He wanted to clarify that this regulation does not refer specifically to garages as stated earlier by Mr. Glaesman. The regulation refers to accessory structures in general. He said John Griebler, a former City building inspector, told him what his setback should be; now the City says he is in violation. He took out the building permit for his house in April 2003 which was good for 6 months. In May 2003, he talked to the builder about having a storage shed built off site and brought to his property. The builder said he would like to him to consider cedar siding for the storage shed and that he would like it to be painted within 60 days of being placed on his property. He called and talked to Mr. Griebler and asked for the side and rear yard setback requirements as well as the setback requirement from the primary structure. Mr. Griebler asked him his address and then told him the side yard setback was 10% of the front lot width and that the setback on this lot would be 8'3" from

the side property line. Mr. Griebler also told him that the rear yard setback would be a minimum of 20'. He told Mr. Griebler that he wanted to place the shed on the back side of the garage close to his primary structure. Mr. Griebler told him that if it was 3' or closer to his primary structure, that he would have to attach gypsum board or sheetrock in the inside of his storage shed to keep a fire barrier between the two buildings. Mr. Griebler added that if applicant were to place the storage shed 3'6" from the principal structure, he wouldn't have to add any sheetrock for a fire barrier because it would meet code. Mr. Griebler asked him the size of the storage shed, and applicant said he told him he wasn't sure. Mr. Griebler told him he would need to have a treated floor in the storage shed and to use treated 4 x 4s on the bottom of the shed. He also indicated that the pitch of the roof on the shed should match the pitch of the roof on the house. He was also told to use the same style and color shingles on the shed as what is on the house. Mr. Griebler also requested that the storage shed be painted or stained the same color as the home. He was told that the roof vent on the shed should match the vent on the house. Mr. Griebler also told him there had to be landscaping around the storage shed. The closing on his house was June 30, 2003, and the next day the shed was delivered and placed 8'5" from the side property line, more than 20' from the rear property line, 3'6" from the primary structure. That was the exact location recommended by the City inspector. Within the 60 days of placing the shed on his property, the shed was painted. Within several weeks, the underground sprinkler system was installed, the sod, landscaping and rocks were put in, and trees were planted. A 20' tree was planted right next to his storage shed. He feels he complied with the City's instructions and requirements. He has taken out several permits since that time, and no city inspector has ever told him when visiting the site that the shed was in violation. He has now been informed that his shed does not meet the accessory structure setback of the Westwood Parkway PUD that was adopted in 1999. He contacted the City at least 10 times and never got the same answer about setbacks from anyone. He said he requested a copy of the PUD setback requirements from the City, and they state exactly what Mr. Griebler told him relative to the setback being calculated using 10% of the lot width. Staff's memo to the Planning Commission dated February 2 states that the GDP was further defined in August of 1999 including a minimum setback of 20' for all detached structures. However, when he called several months ago and requested a copy of the setbacks for the Westwood Parkway PUD, he was sent the copy of the PUD adopted on September 27, 1999. Those setbacks do not reflect the 20' setback requirement. There have been people in the Westwood PUD that were confused about the letter that was sent from the City about what structures were included in the 20' requirement. The City found 20 sheds that are in violation. He talked to 71 people that are in favor of amending the Westwood PUD to have a 5' setback as required by the LDC. This would allow the same land usage and legal rights for the Westwood Parkway PUD residents as other residents of the city. He submitted a petition. At last month's meeting, Mr. Chirhart asked staff if the property abstract would have included the GDP. Mr. Glaesman

indicated that it would be in the abstract. He looked at his abstract, and this setback provision was not in the abstract. He would not have purchased the property if he had known about the 5' setback. No disclosure was made to him by anyone. He asked if he were to sell his house if he would have to disclose that information to a prospective buyer. That would cause him an undue hardship because it may prevent a sale.

Wes Karls
6623 Yosemite St.

The builders in this area were probably not aware of this provision. It was not disclosed in the abstract. He and his wife have a home day care. He would not have bought the property if he had known about that setback provision. He believes the setback for accessory structures in the Westwood PUD should be 5', the same as for the remainder of the City.

Roland Schell
1213 Cory Ln.

