

## PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on June 8, 2010, at 6 p.m. in the St. Cloud City Hall Council Chambers. Members present were Anderson, Andzenge, Chirhart, (arrived at 6:35 p.m.), DeVine, Holtberg, and Council representative Pederson. Goerger and Radaich were absent.

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

**Consent Agenda:** DeVine moved to approve the consent agenda as follows:

Acceptance of staff reports for June 8, 2010, as part of the official record.

Approval of minutes from the May 11, 2010, Planning Commission meeting.

Holtberg seconded the motion, and it carried unanimously.

**General Development Plan Amendment Request/DBG Properties, LLP:** Matt Glaesman, Planning Director, explained that applicant's property is part of the area rezoned to PUD in 2006 to accommodate construction of the new Coborn's store at University Dr. and Cooper Ave. At that time, a General Development Plan (GDP) was approved to establish the building limitations, design standards and uses for the property. Given the proximity to the residential neighborhood, the allowed uses were specifically defined to address potential traffic, noise, and other concerns. The uses were limited to: 1) grocery store/pharmacy/liquor store; 2) vehicle wash establishment; 3) sales, service and repair of vehicles; 4) photo gallery and studio; and, 5) major auto repair. Glaesman stated that applicant is requesting expansion of the allowed uses to include all of the uses allowed in the C-5, Highway Commercial zoning district. In addition, to offer flexibility to tenants in the 1801 8<sup>th</sup> St. So. building, staff is suggesting an amendment to the sign section of the GDP which would give some general limitations for signage for that building. Glaesman also noted that a reference change is

made in Section 6.4, Lighting, as a result of adoption of the Land Development Code. Chairperson Andzenge opened the public hearing and invited testimony on a request from DBG Properties, LLP to amend the Coborn's Planned Unit Development (PUD) General Development Plan to include all of the permitted uses identified in the C5, Highway Commercial District (DPA-2010-04) (location: 1801 8<sup>th</sup> St. So., 820 and 900 Cooper Ave. So.). The following persons testified:

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| Matt Gordon<br>DBG Properties | He said they didn't realize there would be such strict limitations on the rental space. They would like to expand the allowed uses to whom they could rent their space. The only change to their building they would anticipate would be signage. |
| Sheila DeVine                 | She asked if he has a specific tenant use in mind.  |
| Matt Gordon                   | A private exercise facility has expressed an interest.  |
| Sheila DeVine                 | She asked if other uses have expressed an interest that have not been able to fit within the limitations of the PUD.  |
| Matt Gordon                   | There have been others who have wanted to rent or lease it.   |
| Sheila DeVine                 | She asked if would he be opposed to amending the PUD to add some additional uses rather than a full C-5.  |
| Matt Gordon                   | Some limitations would be acceptable.   |

There being no one else wishing to speak, the public hearing was closed. Anderson asked why C-5 uses were not allowed originally as part of the GDP. Glaesman answered that it was due to neighborhood concern. For example, the C-2, Neighborhood Commercial zoning district is the least intense commercial district but still allows some uses that might be high trip generators. Holtberg asked if any property owners have contacted the Planning Office. Glaesman answered that property owners within 500' of the request were mailed notice, and staff has not received comment. Holtberg asked if there is a risk to rezoning to C-5. Glaesman responded that the PUD has an approved site plan that prohibits building expansion without public hearings before the Planning Commission and City Council. Given this limitation, staff believes the list of uses is acceptable. Holtberg inquired if all other requirements of the PUD have been met. Glaesman answered that they have, including the significant buffer along the eastern property line across the grocery store site and the auto repair site.

Holtberg moved to recommend to the City Council approval of the amendment to the Coborn's PUD GDP to include permitted uses of the C-5, Highway Commercial District. The motion was seconded by DeVine and carried unanimously.