He has been a resident there for 2 years. He was going to put a shed in his back yard and called City Hall this winter about a building permit. The person he talked to mentioned a 5' setback. The 20' setback requirement would place his shed in the middle of his yard in the location of his planter which cost about \$6,000. He asked that the setback be changed to be consistent with the remainder of the City.

Melinda Ruch
6307 Cape West Ct.

She and her husband applied for a variance last year for a shed. The ZBA denied the request. The 20' setback requirement did not seem to make sense relative to the location of the shed in the yard. The neighbor's primary structure is only about 12' from their lot line. At the time of their request, the ZBA admitted they wouldn't want to put an accessory structure in the middle of their yards. The ZBA encouraged her and her husband to get the neighbors together in an attempt to reduce the setback requirement.

Ann Meline
1158 Yellowstone Ave.

She came to support her neighbors. She has a Rainbow play system in her back yard. She asked that the setback be changed to 5' for accessory structures in the PUD.

There being no one else wishing to speak, the public hearing was closed. Goerger moved to recommend to the City Council that the Westwood Parkway PUD GDP be amended to replace the accessory structure language of the Land Development Code which requires a minimum interior side yard and rear yard setback of 5'. The motion was seconded by Anderson. Goerger asked Glaesman if anyone came forward with an opposing view. Glaesman stated that Bob Coborn of the Westwood Parkway development team and another citizen who was part of the PUD drafting team explained that the 20' setback was an intentional provision that would essentially prohibit detached accessory structures on small lots and that there would be appropriate stormwater treatment runoff onto larger

lots. Holtberg asked if there are public easements on these lot lines and if they are typically 5'. Glaesman responded that 5' would be the typical easement area for side property lines. Andzenge noted that many of the speakers have suggested that they have been given contradictory information and questioned if there was even a policy. This information should be available to the public. Glaesman concurred with testimony stating that there was confusing language in the PUD. He pointed out that the 10% provision relates to attached accessory structures, and the 20' setback requirement applies to detached accessory structures. Chirhart asked if the initial PUD was recorded. Glaesman answered that the PUD GDP itself may not be recorded; however, the ordinance is. The motion carried unanimously. Glaesman noted that the Planning Commission action is a recommendation to the City Council, and the Council will also hold a public hearing.

Amendment to Off-Site Development Standards of the Land Development Code (LDC)

Relating to Drainage/St. Cloud Planning and Zoning Department on Behalf of the St. Cloud

Engineering Department: Matt Glaesman, Planning Director, stated that stormwater control best practices and requirements have changed in recent years, and there are few provisions in the LDC for stormwater requirements. The proposed language for inclusion in the LDC would be mandated, addressing storm drain requirements relative to new development and redevelopment. In the past, standards have been negotiated with the developer. The requirements for codification of these standards is common throughout Minnesota and other states. Steve Foss, Assistant City Engineer, explained that the changes center around volume control. The water control ponds/detention ponds are for water quality treatment. New interpretations of the law require lowering the volume of runoff through infiltration or reduction of impervious surfaces. The infiltration requirement is ½" of runoff on all impervious surfaces on new development and ¼" on redevelopment. The reason for the lesser requirement on redevelopment is due to the fact that it may be cost prohibitive to accommodate the ½" of runoff if the building site is covered by a large amount of building area and/or impervious surface. Many green space areas were built up so high and so sloped that the water ran off them just the same as impervious surfaces. The new regulations clarify that the green space areas need to be

landscaped in a manner that will cause the water to infiltrate. Foss stated that the amendment formalizes the requirement that has been used for some time. Chirhart pointed out that the new language states that "Project areas within the City right-of-way are exempt from the volume control standards of this code" and asked the justification for that provision. Foss explained that it comes down to space limitations. The typical City right-of-way width is 66'. Placing street and sidewalks within that width doesn't leave a good measure by which to infiltrate. The City is attempting to comply with rain gardens, porous pavements, and tree planters. The City is not really the property owner but rather the stewards of the public's right-of-way. Foss stated that he is not aware of any other City in the state that has required roadways to comply with the runoff requirements. Chirhart stated that it seems the City would have the same requirements as the private individual. Foss noted that the same standards were applied to the Civic Center and the Library as to private development. However, the public right-of-way is not treated the same. Chairperson Andzenge opened the public hearing and invited testimony on a request from the St. Cloud Planning & Zoning Department on behalf of the St. Cloud Engineering Department to amend Article 19, Off-Site Development Standards, Section 19.11 Drainage Improvements of the Land Development Code (LDC-2010-01). There being no one wishing to speak, the public hearing was closed. Goerger moved to recommend to the City Council approval of the ordinance amending Article 19, Off-Site Development Standards, Section 19.11, Drainage Improvements of the Land Development Code (LDC). The motion was seconded by Chirhart. Goerger asked if the proposed language reflects actual state and federal requirements. Foss answered they are existing state and federal requirements. The City was required to complete a non-degradation study and a plan on how to come into compliance. Goerger asked Foss how long he has been requesting this compliance, and Foss answered that the City has been requiring these standards for several years. He stated it will not be a surprise to local developers. Anderson asked that Foss address C.5 of the ordinance. Foss explained that if an existing developed site with no infiltration is being redeveloped today, it is required to only have to infiltrate to ¼". However, if a new development is redeveloped in the future, the ½" infiltration standard would have to be met. In