**Rezoning Request/JDF Associates of St. Cloud, LLP (I1, Light Industrial District, to Planned Unit Development (PUD))**: Matt Glaesman, Planning Director, stated that some degree of fuel distribution/storage has existed on this site for at least 50 years. Between the 1960's and 1970's, zoning was changed for the west side of this corridor from heavy industrial to light industrial. The impact of that change is that light industrial zoning does not allow bulk fuel storage. However, light industrial zoning does allow for fuel distribution. Applicant is requesting the rezoning to accommodate construction of a new bulk fuel storage tank (approximately 1 million gallons) on the east side of Lincoln Ave. to be used as part of the recycling operation. Applicant is requesting to rezone its property on both the east and west sides of Lincoln Ave. SE to PUD. Glaesman stated that in exchange for the flexibility provided by the PUD zoning, a public benefit must be acknowledged. In this case, the benefit is the accessibility in the urban core for recycling of used motor oil. Chairperson Andzenge asked if there are any safety implications. Glaesman answered that the Fire Department has reviewed the plans and determined that the modern tank system is adequate to address public safety. Chairperson Andzenge opened the public hearing on the request from JDF Associates of St. Cloud, LLP to rezone the properties located at 621, 625, and 626 Lincoln Avenue SE from I1, Light Industrial District, to Planned Unit Development (PUD). The existing bulk fuel storage, fuel distribution, and oil recycling operations located at the addresses listed above are existing nonconforming uses. The applicant is requesting the properties to be rezoned, which would allow for the installation of a 900,000+ gallon double walled tank for storage of used motor oil on the 626 Lincoln Avenue SE property (Location: 621, 625, and 626 Lincoln Avenue SE) (REZ-2010-02). The following persons testified:

Jim Feneis  
920 12<sup>th</sup> Ave. SE

He and his brother, Dan, own East Side Oil Co. He showed a picture of how the storage tank would look behind the CarQuest building. He has worked with the local and state fire marshal and the PCA. He has met

with Howard Braun, the most affected property owner, whose tenant is CarQuest Auto Parts. This is a state of the art tank as it is double walled. The tank will allow them to expand their public used oil recycling service. They currently have 48 public/private partnerships. He thinks the tank will blend in with the silos at Woodcraft.

- Rick Holtberg He asked how trucks will access the tank.
- Jim Feneis Route trucks would go behind the CarQuest building where there would be a receiver tank where the trucks would unload.
- Jake Anderson He asked if there are any other tanks this large in the City.
- Jim Feneis There are two others of which he is aware. They were built in 1969, and are located north out of St. Cloud on Hwy. 10, near Sentinel Printing. There are two 1 million gallon tanks with dimensions identical to the tank he is proposing (73' in diameter and 36' in height). Those tanks are now out of compliance.
- Jake Anderson He asked if a fence would be constructed around the tank for security purposes.
- Jim Feneis The tank blends well behind the auto parts building. He said vinyl graphics could be placed on the tank that resemble double hung windows. However, that could become a maintenance issue. The manufacturer of the tank has told them the tank must be set on a certain bed of  $\frac{3}{4}$ " rock with a 10' buffer around it which should be surrounded by some type of fencing. There will be access only from their 626 Lincoln Ave. SE property.
- Chairperson Andzenge He noted the letter from Don Adams, the Director of Stearns Co. Environmental Services. Although the letter talks about working with Mr. Feneis on a number of his recycling sites, it does not address safety of the proposed tank.
- Jim Feneis He attributes much of his company's success to the guidance of Don Adams and the staff at Stearns County Environmental Services as well as Doug Lien from the Tri-County Solid Waste Management Commission. They haven't had any safety issues.
- Chairperson Andzenge He recommended that the letter include safety and security precautions that are being taken.
- (Chirhart arrived.)
- Jim Feneis He stated that handling petroleum products is highly regulated.
- Howard Braun He owns the CarQuest building. Dan and Jim Feneis met with him several times to discuss their request and safety issues, etc. Any internal spill would be contained within the second wall of the tank. He is

comfortable with the request, and it is needed in this area. He is proud of how Lincoln Ave. has turned out.