summary, if a property is redeveloped at the higher standard, that standard must be maintained if the property is redeveloped at a later date. The motion carried unanimously.

Amendment to Article 16. Off-Street Parking and Loading of the St. Cloud Land Development Code (LDC) to Reduce the Number of Off-Street Parking Spaces Required for Properties Zoned C4, Fringe Central Business District Located West of 12th Avenue North (LDC-2010-02)/St. Cloud Planning Commission:

Matt Glaesman, Planning Director, summarized the C3, Central Business District. It is intended to accommodate high density building construction and more intense land uses; therefore, the parking requirements are waived. Parking is provided on-street, in surface lots and in public parking ramps. The C4 is the Fringe Central Business District intended to create a pedestrian environment and redevelopment around the downtown core. The vision of the 2003 Comprehensive Plan is for the C4 district to become a pedestrian corridor with redevelopment standards for pedestrian storefronts, transparency in the windows, and reducing the visibility of automobiles, particularly in the West St. Germain St. corridor. That concept led to a draft ordinance that was presented to the Planning Commission and City Council but was not adopted by the Council. The C5, Highway Commercial zoning district, is in the outlying areas and are high trip generators, e.g., shopping centers and fast food establishments. Parking requirements vary for the different commercial districts. The C4 district does not require any parking for development. However, the parking requirements for the C4 and C5 zoning districts are the same. Property owners along West St. Germain St. have questioned if the suburban parking formula that applies to the C4 district is restricting sale of properties and redevelopment along that corridor. A variance has been granted along that corridor allowing some deviation from the parking standard and where parking must be provided. Last month the Commission decided a public hearing should be held on the issue and that there may be justification not only in the West St. Germain corridor area of the C4 but also in other C4 areas such as the areas near the Southside neighborhood. Glaesman stated that the Commission could take no action and maintain the current parking requirements or reduce parking requirements at varying levels. Glaesman noted that the Southside University Neighborhood Master

He believes that vision is still appropriate in view of the construction of the library, the proximity of the high school, the Lake George improvements, and new employers in the downtown.

Allen Asmus

He stated that he came to the meeting to be informed rather than to offer input.

Tim Chirhart
Commission member

He asked Mr. Asmus what he thinks of the current parking situation on West St. Germain St.

Allen Asmus

The Credit Union across the road expanded their parking lot. One-half of the parking lot isn't used; however, people will still park on the street on the employee entrance side of the building. That could be left open for parking for other businesses. He said he doesn't think there is a big problem at this point; however, there may be some small problem areas.

Mark Suess

He is the owner of the property at 1209 W. St. Germain. He appreciated that this issue has been raised. He asked why amending the C4 requirements is being considered rather than rezoning to C3. He questioned how parking could be accommodated for the houses between 16th Ave. and Washington Memorial even with modification. There is not parking in front of those houses. The pedestrian type of atmosphere that is being promoted would have a front door approach. He wondered if it is expected that the people who live in these houses would have to go through the alley, park in the back of their homes and walk around to the front entrance. His vision would be for a work/live concept where property owners can live in their home and run a small business out of that home. Currently, the ordinance only allows property owners to live on the second floor if the business is on the main floor. He stated that development has not occurred between 16th Ave. and Washington Memorial Dr. He suggested angle parking on those blocks by removing green space between the sidewalk and the curb and between the curb and parking stalls. That would accommodate more cars. He believes the area between 16th Ave. and Washington Memorial Dr. could be an attractive boutique business area. From 16th Ave. going east to the library would be more commercial in appearance. Traveling further east would be the bank area. Each section would have its own look but would work together.

Pegg Gustafson
Downtown Council

She encouraged the Commission to consider reducing the parking requirements in that area. The Downtown Council Board supported the Comprehensive Plan's vision for this corridor. She is uncertain what the requirements should be for the 5th Ave. area.

Matt Glaesman

Relative to Mr. Suess' comments, he stated that expanding the C3 zoning further to the west was discussed. However, staff believed there are differences between what the C3 and C4 districts are trying to achieve. For instance, the C3 district allows FAR of 7 stories. That massing would not be appropriate for the West St. Germain corridor. There is a great opportunity for revitalization by amending the parking requirements.

David Magelssen
1725 W. St. Germain

He was pleased that this topic is being addressed. He owns a number of buildings on W. St. Germain. He built a second level on the Northern Management Bldg. in an attempt to revitalize that corner, and parking presented a problem. He received a variance for off-site parking for the Northern Square development. That project involved demolition of several dilapidated rental houses and remodeling an old commercial building. The Northern Square development (11,000 sq. ft.) has been in existence for two years with only 25-30% occupancy; In addition to the economy, one of the impediments to filling the space is parking. A hair salon was interested in renting space in the development. The business wanted 9 chairs and a tanning bed, but the parking requirements presented a problem. The salon needed 21 parking stalls which was about 50% of the total parking spots for his development. Therefore, he had to turn down that potential tenant. He was also approached by a coffee shop and sub shop but knew those uses wouldn't be viable due to the parking requirements. The new library resulted in improvements in the area (new street, curb, water, sewer, lighting, paving stones, trees) which in turn, resulted in a \$100,000+ assessment for him. However, he said it is a good improvement that will probably assist with pedestrian movement in that area. He built a patio area in front of Ham's Music to enhance the area. He was hoping to have some outdoor seating for a coffee shop or restaurant, but realized that was not feasible. He said he would support reducing the parking requirements in that area by 50%.

Pat Edeburn
4518 Pine Point Rd.

He is a member of First United Methodist Church located south of City Hall on 5th Ave. (located in the C4 zoning district) and is representing the congregation. He said he supports the change because it will encourage 5th Ave. redevelopment. It is his understanding that currently parking is an impediment to that project.

Steve Gottwalt
1753 Cottonwood Circle

He is representing Fifth Ave. LLC and the 5th Ave. Live development. His company is working hard to bring about the vision for a pedestrian friendly environment along 5th Ave. with a live/work situation with commercial on the street level and residences on the upper stories. They are envisioning a pedestrian friendly environment where people will be able to walk to and from their destination and will not necessarily need an automobile. Even though the 5th Ave. Live development

is providing internal underground parking and at grade parking, they still support reducing the parking requirements in the C4 zoning district.

There being no one else wishing to speak, the public hearing was closed. Chirhart read a statement from DeVine as she has laryngitis. (Pederson arrived.) She stated that from personal experience as a commercial broker, she knows that businesses have lost tenants or buyers based on the current C4 parking requirements. She feels it is time to closely examine the parking requirements based on utilizing street parking as well as considering pedestrian traffic, but believes the C4 zoning along the W. St. Germain St. corridor should be considered separately from E. St. Germain St. and the north and south sides. She supported a change in the C4 parking requirements. Chirhart referred to Mr. Shoup's material. He stated that "free" parking does not exist. Mr. Shoup is a strong supporter of no parking requirements or minimum requirements and maximum requirements. Chirhart said he believes it would be appropriate to convene a task force to look at this issue in depth. Holtberg said he agreed with the vision for the West St. Germain corridor with a change in parking requirements somewhere between the C3 and C5 requirements. He would agree to setting up a task force to review the issue. Glaesman stated that staff is looking for direction from the Planning Commission. If a Task Force is formed, membership would include representation from the Planning Commission, West St. Germain corridor neighborhood, Southside University neighborhood, and downtown business community. Radaich said he would favor Option A or B of the staff memo, i.e., Option A is to amend the C4 district parking standards; Option B is to create a C4 district overlay district with lesser parking required in those portions of the C4 district adjacent to the West St. Germain corridor, which might also include the design suggestions of the initial drafts of the Land Development Code. Goerger said that initially he was in favor of an overlay district; but after hearing the testimony, it is a more difficult issue than he first thought. There are four distinct C-4 areas; the West St. Germain corridor seems like the easiest one to address. The E. St. Germain area does not have any on-street parking. On the Southside, there is a danger of adding more cars onto those streets or across Division St. into the south end of the downtown which would hurt those businesses.