Pat Morin  
917 13<sup>th</sup> Ave. SE

She drives Lincoln Ave. on a regular basis. She said First Fuel Bank uses top quality materials, and their property is impeccably maintained. She assumes the tank will never become a problem. She supports the rezoning request.

Patti Carlson  
1524 8th Ave. So.

She works for East Side Oil Co./First Fuel Bank/JDF Assoc. When the tank is going to be placed on this property, an SPCC plan must be in effect as well as the MPC plan. Applicant's staff is trained in cathodic protection emergency response and has been quick to respond to other spills. Sixteen other public entities are currently requesting a public site for used oil recycling. It will help the state greatly.

There being no one else wishing to speak, the public hearing was closed. Holtberg asked for explanation of the PUD General Development Plan and how it will affect the properties on both sides of Lincoln Ave. Glaesman stated that the GDP lists the allowed uses on the site as those uses permitted in the I-1 district, as well as fuel storage and distribution, sand blasting, and motor oil collection and storage. An approved site plan is required, and any alteration to the site plan would require that applicant come back through the process for approval of those changes. Glaesman noted that several sections of the GDP were open ended because staff did not have the necessary information to complete those sections. Staff suggested that design elements and landscaping/buffering may help soften the visual appearance of the tank and should be included in the GDP. Chairperson Andzenge asked who has the responsibility for safety and inspection of the facility. Glaesman stated that the City fire marshal has already reviewed the design and is comfortable with this project from a public safety perspective. Glaesman added that rezoning would run with the property and not prohibit the applicant from selling to someone else that may not be as responsible as applicant. Therefore, any concerns should be addressed in the GDP. Anderson inquired if the GDP can require that there always be a fence in place. Glaesman responded that fencing and/or screening are common requirements. Jim Feneis said they do not want any graffiti on their tank, and they would be more than willing to erect and maintain a fence. DeVine asked if the tank would go to the property line. Glaesman said it will meet the 10' setback requirement. DeVine asked if the LDC would limit the

height of the fence. Glaesman stated that the PUD could allow for a higher fence. DeVine stated that the used oil tank is 36' high and asked how high the fence would need to be to be effective. Glaesman believed an 8' high fence should be adequate. DeVine questioned if there should be barbed wire or electronic security at the top of the fence. She also asked if there will be lighting around the tank. Feneis responded that the lighting from the businesses and the City lights give off a fair amount of light, but they will want to light the tank. They have not had any problem with vandalism on Lincoln Ave. Feneis stated that a reasonable fence height with three vertical barbs should be adequate. He thinks the tank should be well lit, and they will have to deal with any problems as they arise. A portion of the fence could be energized with electricity if need be. DeVine noted that lighting could keep vandals out and also allow neighbors to see what is happening on the property. Anderson moved to recommend to the City Council approval of the rezoning of the property from I1 to PUD with the provision that there be a continuous fence around the property and around the tank that is 8' tall with a security feature at the top and that the tank is lit. DeVine seconded the motion, and it carried unanimously.

**Request from the Parks Advisory Board Regarding the Donation of 406 Raymond Avenue NE from the St. Cloud HRA for the Expansion of Raymond Park:** Matt Glaesman, Planning Director, explained that the HRA had an opportunity through the Neighborhood Stabilization Program to acquire the blighted property at 406 Raymond Ave. NE that was previously used as a residence. The HRA would donate the property to the City at no expense to the City. As the property is adjacent to a City park, this is an opportunity to remove the house that has been a neighborhood nuisance and expand the City park. Future improvements to the park would be addressed through the park improvement budgeting process. Chirhart noted that the Boys & Girls Club is just east of Raymond Park and would appreciate any additional parking they could get. The home in question is blighted and should be demolished. Holtberg moved to accept the donation of the property at 406 Raymond Ave. NE from the HRA to the City. Chirhart seconded the motion, and it carried unanimously.