He stated that before making a recommendation, the Planning Commission needs more information or a task force should be created. He added that he would like some options for on-street parking to be brought forward. Glaesman stated that the Planning Commission could table it and ask staff to convene a Task Force.

Chirhart moved that staff convene a study group or task force to further examine parking requirements of the C4 zoning district and to bring its recommendation back to the Planning Commission for parking requirements relative to the West St. Germain corridor as well as other C4 areas. Goerger asked Chirhart if he would be willing to include design suggestions of the initial drafts of the LDC that were not approved by the City Council. Glaesman stated that the draft of the design guidelines for the 5th Ave. corridor are approximately 80% complete. He added that the Southside University Neighborhood Master Plan recommended an overlay design district and an overlay conservation district. Goerger asked Glaesman if he planned to bring that section of the LDC to the Planning Commission, and Glaesman stated that it will come back to the Commission. Chirhart said he would be willing to include Goerger's recommendation. Goerger seconded the motion, and it carried unanimously.

Request from the Parks Advisory Board Regarding the Improvements to Whitney Park for Miracle Field (Sponsored by the St. Cloud Metro Lions): Matt Glaesman, Planning Director, stated that the City Charter requires the Planning Commission to make a recommendation on construction of physical improvements on public property. The Charter allows the Planning Commission to make a recommendation on the financial terms of the project. The proposed improvement is construction of Miracle League Field at Whitney Park. The proposal is to construct a ball field that would be used by people of all abilities. The location of the field would be in an area not currently used for active recreation. City staff and the Parks Dept. have worked closely with the Miracle Field Assoc. and a number of local people to assure that this project is successful. The City's contribution to the project would be provision of the land. Council representative Pederson arrived and apologized for being late and explained that he was attending a special HRA Board meeting.

Brad Barz with the non-profit organization, Miracle League of Central MN, who is proposing the project, stated that this baseball field would allow all children to participate. It is made of a soft rubber type surface for handicapped children as well as others. Holtberg asked if it would be built this summer and how much parking would be needed. Barz answered that construction is planned for this summer. Much of the work will be donated in-kind services. Thirteen handicap parking spaces will be included in the initial phase with some additional parking in a future phase. Glaesman said the first phase parking would take advantage of the service drive and build off of it. In the long term, more parking could be added. Radaich asked if the Miracle Field is a project of the Lions Club. Barz stated that the St. Cloud Metro Lions Club is the largest of many philanthropic local organizations who support this project and is the primary push behind this project. Radaich asked if the funding for the field has already been committed. Barz responded that they are in a financial position to start construction this summer and have also received the in-kind commitments. Radaich wanted to be assured that the people who build this will be licensed, bonded, have proper insurance, etc. Glaesman stated that for any construction on public property, the appropriate assurances would be in place and sureties against damages or claims.

Goerger moved to approve the development of Miracle League Field. The motion was seconded by Holtberg. Goerger said he believes this is a wonderful project. However, he recalled that during the skate park discussion, it was stated that Whitney Park was taken out of consideration because nothing else could be squeezed into the park. Anderson explained that Scott Zlotnik, Park Director, did state that the Miracle League Field was already being considered for construction in Whitney Park which is why Whitney was eliminated from consideration for the skate park. The motion carried unanimously.

Other Business: Matt Glaesman, Planning Director, stated that the meeting regarding the Take 10 Census Challenge was held today in the Council Chambers. It is a local competition that measures daily the survey responses of the respective communities. The Complete Count Committee is wrapping up the census effort. He stressed the importance of completing the census

form that is mailed to residents. It saves both federal and local governments money if enumerators do not have to be sent out to collect the information. He asked that the Commission spread the word to people to fill out the census form when they receive it in the mail.

Adjournment: There being no further business, the meeting was adjourned at 7:46 p.m.

Rick Holtberg, Secretary