**Discussion of the Proposed 2011 Development Fund Budget:** Matt Glaesman, Planning

Director, stated that the Development Fund balance at the end of 2010 is estimated to be approximately \$875,000. It is anticipated that 2011 revenues will be approximately \$400,000 and estimated expenditures will be \$441,000. Therefore, the budget anticipates expenditures exceeding revenues. The estimated fund balance at the end of 2011 would be \$833,000+. Glaesman stated that the largest expenditure from the Development Fund in recent years has been in Personal Services; however, that is being reduced from \$456,000 in the 2010 budget to \$380,000 in the 2011 budget due to the Planning and Zoning Department's upcoming responsibility for administration of the Community Development Block Grant program. The equivalent of one full time person (\$80,000) will be paid out of CDBG funds. That full time person will be broken down through three different positions: one-half of an existing Senior Planner position; one-quarter of the Planning Secretary and one-quarter of the Planning Technician position will be paid out of CDBG funds. Glaesman added that the Operating Supplies budget would remain at \$1,000. The Professional Services budget would maintain the \$30,000 budgeted for GIS maintenance and development and will budget \$25,000 for miscellaneous planning initiatives. No funding is included for dues or new parkland acquisitions. Glaesman noted the breakdown of the 2011 budget of \$562,000. Personal services (staff compensation) accounts for 85% of the budget; 4% is for operations (supplies); and 11% is for expenses for professional services. Glaesman added that the General Fund is providing only 7% of the funding for the Planning & Zoning Department's entire 2011 budget while the Development Fund is funding 79%, and the Community Development Block Grant program is funding 14%. Chirhart asked if Planning & Zoning is taking over Community Development Block Grant administration, and Glaesman answered that it is. Chirhart inquired how much revenue is anticipated for administering the CDBG. Glaesman responded that \$80,000 is the maximum allowed by the program. Chirhart asked if that will continue to be a source of revenue. Glaesman said it will depend on whether the federal government continues the CDBG program and whether St. Cloud continues to be an entitlement community. Holtberg asked how confident staff is in the \$400,000 revenue estimate, and

Glaesman said it should be very close. Anderson noted that \$30,000 is budgeted for technical assistance and maintenance for GIS. He asked if that is for ESRI software and the City's website. Glaesman responded that one-half of that cost is for annual maintenance for updating software. The other half is to contract with Pro-West to further usability of the program. Relative to maintenance, Anderson asked what type of work the City has done with Benton and Stearns Co. with regard to bulk discounts for maintenance agreements. Glaesman answered that the City as a stand alone entity has advanced so far with GIS development that it qualifies for a \$50,000 expenditure for their full annual maintenance of all ESRI extensions. Many of those extensions would not be applicable to other jurisdictions that have not developed to the extent that the City of St. Cloud has developed. If the City spends the \$50,000, it can be spread out to a number of departments that use GIS on a daily basis. Anderson believed an additional discount would be available if the City partnered with other municipal jurisdictions. Glaesman stated that he believes the other municipal jurisdictions contract out for their GIS administration, and he does not believe they would be significant compared to the City of St. Cloud. Glaesman indicated that staff would inquire about the multi-jurisdiction options. Holtberg moved to approve the proposed 2011 Development Fund budget. DeVine seconded the motion, and it carried unanimously.

**Other Business:** Holtberg asked for an update on the census. He also stated that he heard that the school district is buying land in Haven Township and asked if that will affect the City in the next few years. Glaesman responded that the City has had discussions with the school district in the past about the City's 50-year growth plan through both the joint district plan and the Comprehensive Plan. He assumes the School District made their purchase decision based on the best information that the City gave them. Relative to the census, it is wrapping up at the local level. There are still some enumerators out, but very few. The overall population numbers should be available later this year.

**Adjournment:** There being no further business, the meeting was adjourned at 7:15 p.m.

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Rick Holtberg, Secretary